

Legislative Analysis



ABSENT VOTER COUNTING BOARDS

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House Bill 4135 as reported from committee

Sponsor: Rep. Ann Bollin

Committee: Elections and Ethics

Complete to 3-3-21

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

SUMMARY:

House Bill 4135 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. If it chooses to do so, it 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.

However, 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 under section 764d, described below, would fulfill this requirement.)

Several provisions in the bill would be subject to section 764d of the act, added by 2020 PA 95,¹ which allows 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.)

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 to qualify for an absentee ballot. Now, any Michigan voter can obtain an absentee ballot, without giving a reason, during the 40 days before an election. It is expected

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

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

that Proposal 3 will lead to an increase in voting participation and a dramatic increase in absentee voters. HB 4135 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

BRIEF DISCUSSION:

Some expressed concern for rural areas that were just over the 6,000-voter threshold that would be required to establish an AV counting board. A qualifying city or township would either have to purchase an additional tabulator for use at the AV counting board, if it wanted to maintain its existing precincts, or reduce the number of precincts to shift a tabulator to the AV counting board. Especially for rural areas with sprawling township boundaries, that would mean a farther distance to a person's polling place and a potential barrier to voting.

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:

A representative of the Department of State testified in support of the bill. (2-9-21)

The Michigan Municipal League indicated support for the bill. (2-16-21)

A representative of the Michigan Townships Association testified with concerns about the bill. (2-9-21)

Legislative Analyst: Jenny McInerney
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.

³ MCL 168.658: <http://legislature.mi.gov/doc.aspx?mcl-168-658>

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