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BILL



ANALYSIS

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Senate Bill 129 (Substitute S-2 as passed by the Senate)
Senate Bill 130 (Substitute S-1 as passed by the Senate)
Senate Bill 455 (as passed by the Senate)
Sponsor: Senator Cameron S. Brown
Committee: Education

Date Completed: 7-22-09

RATIONALE

Until recently, 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. Some believed that having two separate election systems created unnecessary costs, and that the practice of holding school district elections on dates or in polling places that were 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 school district elections to be held on regular election dates and canvassed by local officials, rather than by the districts. The changes took effect on January 1, 2005. Since that time, election officials reportedly have experienced some difficulties in canvassing school district elections. Because school districts often span multiple 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 canvassing an election, which evidently can be a time-consuming and inefficient task. It has been suggested that the provisions for canvassing school district elections be revised to help streamline that process.

CONTENT

Senate Bills 129 (S-2) and 130 (S-1)
would amend the Michigan Election Law
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 was held in its county, if the school district election were 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 resided.**
- **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 to require a recount petition for a school district election, either for an office or proposition, 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, and are described in detail below.

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. 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, if a school district lay 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 a school district election that was held in that county. If a school district election precinct lay in more than one county, the board of canvassers of the county in which the largest number of registered electors of that precinct resided would have to canvass the results of that precinct.

Notwithstanding those provisions, unless the school district election was conducted on the same date as another election in the county, a board of county canvassers that was not responsible for certifying the results of the election would not be required to meet to canvass the school district election. Instead, the board of county canvassers responsible for certifying the school district election results would have to 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 have to transmit the results to the county clerk of the county in which the largest number of registered electors of that district resided. Upon receiving the canvassed results, the county clerk would have to 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) (the section Senate Bill 129 (S-2) would amend).

Senate Bill 455

The 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.

MCL 168.24a (S.B. 129)
168.307 (S.B. 130)
168.866 (S.B. 455)

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

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.

Legislative Analyst: Curtis Walker

FISCAL IMPACT

The bills would have no fiscal impact on State or local government.

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.