Legislative Analysis

HOUSE FISCAL AGENCY

BALLOT PROOFING

House Bill 5258 (proposed substitute H-1)
Sponsor: Rep. Matt Koleszar
Committee: Elections and Ethics
Revised 9-28-21

SUMMARY:

House Bill 5258 would amend the Michigan Election Law to change the timetable for filing, processing, and distributing proof ballots for elections.

Currently under the act, before final ballots for elections are printed, copies of the proposed ballot are returned from the printer to the County Election Commission, whose members proofread them for errors and omissions.[1] The Commission must send proof ballots to the Department of State's Bureau of Elections and to each candidate on the proposed ballot at least 14 days before a primary election. Candidates then have two business days after receipt of the proposed ballot to contact the county clerk with any necessary corrections. After they are finalized, the ballots are given a final inspection by the County Election Commission and then delivered to the county clerk for distribution to the local jurisdictions within the county.

The current timetable requires that, at least 14 days before the primary election, copies of the ballot must be filed with the county clerk and a proof copy of the ballot must be mailed to the secretary of state (SOS) and each candidate on the ballot. The bill would move the deadline for all of those actions to at least 58 days (eight weeks and two days) before the primary election and require that the proof copy be sent by email to the SOS and by first-class mail to the candidates. The bill would remove a requirement that the proof copy be sent by registered or certified mail in counties with a population over 1.5 million (i.e., Wayne County). In addition, if the candidate provided an email address on his or her affidavit of identity, the clerk could also send the proof copy by email.

Additionally, the bill would revise the deadline for corrections by candidates from two days after receipt of the proof to 4 p.m. on the fifth day after the proof is mailed.

Finally, while current law requires the Board of Election Commissioners to mail two copies of the proof ballot to the SOS, the bill would require that the proof ballot be emailed. If needed, a corrected ballot would also have to be emailed to the SOS rather than mailed.

MCL 168.565, 168.710, and 168.711

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[1] Bureau of Elections memorandum on ballot proofing: https://www.michigan.gov/documents/sos/BallotInstruc_519187_7.pdf

FISCAL IMPACT:

The bill would provide cost savings to Wayne County each year, ranging between approximately $900 to $2,500. The bill would remove the requirement that the county clerk in counties with a population of 1.5 million or more must send proof copies of ballots to each candidate appearing on the ballot by registered or certified mail, with return receipt demanded. Wayne County is the only county in the state with over 1.5 million residents and to which the current requirement applies. County clerks in all remaining Michigan counties are required to only mail proof copies of ballots by first-class postage.

As of August 29, 2021, the United State Postal Service (USPS) cost of one-ounce certified mail with return receipt is $7.35, while the USPS cost of first-class postage is $0.58. Annual cost savings would vary annually according to the number of candidates appearing on that year's primary ballots. The Wayne County Clerk's office reports that in the 2021 primary election there were 139 candidates running for local government offices and in the 2020 primary election there were 348 candidates running for federal, state, and local offices, which would have resulted in savings of $941 and $2,356, respectively.

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