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House Bill 5258 (Substitute H-1 as passed by the House)  
Sponsor: Representative Matt Koleszar  
House Committee: Elections and Ethics  
Senate Committee: Elections

Date Completed: 2-16-22

### **CONTENT**

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

- **Require proof copies of a ballot to be placed on file in the office of the county clerk no less than 58 days before an election, instead of 14 days before the primary election or 15 days before an election.**
- **Require a county clerk to mail a copy by first-class mail to each candidate who appears on the ballot and, for primary elections, email a proof copy of the ballot to the Secretary of State (SOS).**
- **Require a candidate to email or call a county clerk to correct an error on a proof ballot by 4 PM on the fifth business day after a proof copy of a ballot was mailed to each candidate.**
- **Authorize the county clerk to start printing ballots after 4 PM on the fifth business day after the county clerk mailed the proof copy of the ballot to each candidate.**
- **Require a county clerk to email a copy of the corrected ballot to the SOS.**

The Michigan Election Law requires proof copies of the ballots to be filed in the office of county clerk at least 14 days before a primary election or 15 days before an election. When the proof copy of the ballot is filed, one proof copy of the ballot must be sent in counties with a population of 1.5 million or more by registered or certified mail with return receipt demanded, and in counties with less than that population, by first class mail to the SOS and to each candidate whose name appears on the ballots, at his or her last known address.

Instead, under the bill, proof copies of the ballots would have to be filed in the office of the county clerk at least 58 days before the primary election or election. At the time of filing, the county clerk would have to send by first-class mail one copy of the proof ballot to each candidate whose name appeared on the ballot at the candidate's address listed on his or her affidavit of identity, and (for primary elections) email one proof copy of the ballot to the SOS. If a candidate provided an email address on his or her affidavit, the county clerk also could send a proof copy of the ballot to the candidate by email.

If a candidate wishes to correct the ballot, the candidate must forward it to the county clerk within two business days after receiving it with the corrections noted on the ballot. In the case of an election, the board of election commissioners must correct errors found in the ballot by inspection and, after the two-day correction period, must proceed with printing the ballots. Instead, if a candidate sought to correct an error on the ballot, he or she would have to contact the clerk by telephone or email with the corrections. All corrections would have to

be received by the county clerk by 4 PM on the fifth business day after the proof copy of the ballot was mailed to each candidate. After that time, the county clerk would be authorized to begin printing the ballots.

The Law requires the county board of election commissioners to send two copies of proof ballots to the SOS who then must immediately approve and certify the ballot or notify the board of election commissions of any corrections. Instead, the county board of election commissioners would have to direct the county clerk to email proof ballots to the SOS, who would have to notify the county clerk of any correction.

The Law also requires a county clerk to forward a copy of a corrected ballot to the SOS. Under the bill, the clerk could email the corrected ballot.

MCL 168.565 et al.

Legislative Analyst: Dana Adams

### **FISCAL IMPACT**

The bill would have no fiscal impact on State government but could result in a small cost savings for Wayne County, as it is the only county with a population of over 1.5 million and would be the only county affected by the bill.

The amount of savings for the county would vary and would depend on the number of candidates on a ballot. Current United States Postal Service rates are \$7.38 for a one-ounce certified mail parcel with a return receipt requested. There were nearly 350 candidates for Federal, State, and local offices to whom Wayne County mailed a 2020 general election proof ballot via certified mail with a return receipt requested. Based on those figures and the current postage rates, the county would have saved an estimated \$2,600 for that election. Future savings per election cycle would depend on the number of candidates on the ballot and the mailing costs at that time.

Fiscal Analyst: Joe Carrasco

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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.