

INCREASE ALLOWABLE PRECINCT SIZE AND REQUIRE PERMANENT ABSENT VOTER LIST

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House Bill 5032 (proposed substitute H-3)
Sponsor: Rep. Ann M. Bollin
1st Committee: Elections and Ethics
2nd Committee: Ways and Means
Complete to 11-30-20

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

SUMMARY:

House Bill 5032 would amend the Michigan Election Code to increase the maximum number of electors allowed in a precinct from 2,999 to 5,000, beginning in 2022 (two years after the decennial census).

The bill would also increase that number for certain elections in the interim. Currently, voting precincts may be consolidated as long as the number of electors does not exceed 5,000 for elections that are not a November general election, the primary preceding that general election, or other statewide or federal elections. The bill would allow precincts to be consolidated for any election except a November general election.

It would also allow precincts that are currently divided to have the division abolished as long as it appears, from an examination of registration records, that the consolidated district would not exceed 5,000 active registered electors. The consolidation would have to occur at least 60 days before a primary, general, or special election, and could not occur if it would change the polling place for an election precinct.

Additionally, the bill would require county, city and township clerks to maintain a permanent absent voter (AV) list, and provide that only those entities are authorized to maintain such a list. Currently, maintenance and use of a permanent AV list is optional for jurisdictions, and if a jurisdiction chooses not to maintain a list, a voter must request an application for an absentee ballot before each election.¹

Under the bill, upon written request in person or by fax, email, or mail, a qualified and registered elector could request to be added to his or her county's, city's or township's permanent AV application list. Then, the elector's information would be added to the Michigan Qualified Voter File (QVF), and the applicable county, city, or township clerk would send the voter an absentee ballot application for each election. If the elector moved, the request would continue automatically and the elector would be listed on the permanent AV list of his or her new county, city or township. An elector could request to be removed from the list using any of the methods listed above. If the elector was placed in the inactive voter file, the applicable clerk would have to remove the elector from the list.

¹ https://www.michigan.gov/documents/sos/VI_Michigans_Absentee_Voting_Process_265992_7.pdf

Finally, the bill would remove outdated requirements as to the number of voting machines required in precincts.

The provisions regarding precinct consolidation and division would take effect April 1, 2021.

MCL 168.658, 168.659, and 168.661

BACKGROUND:

The QVF was mandated by 1994 PA 441 and implemented January 1, 1998. It lists all individuals who are registered to vote in Michigan, including their names, current addresses, address histories, and other identifying information. The QVF is especially important in Michigan's highly decentralized election system, where voter records are managed by over 1,700 local officials.

Proposal 3 of 2018, approved by the voters with 67% of the vote, added eight voter rights to the Michigan Constitution, including "no-reason absentee voting." Previously, a voter had to meet one of six criteria in order to qualify for an absentee ballot. Now, Michigan voters can obtain an absentee ballot during the 40 days before an election. House Bill 5032 would further ease the process of receiving an absentee ballot by allowing a person to be added to a permanent absent voter list and be mailed an application automatically before each election.

Links to information for existing permanent absent voter lists are below:

Ann Arbor: <https://www.a2gov.org/departments/city-clerk/Elections/Documents/Permanent%20Absent%20Voter%20List%20FAQpdf.pdf>

Delta Township: <http://www.deltami.gov/wp-content/uploads/2012/09/Permanent-Absent-Voter-List-Request.pdf>

East Lansing: <https://www.cityofeastlansing.com/FormCenter/City-Clerk-4/Permanent-Absentee-Voter-Form-78>

Royal Oak: <https://royaloakmi.seamlessdocs.com/f/permanentabsenteelist>

FISCAL IMPACT:

House Bill 5032 would have no direct fiscal impact on the Department of State, but would provide for potential cost savings to certain cities, wards, townships, or villages that are eligible to consolidate precincts without having over 5,000 registered electors. These local units of government could realize savings by requiring fewer numbers of voting equipment and resources, such as absentee voter counting board tabulators, to meet the election needs in that precinct. There is an anticipated need for additional tabulators following the approval of no-reason absentee voting in the November 2018 statewide election. Absentee

voter counting board tabulators cost approximately \$5,000 each. Data on the number of eligible precincts and the number of fewer tabulators required were not available at the time of this analysis for an estimate of cost savings to local units of government.

