

SENATE BILL NO. 296

March 24, 2021, Introduced by Senators MCBROOM, LASATA, HORN, BUMSTEAD, THEIS, STAMAS, ZORN, BARRETT, VICTORY, DALEY, OUTMAN and VANDERWALL and referred to the Committee on Elections.

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 24a, 24c, 24e, and 307 (MCL 168.24a, 168.24c, 168.24e, and 168.307), sections 24a and 307 as amended by 2013 PA 51, section 24c as amended by 2006 PA 463, and section 24e as amended by 2018 PA 614.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 24a. (1) ~~A~~**Except as otherwise provided in this**
2 **subsection, a** 4-member board of county canvassers is established in
3 every county in this state. **Beginning January 1, 2022, each**

1 existing board of county canvassers in a county with a population
2 of 200,000 or more is abolished and replaced as follows:

3 (a) For a county with a population of 200,000 or more but less
4 than 750,000, a 6-member board of county canvassers is established.

5 (b) For a county with a population of 750,000 or more, an 8-
6 member board of county canvassers is established.

7 (2) All of the powers granted to and duties required by law to
8 be performed by all boards of canvassers established by law, other
9 than the board of state canvassers, are granted to and required to
10 be performed by the board of county canvassers.

11 (3) ~~(2)~~—The board of county canvassers shall conduct all
12 recounts of elections in cities, townships, villages, school
13 districts, metropolitan districts, or any other districts and be
14 vested with all of the powers and required to perform all the
15 duties in connection with any recount.

16 (4) ~~(3)~~—If a city, village, metropolitan district, or any
17 other district, other than a school district, lies in more than 1
18 county, and a duty is to be performed by the board of county
19 canvassers, the board of county canvassers in the county in which
20 the greatest number of registered voters of the city, village,
21 metropolitan district, or other district resides at the close of
22 registration for the election involved shall perform the duty.

23 (5) ~~(4)~~—Except as otherwise provided in this subsection, if a
24 school district lies in more than 1 county, the board of county
25 canvassers for each county in which a portion of the school
26 district lies shall canvass that portion of a school district
27 election that is held in that county. If a school district election
28 precinct lies in more than 1 county, the board of county canvassers
29 of the county in which the largest number of registered electors of

1 that precinct reside shall canvass the results of that precinct.
2 Notwithstanding the provisions of the preceding 2 sentences, unless
3 the school district election is conducted on the same date as
4 another election in the county, a board of county canvassers that
5 is not responsible for certifying the results of the school
6 district election is not required to meet to canvass the school
7 district election and the board of county canvassers responsible
8 for certifying the results of the school district election shall
9 canvass that portion of the school district election held in that
10 county. Upon completion of the canvass, the clerk of the board of
11 county canvassers shall transmit the canvassed results to the
12 county clerk of the county in which the largest number of
13 registered electors of that school district reside. Upon receipt of
14 the canvassed results, the county clerk of the county in which the
15 largest number of registered electors of that school district
16 reside shall make a statement of returns and certify the results of
17 the school district election to the secretary of the school board.
18 Notwithstanding any of the foregoing provisions of this subsection,
19 if a city or village that lies in more than 1 county conducts an
20 election on the same date as a school district that lies within the
21 city or village that is conducting an election, that portion of the
22 school district election held within that city or village shall be
23 canvassed by the canvassing board responsible for canvassing the
24 city or village election.

25 (6) ~~(5)~~—The cost of canvass of school, metropolitan district,
26 city, township, and village elections shall be borne by the school
27 district, metropolitan district, city, township, or village holding
28 the election, and upon presentation of a bill for the costs
29 incurred by the board of county canvassers, the school district,

1 metropolitan district, city, township, or village shall reimburse
2 the county treasurer.

3 (7) ~~(6)~~ All boards of canvassers provided for in law including
4 boards of school canvassers, the duties of which are by this act
5 required to be performed by boards of county canvassers, are
6 abolished.

7 (8) ~~(7) Members~~ **Except as otherwise provided in this**
8 **subsection and subsections (9) and (10), members** of the board of
9 county canvassers shall be appointed for terms of 4 years beginning
10 on November 1 following their appointment. Of the members first
11 appointed, 1 member of each of the political parties represented on
12 the board of county canvassers shall be appointed for a term of 4
13 years and 1 **member of each of the political parties represented on**
14 **the board of county canvassers shall be appointed** for a term of 2
15 years. The county clerk shall notify members of the board of county
16 canvassers of their appointment within 5 days ~~of~~ **after** being
17 appointed.

18 (9) **Except as otherwise provided in this subsection, members**
19 **of a 6-member board of county canvassers established under**
20 **subsection (1) (a) shall be appointed for terms of 4 years beginning**
21 **on January 1, 2022 following their appointment. Of the members**
22 **first appointed, 2 members of each of the political parties**
23 **represented on the board of county canvassers shall be appointed**
24 **for a term of 4 years and 1 member of each of the political parties**
25 **represented on the board of county canvassers shall be appointed**
26 **for a term of 2 years. The county clerk shall notify members of the**
27 **board of county canvassers of their appointment within 5 days after**
28 **the members are appointed.**

29 (10) **Except as otherwise provided in this subsection, members**

1 of an 8-member board of county canvassers established under
 2 subsection (1) (b) shall be appointed for terms of 4 years beginning
 3 on January 1, 2022 following their appointment. Of the members
 4 first appointed, 2 members of each of the political parties
 5 represented on the board of county canvassers shall be appointed
 6 for a term of 4 years and 2 members of each of the political
 7 parties represented on the board of county canvassers shall be
 8 appointed for a term of 2 years. The county clerk shall notify
 9 members of the board of county canvassers of their appointment
 10 within 5 days after the members are appointed.

