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Senate Bill 296 to 298 (as introduced 3-24-21)  
Sponsor: Senator Ed McBroom  
Committee: Elections

Date Completed: 5-19-21

### **CONTENT**

#### **Senate Bill 296 would amend the Michigan Election Law to do the following:**

- Abolish each existing four-member board of county canvassers in a county with a population of 200,000 or more, beginning January 1, 2022.
- Establish a six-member board of county canvassers in a county with a population of 200,000 or more but less than 750,000.
- Establish and eight-member board of county canvassers for a county with a population of 750,000 or more.
- Prescribe political party representation thresholds for six-member and eight-member boards.
- Prescribe quorum requirements for six- and eight-member boards and specify the number of members from each party that would be required to concur for an action to take effect.

#### **Senate Bill 297 would amend the Michigan Election Law to do the following:**

- Require at least one member from each political party represented on a board of county canvassers to be present during the entire canvassing of returns.
- Require a board of county canvassers to approve the hiring of an assistant by the county clerk before the assistant could be hired.

#### **Senate Bill 298 would amend the Michigan Election Law to do the following:**

- Require a board of county canvassers to deliver its returns with a certificate of determination to the county clerk within 21, instead of 14, days following the date of an election.
- Require a county clerk, within 21 days instead of 14 days after the primary election, to transmit to the Secretary of State (SOS) a certified statement of the number of votes received by each individual for nomination as a candidate of any political party for the offices of United States Senator, Governor, or certain district offices.
- Require the SOS to call a meeting of the Board of State Canvassers no later than 22, instead of 20, days after the primary election for the purpose of canvassing the returns and declaring the results of the election.
- Require a board of county canvassers to conclude the canvass within 21, instead of 14, day after the election.
- Allow a board of county canvassers up to 21, instead of 14, days after the election to certify the election results.

- **Require the Board of State Canvassers to meet at the office of the SOS on or before the 22<sup>nd</sup>, instead of the 20<sup>th</sup>, day after the election.**
- **Require the appointed date for the expediated canvass to be as soon as practicable after receipt of the returns from a board of county canvassers, but no later than 22, instead of 20, days after the election.**

### Senate Bill 296

The Law establishes a four-member board of county canvassers in every county in Michigan. Under the bill, this provision would apply except as otherwise provided below. Beginning January 1, 2022, each existing board of county canvassers in a county with a population of 200,000 or more would be abolished and replaced as follows:

- For a county with a population of 200,000 or more but less than 750,000, a six-member board of county canvassers would be established.
- For a county with a population of 750,000 or more, an eight-member board of county canvassers would be established.

Members of the Board must be appointed for terms of four years beginning on November 1 following their appointment. Of the members first appointed, one member of each of the political parties represented on the board must be appointed for a four-year term and one for a two-year term. Under the bill, this provision would remain in effect, except as otherwise provided below.

The bill would require, except as otherwise provided, members of a six-member board to be appointed for four-year terms beginning on January 1, 2022, following their appointment. Of the members first appointed, two members of each of the political parties represented on the board would have to be appointed for a four-year term and one member of each party represented on the board would have to be appointed for a two-year term.

Members of an eight-member board would have to be appointed for four-year terms beginning on January 1, 2022, following their appointment. Of the members first appointed, two members of each of the political parties represented on the board would have to be appointed for a four-year term and two members of each party would have to be appointed for a two-year term. The county clerk would have to notify members of a board of county canvassers of their appointment within five days after the members were appointed.

Selection of members of the Board must be made from each of the two political parties casting the greatest number of votes for Secretary of State at the preceding general November election in that county. A political party could not be represented by more than two members on the board at any one time. Under the bill, the latter provision would apply to a four-member board.

For a six-member board, a political party could not be represented by more than three members of the board at any one time and, for an eight-member board, a party could not be represented by more than four members on the board at any one time.

A board of county canvassers must meet as necessary to transact its business, and during January of each even numbered year, elect one of their members chairperson and one as vice-chairperson. Any three members constitute a quorum, but no action takes effect unless one member from each political party represented concurs in the action. The bill specifies that this provision would apply to a four-member board. For a six-member board, any four members would constitute a quorum, but no action would take effect unless two members from each political party concurred in the action. For an eight-member board, any five

members would constitute a quorum, but no action would take effect unless two members from each political party concurred in the action.

