

TOWNSHIP POLLING PLACES

House Bill 5179 (Substitute H-1) First Analysis (12-2-03)

Sponsor: Rep. Gary A. Newell
Committee: Local Government and
Urban Policy

THE APPARENT PROBLEM:

Two rural townships in Ionia County—Berlin Township and Orange Township—have township halls that are more than 100 years old. The buildings are located near the border of the two townships, within a quarter-mile of each other. Both buildings are in need of repair.

Indeed, the Township Hall of Orange Township, located on an unpaved road that is sometimes impassable, has limited parking available to the citizens who vote there, and operates without running water. When township officials investigated the cost of the building's needed repairs they discovered that the necessary reconstruction was so extensive, it nearly equaled the cost of a new building. The township's budget could not afford either repairs or new construction.

The nearby Berlin Township Hall, also used as a polling place by citizens in that jurisdiction, is in somewhat better (but far from ideal) condition.

The townships have a long history of partnerships and collaboration, including a fire department they have operated together for more than 30 years. Recently the officials from Berlin and Orange townships have explored the idea of building one township hall—likely to be located in Berlin Township—that would serve both townships. The consolidation of the buildings would require that voters from both townships vote in a single polling place, which for some would lie outside their township of residence. Michigan Election Law does not allow registered voters to cast their ballots outside of their township boundaries, so legislation has been introduced to change the law.

THE CONTENT OF THE BILL:

House Bill 5179 would amend the Michigan Election Law to allow for polling places outside of township boundaries under certain circumstances.

The bill specifies that if two contiguous townships utilized a combined township hall or other publicly owned or controlled building within one of the township's boundaries, and there were neither another publicly owned building nor a building owned by a tax-exempt organization available for a polling place within the other township, then each township board could provide a polling place in that building for one or more election precincts.

MCL 168.662

BACKGROUND INFORMATION:

Currently under the law the legislative bodies of cities, villages, and townships make arrangements for suitable polling places in each precinct within their jurisdictions for use during an election. The officials are required by law to designate publicly owned or controlled buildings whenever possible (schools, fire stations, police stations, and the like), but if that is not possible, then the law allows the use of buildings owned by organizations that are exempt from federal income tax. The legislative bodies cannot designate a building owned by a person who is a sponsor of a political committee, or an independent committee, including a labor organization. They can, however, make arrangements for the rental or erection of suitable buildings for use as polling places if publicly owned or controlled buildings are not available.

In addition, the law specifies that the legislative body may establish a central polling place for six precincts or less, if it is possible and convenient for the electors to vote at a central poll. The law also specifies that the legislative body can establish a polling place at a for-profit or non-profit residence or facility in which at least 150 people are aged 62 or older. Further, a township board can provide polling places located within the limits of a city that has been incorporated from territory formerly a part of the township. The law prohibits a legislative body from establishing, moving, or abolishing a polling place less than 60

days before an election, unless it has been damaged. It also requires that polling places be established in compliance with the federal Voting Accessibility for the Elderly and Handicapped Act, Public Law 98-435. House Bill 5179 would retain all of these provisions.

FISCAL IMPLICATIONS:

There is no fiscal information available.

ARGUMENTS:

For:

This legislation will allow the township officials in Berlin and Orange Townships, which are located in a rural part of Ionia County, to build one township hall. That facility would be a hub for government operations, and also would serve as a polling place for the residents of both townships on Election Day. The replacement of two outdated facilities—both in need of costly repairs—with a new building will enable township officials to save the taxpayers a substantial amount of money, and avoid the duplication of services within their sparsely populated jurisdictions.

POSITIONS:

The Office of the Secretary of State supports the bill as amended. (12-3-03)

The Michigan Townships Association supports the bill. (12-3-03)

Berlin and Orange Townships in Ionia County support the bill. (12-3-03)

Analyst: J. Hunault

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