11 (11) ~~(8)~~—This section applies to all elections, any charter
 12 provision to the contrary notwithstanding.

13 Sec. 24c. (1) Selection of the members of the board of county
 14 canvassers shall be made from each of the 2 political parties
 15 casting the greatest number of votes for secretary of state at the
 16 preceding general November election in that county. ~~A—For a 4-~~
 17 ~~member board of county canvassers, a political party shall not be~~
 18 ~~represented by more than 2 members on the board of county~~
 19 ~~canvassers at any 1 time. For a 6-member board of county~~
 20 ~~canvassers, a political party shall not be represented by more than~~
 21 ~~3 members on the board of county canvassers at any 1 time. For an~~
 22 ~~8-member board of county canvassers, a political party shall not be~~
 23 ~~represented by more than 4 members on the board of county~~
 24 ~~canvassers at any 1 time.~~

25 (2) The county committee of each political party, not later
 26 than September 1, 1963 and not later than September 1 of each odd
 27 numbered year thereafter, shall submit to the county clerk the
 28 names of 3 interested ~~persons~~ **individuals** for each position to
 29 which the party is entitled. In a county having 2 or more

1 congressional districts within its boundaries, the chairpersons of
 2 the congressional district committees shall act as the county
 3 committee for the purposes of this section and section 24d and
 4 shall select 1 of their number to act as chairperson for these
 5 purposes.

6 (3) The county board of commissioners, within 10 days after
 7 convening for their annual meeting, shall elect by ballot to each
 8 position 1 of the 3 nominees for the position, and the board shall
 9 appoint the ~~person~~**individual** to the position. Before electing a
 10 nominee to the board of county canvassers under this subsection,
 11 the county board of commissioners may request that a nominee
 12 provide any of the following in order to determine whether the
 13 nominee is qualified for and interested in the position on the
 14 board of county canvassers:

15 (a) A letter signed by the nominee indicating an interest in
 16 serving on the board of county canvassers and indicating an intent
 17 to discharge the duties of the position on the board of county
 18 canvassers to the best of his or her ability.

19 (b) Prior election experience including canvassing elections.

20 (c) Information on whether the nominee has been convicted of a
 21 felony or election crime.

22 (4) Failure of the county board of commissioners to appoint 1
 23 of the nominees for a position on the board of county canvassers
 24 within 10 days after convening for their annual meeting shall
 25 result in a vacancy existing in the position. ~~, which shall~~ **The**
 26 **vacancy must** be filled as provided in section 24d for the filling
 27 of vacancies on the board of county canvassers.

28 Sec. 24e. (1) The board shall meet as necessary to transact
 29 their business, and during the month of January in each even

1 numbered year elect 1 of their members chairperson and 1 as vice-
2 chairperson. ~~Any~~**For a 4-member board of county canvassers, any 3**
3 members constitute a quorum, but no action becomes effective unless
4 1 member from each political party represented concurs in the
5 action. **For a 6-member board of county canvassers, any 4 members**
6 **constitute a quorum, but no action becomes effective unless 2**
7 **members from each political party represented concur in the action.**
8 **For an 8-member board of county canvassers, any 5 members**
9 **constitute a quorum, but no action becomes effective unless 2**
10 **members from each political party represented concur in the action.**

11 (2) The county clerk is the clerk of the board of county
12 canvassers. The county clerk may employ any assistants as are
13 necessary to adequately perform the duties of the board. The
14 payment for the assistants must be in amounts authorized by the
15 county clerk and must be paid from an appropriation made for that
16 purpose by the county board of commissioners before the canvass.

17 Sec. 307. (1) The appropriate board of county canvassers as
18 prescribed in section 24a shall canvass the votes for candidates
19 for school board member and votes for and against a ballot question
20 at a regular or special election in each school district. That
21 number of candidates equal to the number of individuals to be
22 elected who receive the greatest number of votes cast at the
23 election, as set forth in the report of the board of county
24 canvassers canvassing the votes, based upon the returns from the
25 election precincts or as determined by the board of county
26 canvassers as a result of a recount, are elected to the office of
27 school board member. Except as otherwise provided in section
28 ~~24a(4),~~**24a(5)**, upon completion of the canvass, the board of county
29 canvassers shall make a statement of returns and certify the

1 election of school board members to the secretary of the school
2 board, the county clerk, and, if other than the county clerk, the
3 school district election coordinator.

4 (2) The votes cast for a candidate for school board member or
5 on a ballot question submitted to the electors at a school election
6 are subject to recount as provided in chapter XXXIII. An individual
7 elected to the office of school board member is subject to recall
8 as provided in chapter XXXVI and in section 8 of article II of the
9 state constitution of 1963.