

SCHOOL DISTRICT ELECTIONS

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Senate Bills 129-130

Senate Bill 455

Sponsor: Sen. Cameron S. Brown

House Committee: Ethics and Elections

Senate Committee: Education

Complete to 2-15-10

A SUMMARY OF SENATE BILLS 129-130 AND SENATE BILL 455 AS PASSED BY THE SENATE 4-30-09

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 canvas. 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.

FISCAL IMPACT:

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

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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.