

# Legislative Analysis

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## EXPEDITED CANVASS OF RETURNS FOR U.S. PRESIDENTIAL ELECTION

Phone: (517) 373-8080  
<http://www.house.mi.gov/hfa>

**House Bill 5199 as reported from committee w/o amendment**  
**Sponsor: Rep. Jim Lilly**  
**Committee: Elections and Ethics**  
**Complete to 5-29-18**

Analysis available at  
<http://www.legislature.mi.gov>

*(Enacted as Public Act 382 of 2018)*

### SUMMARY:

House Bill 5199 would amend the Michigan Election Law to require—rather than allow—the Secretary of State (SOS) to provide for an expedited canvass if unofficial results for a U.S. presidential election show a vote differential under 25,000 votes. The bill is intended to eliminate any discretion that the Department of State would have for such a potentially politically charged decision. The bill would take effect 90 days after enactment.

Under current law, if the unofficial election results show that the election of President and Vice President of the United States was determined by a vote differential between the first and second place candidates of less than 25,000 votes, the Secretary of State may direct the boards of county canvassers to canvass returns on an expedited schedule. Instead, the bill would state that the SOS shall direct that the returns be canvassed on an expedited schedule.

Currently and under the bill, the SOS may then direct the boards to complete the statements required by the Election Law and certify them by the seventh day after the election or by a date before the fourteenth day after the election. (Under the Election Law, after canvassing returns, a board of county canvassers must prepare a statement containing specified information, and the clerk of the board must deliver to the SOS a certified copy of the statement and a certificate of authenticity.) Additionally, the SOS may appoint the day for the Board of State Canvassers to conduct the expedited canvass of the returns and determine the results of the election. The day appointed is as soon as practical after the receipt of the returns from the county boards, but not later than the twentieth day after the election.

MCL 168.842

### FISCAL IMPACT:

The bill would have no fiscal impact on the state or local units of government.

### POSITIONS:

A representative of the Secretary of State testified in support of the bill. (5-16-18)

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.