



New Law Mandates that Municipalities' Election Commission Must Appoint a Receiving Board

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For years, Michigan election law has given the legislative body of a municipality the option to adopt a resolution that establishes one or more "receiving boards" to administer an upcoming election. Some municipalities have followed that path, appointing their own receiving board. When established, receiving boards are responsible for making sure that all ballot containers delivered to the clerk after polls close are properly sealed; all seal numbers are recorded; and ensuring the number of names in the Poll Book balances with the number of ballots counted in that precinct. Many view receiving boards as helpful to allow an effective, low-cost way to promote the "recountability" of precincts if a recount is requested.¹

But the Legislature has now changed the rules on how receiving boards are established.

On August 15, 2012, Act 271 of the Public Acts of 2012 took immediate effect. Among the election law changes that resulted from PA 271, cities, townships, and villages are now **required** to appoint a receiving board. Further, the legislative body of the city, township, or village is no longer responsible for appointing the receiving board. That duty has now been transferred to the municipality's election commission: "The election commission of a city, township, or village" must, **by resolution**, "provide that at an election at which the ballots are counted and certified at the precinct, 1 or more additional boards of election inspectors be appointed to serve as receiving boards." MCL 168.679a. (Emphasis added)

Each receiving board must include two or more election inspectors and must have an equal number from each major political party. Each municipality need only have one receiving board, but may have more. For those municipalities that have not previously appointed a receiving board, the receiving boards be given the specific responsibilities outlined in the statute. The receiving board must open the sealed envelope (that contains the Poll Book and statement of returns) and

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review the Poll Book and statement of returns to determine both of the following:

1. That the ballot container is properly sealed and the seal number is properly recorded in the poll book and the statement of returns. *[If the ballot container is not properly sealed or there is a discrepancy with the seal number recorded in the poll book or the statement of returns, the election inspectors who delivered the ballot container and the receiving board must together take the necessary steps to correct the discrepancy. The election inspectors and the receiving board must note the discrepancy and the corrective action in the remarks section of the poll book and all must sign the notation.]*
2. That the number of individuals voting that is recorded in the poll book equals the number of ballots issued to electors, as shown by the statement of returns. *[If the number of individuals voting as shown by the poll book does not equal the number of ballots counted as shown by the statement of returns, and if an explanation of the discrepancy has not been noted in the poll book, the receiving board must ask the election inspectors about the discrepancy, note the explanation in the poll book, and all must sign the notation.]*²

Since PA 271 took immediate effect, we recommend that each city, township, or village election commission pass a resolution appointing a receiving board before the November 2012 election. Should you need any assistance drafting the resolution, please feel free to contact Anne Seuryneck or any member of the Foster Swift Municipal Team.

¹ State of Michigan, Establishment and Use of Receiving Boards, May 2011, which may be found here.

² MCL 168.679a(3)(a) and (b).