### **Senate Bill 297**

A board of county canvassers must meet as necessary to transact its business, and during the month of January in each even numbered year election one of their members chairperson and one as vice-chairperson. Any three members constitute a quorum, but no action takes effect unless one member from each political party represented concurs in the action. Under the bill, when canvassing the returns of votes as provided under Section 822, at least one member from each political party represented would have to be present during the entire canvassing of returns.

(Section 822 requires a board to proceed without delay to canvass the returns of votes cast for all candidates for offices voted for and all questions voted on at the election and must conclude the canvass at the earliest possible time and in every case no later than the fourteenth day after the election. If the board fails to certify the results within that time, the board must immediately deliver to the Secretary of the Board of State Canvassers all records and other information pertaining to the election. The Board of State Canvassers must meet immediately and certify the results within the 10 days immediately after receiving the records from the board of county canvassers.)

The county clerk is the clerk of the board. The clerk may employ any assistants as are necessary to adequately perform the duties of the Board. Under the bill, the board would have to approve the hiring of each assistant the clerk employed before that assistant was hired. An assistant could not be hired unless approved by the board and one member from each political party represented approved the hiring.

### **Senate Bill 298**

Currently, a board of county canvassers must determine which candidates for the offices named in Section 191 (i.e., office of county clerk, county treasurer, register of deeds, prosecuting attorney, sheriff, drain commissioner, and surveyor) received the greatest number of votes and must declare those candidates to be elected. The board must immediately make and subscribe on its statement of returns a certificate of determination and deliver it to the county clerk within 14 days following the date of the election. Under the bill, the certificate would have to be delivered to the clerk within 21 days following the date of the election.

The returns of a primary election must be canvassed, and the results declared in the same manner within the same time after the primary election and by the same officers as provided for the general elections. For a primary election for the nomination of a candidate for the office of United States Senator, Governor, or for the nomination of candidates for district offices in districts comprising more than one county, the county clerk of each county affected must transmit to the SOS, within 14 days after the primary election, a certified statement of the number of votes received by each individual for nomination as a candidate of any political party for any of the offices. Under the bill, the certified statement would have to be transmitted to the SOS within 21 days after the primary election.

The SOS must call a meeting of the Board of State Canvassers at his or her office no later than 20 days after the primary election to certify to the chairperson and State central committee of each political party, for the purpose of canvassing the returns and declaring the results of the primary election for the nomination of the candidates for those offices. Under the bill, the meeting would have to be called within 22 days after the election.

The board of county canvassers must proceed without delay to canvass the return of votes cast for all candidates for offices voted for and all questions voted on at the election, according to the precinct returns filed with the probate judge or presiding probate judge by the several city and township clerks, or for local elections, according to the precinct returns filled with the county clerk, and must conclude the canvass at the earliest possible time and in every case no later than the 14<sup>th</sup> day after the election. Under the bill, the canvass would have to be concluded no later than the 21<sup>st</sup> day after the election.

If the board of county canvassers fails to certify the results of any election for any officers or proposition by the 14<sup>th</sup> day after the election, the board must deliver to the Secretary of the Board of State Canvassers all records and other information pertaining to the election. Under the bill, a board would have until the 21<sup>st</sup> day after the election to certify the results.

The Board of State Canvassers, for the purpose of canvassing the return and ascertaining and determining the results of an election, must meet at the office of the SOS on or before the 20<sup>th</sup> day after the election. Under the bill, the Board of State Canvassers would have to meet on or before the 22<sup>nd</sup> day after the election.

The SOS may direct the boards of county canvassers to complete the statements for electors of President and Vice President and certify them to the SOS by the seventh day after the election or by a date before the 14<sup>th</sup> day after the election. Under the bill, the statements would have to be certified before the 21<sup>st</sup> day after the election.

The SOS may appoint the day for the Board of State Canvassers to conduct the expedited canvass of the returns for electors of President and Vice President and determine the results of that election. The appointed date for the expedited canvass by the Board of State Canvassers must be as soon as practicable after receiving the returns from the boards of county canvassers, but no later than the 20<sup>th</sup> day after the election. Under the bill, the expedited canvass would have to occur no later than the 22<sup>nd</sup> day after the election.

MCL 168.24a et al. (S.B. 296)  
168.24e (S.B. 297)  
168.201 et al. (S.B. 298)

Legislative Analyst: Dana Adams

### **FISCAL IMPACT**

The bills would have to fiscal impact on State or local government.

Fiscal Analyst: Joe Carrasco

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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.