The supplemental appropriations budget act, 2019 PA 28, appropriated \$1.0 million GF/GP to support the costs toward local units of government of absentee voter counting board tabulators. However, the Department of State has reported that these state funds are not sufficient to cover all local costs.

ARGUMENTS:

For:

According to committee testimony, the implementation of “no-reason absentee voting” is expected to result in a dramatic increase in the number of absentee votes cast. Currently, absentee votes cannot be processed before the election, and so are fed into the tabulator during lulls in voting and after the polls have closed. The bill would instead facilitate the consolidation of precincts for elections and increase precinct size going forward, thus freeing up tabulators for the sole use of processing absentee ballots. Absentee voter (AV) counting boards for a local unit—or a combined AV counting board, as instituted under 2020 PA 95 (HB 5141)²—could then use the freed-up tabulator to process the large number of absentee votes, resulting in a more efficiently run election, say supporters.

Against:

Some wondered whether increasing the maximum number of electors allowed in a precinct would exacerbate the long wait times experienced in recent elections. While some precincts report short wait times to vote, that is because the number of electors in those precincts fall far short of the current maximum of 2,999 voters. At the same time, other precincts—especially those with more voters—have experienced significantly longer wait times.³ While no-reason absentee voting may decrease the number of in-person voters, that prediction is not a certainty at this point. Opting into absentee voting is simple, but there is still no guarantee that people will take that extra step; what will happen, critics argue, if large numbers of voters in populous precincts prefer to vote in person, only to find that the size of their precinct has almost doubled, along with their wait time? Perhaps we should wait until after the next presidential election to assess the adoption of no-reason absentee before revising precinct sizes, opponents suggest.

In fact, according to testimony submitted to the committee,⁴ if consolidating the number of precincts is the goal, there exists ample potential to do so without raising the maximum precinct size. For example, according to that testimony and the Department of State’s 2018 Biennial Precinct Report,⁵ in 2018 Pontiac had 43,536 registered voters and 21 precincts,

² <http://legislature.mi.gov/doc.aspx?2019-HB-5141>

³ <https://www.freep.com/story/news/politics/2016/11/08/election-day-voting-polls-problems/93472646/>

⁴ https://committee.mihouse.mi.gov/CommitteeDoc.aspx?uri=api/integration/committee_documents/content/?revno=-1&apn=2019_2020_session/committee/house/standing/elections_and_ethics/meetings/2019-10-30-1/documents/testimony/HB5032OppositionSherman.pdf

⁵ https://www.michigan.gov/documents/sos/Biennial_Precinct_Report_for_2018_668544_7.pdf

for an average precinct size of 2,073 voters. Voters in Pontiac could be consolidated into 15 precincts while still complying with the current maximum precinct size of 2,999. Other communities, such as St. Clair Shores (with an average of 2,070 registered voters per precinct), Saginaw (2,250), Traverse City (2,003), and Brighton Township (1,647), could similarly consolidate under current law. Detroit, with 467,595 registered voters and 503 precincts, has an average precinct size of just 930.

POSITIONS:

Representatives of the Council of Election Officials testified in support of the bill. (10-16-19)

Livingston County indicated support for the bill. (10-16-19)

The Secretary of State indicated a neutral position on the bill. (10-16-19)

A representative of the American Civil Liberties Union testified in opposition to the bill. (10-16-19)

The following organizations indicated opposition to the bill (10-30-19):

Michigan Sierra Club
Michigan League of Conservation Voters
Fair Elections Center

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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.