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BILL



ANALYSIS

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House Bill 4242 (Substitute S-1 as reported)
Sponsor: Representative Robert Brackenridge
House Committee: Government Operations
Senate Committee: Local Government

CONTENT

The bill would amend the Michigan Election Law in numerous ways, including revising current provisions and adding new provisions regarding ballot security measures, absent voter ballots, election recount procedures, the use of new voting systems, the testing of electronic voting systems, and the Board of State Canvassers. In part, the bill would do the following:

- Revise several of the Act's provisions regarding absent voter ballots, including restricting the number of persons who may return or be in possession of an absent voter ballot; making it a felony for an unauthorized person to return or possess an absent voter ballot, or for a person to suggest or attempt to influence an absent voter on how he or she should vote while in the presence of an absent voter who was voting; requiring a clerk who received a telephone request from an absent voter for assistance in returning his or her ballot to arrange to collect the ballot; and requiring election clerks to make public the number of absentee ballots received.
- Revise the Act's provisions regarding the conduct of the recount of elections, including creating procedures an opposing candidate would have to follow in objecting to a petition calling for a recount; allowing the State chairperson of a political party to file a recount petition, without allegations of fraud or mistake, in State Senate races determined by a difference of 500 votes or less, or State Representative races involving a difference of 200 votes; limiting to three the number of times ballots could be counted for purposes of comparing the count with the total number of ballots issued; prescribing measures for the sealing and securing of ballots and prohibiting recounts in precincts where the seal on a transfer case was broken, or the count of ballots did not match the poll list and the discrepancy could not be explained to the satisfaction of the Board of Canvassers; and providing that no new voting systems could be used until the Secretary of State issued instructions regarding recounts of ballots on that system.
- Revise sections of the Act that provide for the appointment and duties of election challengers, including raising from one to two the number of challengers allowed to serve in a precinct at any one time; expanding the types of challenges a challenger could make; and permit challengers to challenge voters who appeared at the polls claiming they lost or never received an absent voter ballot.
- Provide for the submission to local election commissions from political party county chairpersons a list of potential designated election inspectors, and specify procedures for the selection of the inspectors by the commissioners.
- Restrict polling places to school buildings, fire stations, police stations, and other publicly owned or controlled buildings, or, in the event such a place was not available, allow the use of a building owned or controlled by a Federally tax-exempt organization. The bill also would

allow the placement of a polling place at a residence where at least 150 seniors resided, or an apartment complex where at least 150 persons resided.

- Repeal Public Act 239 of 1955, which creates and prescribes the power and duties of the Board of State Canvassers, and recodify Public Act 239 in the Election Law; and allow the Governor to appoint a member of the Board if nominees were not provided by a political party in a timely manner.
- Prohibit the use of any new voting system in a general election unless the system had been purchased at least six months before the election, and had been used in a primary, special, or other local election.

MCL 168.14a et al.

Legislative Analyst: G. Towne

FISCAL IMPACT

The bill would have an indeterminate impact. Increased penalties for violating provisions regarding absent voter ballots would result in increased enforcement costs depending on the number of violations. The new procedures for recount could result in additional meetings by the Board of Canvassers.

Provisions of this bill may contain mandated costs on local units of government pursuant to Section 29 of Article IX of the State Constitution of 1963. These provisions include selection of election inspectors and challengers, security of election materials, and limitations on polling locations.

Date Completed: 12-12-95

Fiscal Analyst: B. Bowerman

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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.