

Legislative Analysis



SCHOOL DISTRICT ELECTION

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Senate Bills 129-130 as passed by the Senate

Senate Bill 455 as passed by the Senate

Sponsor: Sen. Cameron S. Brown

House Committee: Ethics and Elections

Senate Committee: Education

First Analysis (2-18-10)

BRIEF SUMMARY: The bills would require (1) the board of canvassers for each county containing a portion of a school district to canvass the portion of a school district election that is held in its county, if the school district election is conducted on the same date as another election in the county; (2) the county board of canvassers to transmit the results to the county clerk in the county where the greatest number of registered voters in the district resides; (3) the county clerk to make a statement of returns and certify the results to the secretary of the school board; and (4) a recount petition for a school district election, whether for an office or ballot proposal, to be filed with the clerk of the board of canvassers that certified the result of the election.

FISCAL IMPACT: As written, the bills would have no state fiscal impact and no fiscal impact on local units of government.

THE APPARENT PROBLEM:

Until 2005, each school district in Michigan was responsible for canvassing its own elections in a process separate from the statewide election system operated by local, county, and state officials.

Policymakers believed that having two separate election systems created unnecessary costs. Further, they demonstrated that the practice of holding school district elections on dates or in polling places different from those used in other elections confused voters and reduced turnout.

To address these and other concerns, Public Acts 298 through 306 of 2003 revised the Michigan Election Law to consolidate elections in the state. Among other things, the acts required that school district elections be held on regular election dates, and that they be canvassed by local officials, rather than by the school districts. The changes took effect on January 1, 2005.

Since the consolidated election laws were enacted, election officials have experienced some difficulties in canvassing school district elections. Because school districts often span several townships or counties, no county has a complete roll of registered voters in the districts. To comply with the new requirements, county clerks have had to transfer

voter files to the county clerk who is canvassing an election--a time-consuming and inefficient task.

At the request of local election clerks, legislation has been introduced to revise the provisions for canvassing school district elections, in order to streamline that process.

THE CONTENT OF THE BILLS:

Senate Bills 129 and 130 would amend the Michigan Election Law (MCL 168.24a and 168.307) to do the following:

- Require the board of canvassers for each county containing a portion of a school district to canvass the portion of a school district election that is held in its county, if the school district election is conducted on the same date as another election in the county.
- Require the county board of canvassers to transmit the results to the county clerk in the county where the greatest number of registered voters in the district resides.
- Require the county clerk to make a statement of returns and certify the results to the secretary of the school board.

Senate Bill 455 would amend the Michigan Election Law (MCL 168.866) to

- Require a recount petition for a school district election, whether for an office or ballot proposal, to be filed with the clerk of the board of canvassers that certified the result of the election.

The three bills are tie-barred to one another, meaning that none can go into effect unless all are enacted. A more detailed description of each bill follows.

Senate Bill 129 (S-2)

The Election Law establishes a four-member board of canvassers in each county. A board of county canvassers has the powers and duties granted to and required of all boards of canvassers established by law, with several exceptions. Currently, if a city, village, school district, or other district lies in more than one county, and a duty is to be performed by the board of county canvassers, the board in the county in which the greatest number of registered voters of the city, village, or district resides must perform the duty.

Under the bill, however, if a school district lies in more than one county, the board of county canvassers for each county containing a portion of the district would have to canvass the portion of the school district election held in that county. If a school district election *precinct* lies in more than one county, the board of canvassers of the county where the largest number of registered electors of that precinct reside would canvass the results of that precinct.

Notwithstanding those provisions, unless the school district election is conducted on the same date as another election in the county, a board of county canvassers that is not responsible for certifying the results of the election does not have to meet to canvass the school district election. Instead, the board of county canvassers responsible for certifying the school district election results would canvass that portion of the school district election held in that county.

Upon completion of the canvass, the clerk of the board of canvassers would then transmit the results to the county clerk of the county where the largest number of registered electors of that district resides. When it receives the results, the county clerk would make a statement of returns and certify the results of the school district election to the secretary of the school board.

Senate Bill 130 (S-1)

The Election Law requires the appropriate board of canvassers to canvass the votes for candidates for school board member and votes for and against a ballot question at a regular or special school election in each school district. Upon completing the canvass, the board must make a statement of returns and certify the election of school board members to the secretary of the school board, the county clerk, and the school district election coordinator, if other than the county clerk.

Under the bill, this requirement would apply except as otherwise provided in Section 24a(4), which is the section of the Election Law that Senate Bill 129 (S-2) would amend, as described earlier.

Senate Bill 455

The Election Law requires petitions for a recount, other than one filed with the Board of State Canvassers, to be filed with the clerk of the board of canvassers that originally conducted the canvass. The bill would make an exception to that requirement for a school district election. In that case, recount petitions for an office or proposition would have to be filed with the clerk of the board of canvassers that certified the result of the election.

HOUSE COMMITTEE ACTION:

The House Committee on Ethics and Elections reported out the Senate-passed versions of Senate Bills 129, 130, and 455 without amendment. Some of the information in this analysis is derived from the Senate Fiscal Agency analysis dated 7-22-09.

ARGUMENTS:

For:

Since the consolidation of elections in 2005, local officials have experienced some technical challenges in conducting school board elections, because school districts do not follow the same boundaries as other political entities. Many districts cross county lines, and under current law, the board of canvassers in the county containing the largest number of residents of the district must canvass the election for the entire district. This

requires the county clerks in the outlying counties to transfer information from voter rolls to the county clerk in the main county, a time-consuming and difficult process. Since some counties may contain portions of multiple districts, the administrative details of separating the voter rolls and copying the correct portions to be sent to the appropriate county can be quite burdensome. Adding to the difficulties, some township clerks' offices reportedly do not have the necessary office equipment to copy or transfer the files efficiently.

Senate Bills 129 (S-2) and 130 (S-1) would address these problems by requiring the board of canvassers in each county to canvass the election in its portion of a school district, and report the results to the county where the largest number of school electors lived. Transferring the vote totals would be less cumbersome than copying voter rolls, resulting in a more streamlined process. The changes would have no noticeable effect on voters, but simply would make it easier for officials to conduct an election.

The bills would not split a precinct that crossed county lines; in that case, a school election would be canvassed by the board of canvassers in the county containing the largest number of residents of the precinct.

Senate Bill 455 would revise the provisions for conducting a recount to make the filing requirement consistent with the provisions for canvassing school district elections.

POSITIONS:

The Michigan Association of Municipal Clerks supports the bills. (2-17-10)

The Michigan Association of County Clerks supports the bills. (2-17-10)

The Michigan Council of Election Officials supports the bills. (2-17-10)

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.