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Senate Bill 334 (as introduced 3-24-21)
Sponsor: Senator Ruth A. Johnson
Committee: Elections

Date Completed: 5-5-21

CONTENT

The bill would amend the Michigan Election Law to do the following:

- **Require a board of county canvassers, by no later than 40 days before each August primary election held in an even number year, to examine absent voter ballot secrecy envelope containers to be used at that primary election or at the general November election that followed the August primary election.**
- **Remove a December 31, 2020, sunset date on provisions pertaining to specifications for absent voter ballot secrecy envelop containers.**
- **Require the Secretary of State to provide specified reports to the House and Senate committees dealing with elections by March 1 of every two years after March 1, 2021.**
- **Remove language specifying that a provision to allow certain cities or township clerks to perform certain absent voter preprocessing activities would apply only for the November 3, 2020 election.**

The Law requires absent voter ballot secrecy envelope containers to meet certain specifications in order to be approved for use at an election. Before October 15, 2020, each board of county canvassers must examine the containers to be used at the November 3, 2020, general election and designate whether the container does or does not meet those specifications. Under the bill, no later than 40 days before each August primary election held in an even numbered year, each Board of County Canvassers would have to examine the envelope containers to be used at that August primary election or at the general November election that followed that August primary election conducted under the Act.

Currently, the Law specifies that the use of these containers would not apply after December 31, 2020. The bill would remove this language.

By March 1, 2021, the SOS was required to provide a written report to the House and Senate committees dealing with elections that contained all of the following:

- The number and name of cities and townships that performed absent voter ballot preprocessing activities, as well as specified information for each city or township.
- The total number of absent voter ballot return envelopes that were opened on the day before election day.
- The total number of absent voter ballot return envelopes that were opened on the day before the election.

- The total number of absentee ballot return envelopes deliver to the election inspectors that did not contain an elector's signature and that were returned to the city or township clerk.
- The total number of absentee ballot return envelopes that were challenged, not opened by the election's inspectors, and set aside to be processed by the election inspector on election day.
- The total number of absentee ballot secrecy return envelopes that were stored in an absent voter ballot secrecy envelope container.
- For each city or township that performed absent voter ballot preprocessing activities, whether the number of absentee ballot return envelopes opened on the day before election day matched the number of absent voter ballot secrecy envelopes deliver to the absent voter counting board on election day.

Under the bill, the SOS would have to provide this report no later than March 1 every two years after March 1, 2021.

The Law allowed for the November 3, 2020, general election only, a city or township clerk in a city or township with a population of at least 25,000 to perform certain absent voter ballot preprocessing activities if he or she provided written notice to the Secretary of State 20 days before election day. The bill would remove the language specifying that this applied only for the November 3, 2020 election.

MCL 168.24k & 168.765

Legislative Analyst: Dana Adams

FISCAL IMPACT

The bill likely would have no significant fiscal impact on State government and a minor negative fiscal impact on local units of government.

Most city or township clerks would not have to replace or upgrade ballot containers if they had procured them when they were previously required to do so under Public Act 177 of 2020. Those who had not procured a container would be required to do so under the bill. In addition to the cost of obtaining the appropriate ballot boxes, local governments also would incur costs related to their installation and maintenance. Minor costs associated with ensuring compliance with these requirements could be incurred because of the removal of the sunset on this requirement.

Each board of county canvassers would have to examine ballot containers before every August primary election held in an even-numbered year. The magnitude of the costs incurred by each board as a result of this provision would depend upon the number of ballot boxes in each county. However, it is likely that current appropriations would fund most, or all, of this activity.

The report required by the Secretary of State would be funded by existing appropriations.

Fiscal Analyst: Elizabeth Raczkowski

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.