



**House
Legislative
Analysis
Section**

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THE APPARENT PROBLEM:

The Michigan Election Law requires that in primaries, nonpartisan general elections, and municipal elections, ballots be rotated precinct-by-precinct when there are more candidates than there are offices so that no one candidate will appear on top more than any other. (This is considered necessary if elections are to be fair because some people apparently cast their votes based on ballot position rather than the merits of the candidates.) The School Code, however, contains different ballot rotation requirements, which in elections using paper ballots involve alternating candidate position ballot-by-ballot rather than precinct-by-precinct. It has been recommended that ballot rotation requirements in the School Code conform to those in the election law.

THE CONTENT OF THE BILL:

The bill would amend the School Code to specify how candidates' names should appear on the ballot when there are more candidates than there are offices in a school district that encompasses more than one precinct. The bill would require that names be arranged alphabetically by surname in the first precinct and then rotated in subsequent precincts so that the name at the top appears on the bottom in the next precinct and the second name becomes the name on top. The bill says: "as reasonably as possible a candidate's name shall not appear at the top of the ballot more times than any other candidate's name in that division." The bill also says that if absent voter counting boards are used, each ballot form containing identical offices and names would be considered a separate precinct for the purpose of arranging the names of candidates.

(The bill's provisions are essentially the same as those found in the Michigan Election Law — at MCL 168.569a — for primaries, nonpartisan general elections, and all municipal elections.)

(The School Code currently contains ballot rotation language requiring each candidate's name to be listed first and for an equal number of ballots to be printed for each change but does not contain provisions about the ballots being different precinct by precinct. Instead, it says: "The separate piles resulting from this printing shall then be stacked together so that each ballot has the names in a different relative position.") MCL 380.1008

FISCAL IMPLICATIONS:

The bill has no fiscal implications for the state, according to the Department of State, which notes that it could reduce

BALLOT ROTATION: SCHOOL BOARD

House Bill 4980 as introduced
First Analysis (11-6-89)

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Sponsor: Rep. Tom Alley
Committee: Elections

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printing costs to local units of government. (11-2-89)

ARGUMENTS:

For:

The bill would make ballot rotation requirements for school board elections consistent with the requirements for other federal, state, county, city, and township offices. It would treat school board elections where paper ballots are used the same way that school board elections where voting machines or punch cards are used.

Against:

It should be noted that ballots would be rotated less often under this bill than is currently required in school board elections using paper ballots.

POSITIONS:

The Department of State supports the bill. (11-2-89)

H.B. 4980 (11-6-89)