

Legislative Analysis



ABSENT VOTER COUNTING BOARDS

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House Bill 5123 (proposed substitute H-4)

Sponsor: Rep. Ann M. Bollin

1st Committee: Elections and Ethics

2nd Committee: Ways and Means

Complete to 12-1-20

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

SUMMARY:

The bill would amend the Michigan Election Law to amend the rules for establishing an absent voter (AV) counting board.

Currently, a city or township has the option of creating an AV counting board and, if it chooses to do so, must establish a board for each of its precincts.

Under the bill, cities and townships with a single precinct and those with two precincts but fewer than 6,000 registered electors would still have that option.

The bill would require cities and townships with two precincts and 6,000 or more electors to have an AV counting board for both precincts. Cities and townships with three or more precincts would be required to have an AV counting board for each precinct. (An agreement described below under section 764d would fulfill this requirement.)

Several provisions in the bill would be subject to section 764d of the act, which concerns agreements between local units for administering election processes. Those agreements, allowed by 2020 PA 95 (HB 5141),¹ allow city and township clerks to enter into agreements with nearby city and township clerks, or with their county clerk, to consolidate efforts for counting AV ballots.

MCL 168.765a

BACKGROUND:

Now and under the bill, boards of election commissioners must provide each AV counting board with a location for counting that is not a polling place, and more than one board may be located in a single location. All laws relating to paper ballot precincts, including laws regarding election inspectors, apply. The AV counting boards must process ballots and returns in as nearly as possible the same manner as ballots in paper ballot precincts, with processing and tallying beginning at 7 a.m. on election day. (For the November 3, 2020 general election, clerks in cities and townships with a population over 25,000 were able to pre-process AV ballots between 10 a.m. and 8 p.m. the day before election day. That allowance was made only for that election.)

¹ <http://legislature.mi.gov/doc.aspx?2019-HB-5141>

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.”² 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, without giving a reason, during the 40 days before an election. It is expected that Proposal 3 will lead to an increase in voting participation and a dramatic increase in absentee voters. HB 5123 would require more populous municipalities to establish AV boards to allow for that expected increase in absentee voters in upcoming elections.

Regarding the 6,000-voter threshold, note that precincts are limited to not more than 2,999 active registered voters.³ The Michigan Secretary of State reported 7,568,494 registered voters in October of 2019, but only 6,555,042 active registered voters. The active voter count excludes voters who have not voted in at least six years or who have been sent a notice indicating that the clerk has received reliable information that the voter has moved and must update his or her address.⁴

FISCAL IMPACT:

The bill would allow for potential cost savings to cities and townships that have only two election day precincts and fewer than 6,000 registered electors, if establishing a single absent voter counting board would enable the city or township to avoid the cost of purchasing an additional ballot tabulator. It is not yet known whether cities and townships would be able to use their existing number of tabulator machines or state funds appropriated for additional machines to accommodate the needs of an absent voter counting board for each of its two election day precincts as currently required. Each tabulator costs approximately \$5,000, not including programming and maintenance costs. Programming and maintenance can cost an additional \$2,000 to \$3,000 over the course of five years.

POSITIONS:

Representatives of the Michigan Association of Municipal Clerks testified in support of the bill. (6-23-20)

The following entities indicated support for the bill:

Michigan Department of State (6-23-20)

Sierra Club (6-23-20)

Legislative Analyst: Jenny McNerney

Fiscal Analyst: Michael Cnossen

■ 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.

² House Fiscal Agency analysis of Proposal 3: Promote the Vote petition:
https://www.house.mi.gov/hfa/PDF/Alpha/Ballot_Proposal_2018-3_Promote_The_Vote.pdf

³ MCL 168.658

⁴ https://www.michigan.gov/documents/sos/2019_Registered_Voter_Count_653885_7.pdf