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Senate Bills 129 and 130 (as enacted)
Senate Bill 455 (as enacted)
Sponsor: Senator Cameron S. Brown
Senate Committee: Education
House Committee: Ethics and Elections

PUBLIC ACTS 52 & 55 of 2010
PUBLIC ACT 53 of 2010

Date Completed: 9-8-10

RATIONALE

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. Some people 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 apparently 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 had to transfer voter files to the county canvassing an election, which evidently could be a time-consuming and inefficient task. It was suggested that the provisions for canvassing school district elections be revised to help streamline that process.

- **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 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 reside.**
- **Require the county clerk to make a statement of returns and certify the results to the secretary of the school board.**
- **Require the board canvassing a city or village election held on the same date as a school district election to canvass the school election, in the case of a city or village that lies in more than one county.**

Senate Bill 455 amended the Michigan Election Law to require a recount petition for a school district election to be filed with the clerk of the board of canvassers that certified the result of the election.

The three bills were tie-barred to one another, and took effect on April 22, 2010.

CONTENT

Senate Bills 129 and 130 amended the Michigan Election Law to do the following:

Senate Bill 129

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, 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 reside must perform the duty. Previously, this provision also applied to school districts.

Under the bill, if a school district lies in more than one county, the board of county canvassers for each county containing a portion of the district must canvass the portion of a school district election that is held in that county. If a school district election precinct lies in more than one county, the board of canvassers of the county in which the largest number of registered electors of that precinct reside must canvass the results of that precinct.

Unless the school district election is conducted on the same date as another election in the county, however, a board of county canvassers that is not responsible for certifying the results of the election, is not required to meet to canvass the school district election. Instead, the board of county canvassers responsible for certifying the school district election results must canvass that portion of the school district election held in that county.

When the canvass is completed, the clerk of the board of canvassers must transmit the results to the county clerk of the county in which the largest number of registered electors of that district reside. Upon receiving the canvassed results, the county clerk must make a statement of returns and certify the results of the school district election to the secretary of the school board.

Notwithstanding any of the provisions described above, if a city or village that lies in more than one county conducts an election on the same date as a school district that lies within the city or village, the portion of the school district election held within that city or village must be canvassed by the canvassing board responsible for canvassing the city or village election.

Senate Bill 130

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 applies except as otherwise provided in Section 24a(4) (the section Senate Bill 129 amended).

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. Under the bill, for a school district election, recount petitions for an office or proposition must 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

After the consolidation of elections in 2005, local officials 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 the Election Law, the board of canvassers in the county containing the largest number of residents of the district had to canvass the election for the entire district. This required 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 could be quite burdensome. Senate Bills 129 and 130 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 live (except as provided for cities and villages in more than one county). Transferring the vote totals will be less cumbersome than copying voter rolls, resulting in a more streamlined process. The changes will have no noticeable effect on voters, but simply will make it easier for officials to conduct an election.

Senate Bill 455 makes the filing requirement for school district recount petitions consistent with the provisions for canvassing school district elections.

Legislative Analyst: Suzanne Lowe

FISCAL IMPACT

The bills will 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.