

# Legislative Analysis



## MODIFY ORDER OF OFFICES ON NONPARTISAN BALLOT

Mary Ann Cleary, Director  
Phone: (517) 373-8080  
<http://www.house.mi.gov/hfa>

### House Bill 5127

**Sponsor: Rep. Ed McBroom**

**Committee: Redistricting and Elections**

### First Analysis (1-30-12)

**BRIEF SUMMARY:** The bill would change the order of nonpartisan offices that appear on the election ballot, so that intermediate school district board members and district library board members would appear earlier on the ballot, before city officers, village officers, and local school board members.

**FISCAL IMPACT:** House Bill 5127 would have no fiscal impact on state or local government.

### **THE APPARENT PROBLEM:**

Currently Michigan's 83 county clerks design the election ballots for their respective jurisdictions, following uniform rules that govern ballot design, issued by the Bureau of Elections in the Department of State.

According to representatives of the Michigan Associations of County and Municipal Clerks, the consolidation of Michigan's election dates to a maximum of four each year has increased the length of the ballots distributed to all voters. (The reduction in the number of election dates is intended to reduce costs and improve turnout.) As the number of elections has been compressed, there are more positions to be filled each time voters go to the polls.

Local elections clerks warn that Michigan's lengthier ballots should never be allowed to exceed one page--front and back--because a two-page ballot will cause insurmountable complications for the electronic voting and tabulation machines.

Legislation has been introduced to make more uniform, statewide, the design of the non-partisan portion of the ballot, allowing the county clerks who design them to save space, a practice the Kent County Clerk calls "conserving ballot real estate."

### **THE CONTENT OF THE BILL:**

House Bill 5127 would amend the Michigan Election Law (MCL 168.699) to change the order of nonpartisan offices that appear on the election ballot.

Now the law specifies that the offices printed on the separate nonpartisan ballot appear in a particular order, as follows: (1) supreme court justices; (2) followed by judges of the appeals court, the circuit court, the probate court, and the district court; (3) city officers;

(4) village officers (president, clerk, treasurer, trustees); (6) local school district board members; (7) community college board of trustees; (8) intermediate school district board members, and (8) district library board members.

House Bill 5127 would change the order in which the nonpartisan offices appear on the ballot, so that *community college trustees and intermediate school board members* (numbers 7 and 8, above) would appear earlier on the ballot. Specifically, community college trustees and ISD board members would appear third and fourth on the nonpartisan ballot: those categories would be inserted after district court judges and before city officers.

### ***ARGUMENTS:***

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

Proponents of the bill, including the Michigan Associations of County and Municipal Clerks, say they need this reordering of the non-partisan ballot in order to ensure uniformity and efficiency in ballot design. This bill allows the county clerks who design the nonpartisan ballots to array the positions in a way that conserves "ballot real estate." Those who favor the bill note that since the election consolidation reforms (which reduce the number of elections to four each year), ballots have grown longer. They warn that our ballots should not, however, extend to two pages, since a two-page ballot will cause electronic voting and tabulation machines to jam, thereby endangering timely and accurate election tallies. Proponents say a one-page (two-sided) ballot is possible, if the positions of the non-partisan offices are the same throughout the state, allowing the ballots to be printed in a manner that eliminates unnecessary white space, and increases the amount of unusable space.

#### ***Against:***

Opponents of the bill say that all candidates seeking to fill education posts should appear in one portion of the non-partisan ballot. That is now the case: community college, intermediate school board members (where they are elected), and local school board members are grouped together. Under the bill, the education posts will be split: those for community college and intermediate school board appearing much earlier on the ballot than the local school board. Opponents argue that this diminishes the importance of the local school board office (it appears last on the ballot), and it may well result in voter fall-off in local school board elections, since many electors fail to vote the late-appearing posts on their nonpartisan ballots.

### ***POSITIONS:***

The Secretary of State supports the bill. (1-17-12)

The Michigan Association of County Clerks supports the bill. (1-17-12)

The Michigan Association of Municipal Clerks supports the bill. (1-17-12)

The Kent County Clerk supports the bill. (1-17-12)

The Michigan Townships Association opposes the bill. (1-17-12)

Legislative Analyst: J. Hunault  
Fiscal Analyst: Ben Gielczyk

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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.