



**House  
Legislative  
Analysis  
Section**

House Office Building, 9 South  
Lansing, Michigan 48909  
Phone: 517/373-6466

**PERMIT UNCONTESTED ELECTIONS  
TO BE CANCELLED**

**House Bill 4215 (Substitute H-1)  
House Bill 4467 (Substitute H-1)  
First Analysis (4-30-03)**

**Sponsor: Rep. Chris Ward  
Committee: Local Government and  
Urban Policy**

***THE APPARENT PROBLEM:***

In Michigan, there are seldom uncontested elections for major posts such as governor, U.S. Senate, members of Congress, attorney general, secretary of state, state Senate, state House of Representatives, university regents or trustees, or state school board, although primary elections for these posts sometimes go uncontested each August. (When primary elections—either partisan or nonpartisan—are uncontested, they can be cancelled under Michigan election law.) Generally, however, major elections are contested. They are contested despite the fact that incumbents nearly always win re-election, and many win by landslides. For example in the case of Michigan’s U.S. House elections alone, of the 122 House incumbents who sought re-election between 1986 and 2000, only one lost, according to the Center for Voting and Democracy headquartered in Takoma Park, Maryland. The Center also reports that 13 of 16 U.S. House races were won by at least 20 percent in 2000, and more than 60 percent of House races have been won by landslide between 1992 and 1998. Indeed, races were even less competitive in the 1980s—when the landslide index dipped below 78 percent only one in five elections from 1982 to 1990.

However, among the more than 500 cities, towns, and villages, and the 555 local school districts in Michigan, elections sometimes do go uncontested, although no specific data has been collected in order to know the frequency. According to reports, the races most often uncontested are those to fill vacancies on village councils, local school boards, and sometimes at special elections following the recall of local officials.

The County Clerks Association reports that the cost to conduct an election—a cost borne by local governments or school districts—is substantial, with little of the total cost dependent upon voter turnout, since 70 percent of an election’s cost is fixed, attributable to the ‘overhead’ incurred to operate

polling places in all precincts and to pay the poll workers who staff them. A local election’s cost in a small town can amount to several thousand dollars. For example, in 1999 the city of Tecumseh held a \$4,500 election in which the only people running for three city council seats were the three incumbents, and only 116 people cast ballots (never more than 31 percent of the registered voters in any given precinct).

Legislation has been introduced to allow local government officials the option of canceling elections when they are clearly uncontested, thereby saving the cost of the election that would be incurred.

***THE CONTENT OF THE BILLS:***

These bills would amend the Michigan Election Law and the Revised School Code to allow local government officials to cancel elections that were uncontested, in certain circumstances. The bills are tie-barred to each other so that neither bill could become law without the other being enacted.

House Bill 4215 would amend the Revised School Code (MCL 380.1061) to specify that the board of a school district could cancel a general or special election if all of the following applied:

- (a) there were no questions on the ballot at the election other than the election of school board members;
- (b) the deadline had passed for filing a declaration of intent to be a write-in candidate; and,
- (c) there was only one candidate on the ballot for each office on the ballot.

The bill specifies that if an election were cancelled, the candidate on the ballot for each office would be

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considered to be elected to that office for all purposes under the Michigan Election Law, as if the election had occurred. Finally, if the board of a school district cancelled an election, it would be required to provide reasonable notice of the cancellation to the school electors of the school district, in the same manner as the notice of the scheduling of an election.

House Bill 4467 would amend the Michigan Election Law (MCL 168.196 et al) to specify that a county, city, village, or township clerk, or the board of a school district, could cancel a general or special election if all of the following applied:

- (a) there were no ballot questions on the ballot at the election;
- (b) the deadline had passed for filing a declaration of intent to be a write-in candidate;
- (c) there was only one candidate on the ballot for each office on the ballot, or for a nonpartisan election, there were only the number of candidates as there were individuals to be elected; and,
- (d) in the case of a city, township, or village election, officers were not to be elected to a particular office based on the total number of votes a candidate received.

The bill specifies that if an election were cancelled, the candidate on the ballot for each office would be considered to be elected to that office for all purposes under the Michigan Election Law, as if the election had occurred, and the Board of Canvassers would certify the candidate as elected at the election. Further, if an election were cancelled, the person responsible for conducting the election would be required to provide reasonable notice of the cancellation to the county, city, village, township, or school district electors, in the same manner as notice of the scheduling of an election.

Write-In Candidates. In addition, the bill would impose stricter-than-usual requirements on write-in candidates when the circumstances existed that permit the cancellation of an election. Currently, under the election law, declarations of intent to be a write-in candidate typically must be filed by 4 p.m. on the Friday immediately preceding the election. House Bill 4467 would require an individual to file a declaration of intent by 4 p.m. on the 30<sup>th</sup> day immediately before the election when there was only one candidate on the ballot for each office, or when the number of candidates was the same as the number of individuals to be elected, or when officers were

not elected to a particular office based on their total number of votes (and there were the same number of candidates as offices).

A filing official who received a declaration of intent would be required to prepare and have delivered to the appropriate board of election inspectors, a list of all individuals who had filed the declaration of intent to be write-in candidates. However, if a candidate whose name was printed on the official ballot for the election died, or was otherwise disqualified on or after the 32<sup>nd</sup> day immediately before the election, the requirement to file a declaration of intent to be write-in candidate would not apply. Instead, in the event of a death or disqualification, the board of election inspectors would be required to count all write-in votes for write-in candidates for the office that was sought by the deceased or disqualified candidate. (This would appear to mean that an election could not be cancelled if a candidate died or was disqualified.)

### ***FISCAL IMPLICATIONS:***

The House Fiscal Agency notes that House Bill 4215 would create no state fiscal impact. However, the bill would create an indeterminate amount of savings to local school districts that cancel elections. Currently, local school districts are responsible for the costs associated with the election of school board members, and any other election issues pertaining to the school district. By canceling uncontested school board elections, districts would have a reduction in their election costs. The amount of savings to a school district would vary, depending upon the number of precincts within the school district. (4-28-02)

### ***ARGUMENTS:***

#### ***For:***

Officials within local units of government and school districts who bear the cost of local elections sometimes spend several thousands of tax dollars to hold an election that is uncontested. When an election is uncontested—that is to say, when there is only one candidate on the ballot for a post—then the election is unnecessary, and election officials should have the option of canceling the election. These bills would allow local election officials that option.

Uncontested elections are rare. However, each unnecessary election works a hardship upon electors, since voters must travel to the polls to exercise their duty as responsible citizens, only to find that their ballots are not needed in order to render a decision in the election's outcome. Too many unnecessary trips

to the polls are apt to make voters regard voting as a burden rather than a privilege. To avoid this possibility, uncontested elections should be cancelled.

***Against:***

These bills lodge the responsibility to cancel an uncontested election with local officials—in the case of a school election, with the school board; and in the case of a city, township, or village election, with a city, township, or county clerk, or an appropriate ‘filing official’. Instead of vesting these single local officials with this authority, it would be wiser to make the cancellation of an election the responsibility of the county board of canvassers. The county boards of canvassers, whose members are appointed by both political parties, are far more familiar with voting processes, and more accustomed to regulating elections throughout a county. Shifting the decision to the board of canvassers would lodge that responsibility with those having a broader view, more distance, and greater experience.

***POSITIONS:***

The Michigan Municipal League supports the bills. (4-29-03)

The League of Women Voters supports the bills. (4-29-03)

The Michigan Association of County Clerks has indicated support for the bills. (4-29-03)

The Kent County Clerk supports the bills. (4-29-03)

Analyst: J. Hunault

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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.