

Legislative Analysis



CERTIFYING LOCAL, SCHOOL DISTRICT, AND COUNTY BALLOT QUESTIONS

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House Bill 5704 as introduced
Sponsor: Rep. Edward Gaffney, Jr.
Committee: House Oversight, Elections, and Ethics

First Analysis (3-1-06)

BRIEF SUMMARY: Beginning January 1, 2007, the bill would make uniform the time frame for certifying local, school district, and county ballot questions, generally requiring that the wording of the ballot question be certified to the local or county clerk at least 70 days before the election.

FISCAL IMPACT: A fiscal analysis is in process.

THE APPARENT PROBLEM:

Local election officials plan elections far in advance of the day they take place. Election officials—nearly always local clerks—generally estimate the likely voter turnout, depending upon the visibility of issues or people on the ballot. They then hire and train temporary staff to work at the polls in each voting precinct.

Lacking a standardized rule for certifying local, school district, and county ballot questions, local clerks report they are unable to reliably estimate the likely voter turnout in time to consolidate the number of precinct locations within their jurisdictions. As a result, extra costs to staff underutilized precincts are sometimes borne by the taxpayers.

THE CONTENT OF THE BILL:

House Bill 5704 would amend the Michigan Election Law to make uniform the time frame for certifying local, school district, and county ballot questions. Generally speaking, the bill would require the wording of the ballot question to be certified to the local or county clerk at least 70 days before the election. The bill would take effect January 1, 2007.

Currently the law specifies that if a local, school district, or county ballot question is to be voted on at a regular election date or special election, the wording of the ballot question must be certified to the local or county clerk at least 70 days before the election. House Bill 5704 would retain this provision. However, current law also says that if a local, school district, or county ballot question is to be voted on at a regular or special election at which no state or federal offices are to be voted for, then the wording of the ballot question needs to be certified to the local or county clerk responsible for printing the ballots at least 60 days before the election date. House Bill 5704 would eliminate this second provision, leaving only the 70-day deadline provision.

House Bill 5704 would also amend a section dealing with school ballot questions to require a school board to certify ballot question language to the school district election coordinator not less than 70 days before the election date. The law specifies that the election coordinator must then send a copy of the ballot language to the county clerk of each county not less than 68 days before the election. (A school board may submit a ballot question to the school electors on a regular election date, on a date when a city or township within the school district's jurisdiction is holding an election by adopting a resolution to that effect, and on certain special election dates. The bill would also make the deadline for the resolution not less than 70 days before the election. (The law specifies that the election coordinator must then send a copy of the ballot language to the county clerk of each county not less than 68 days before the election.)

MCL 168.312 and 168.646a

ARGUMENTS:

For:

Local clerks have requested this change in the Election Law, seeking uniformity in the deadline for filing ballot language, whether local or school elections. They say the standardization allows them to better estimate the turnout for a given election, and then consolidate the precinct locations within their jurisdictions, saving the taxpayers money.

POSITIONS:

The Michigan Association of Municipal Clerks supports the bill. (2-22-06)

The Council of Election Officials supports the bill. (2-22-06)

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