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House Bill 6071 (Substitute H-1 as passed by the House)
Sponsor: Representative Ann Bollin
House Committee: Elections and Ethics
Senate Committee: Elections

Date Completed: 9-19-22

CONTENT

The bill would amend Section 662 of the Michigan Election Law to do the following:

- **Delete references to villages throughout Section 662.**
- **Prohibit the legislative body of a city or township from designating as a polling place a building that was owned by an individual who was a candidate.**
- **Delete provisions requiring the legislative body in each city and township to arrange for the rental or erection of suitable buildings for use as polling places if publicly owned or controlled buildings are not available.**
- **Allow a legislative body, if a suitable place were not reasonably available or convenient to use, to establish a polling place at a clubhouse or conference center located within an apartment or condominium complex, hotel conference center, or recreation clubhouse, in addition to those places currently listed.**
- **Require the clerk of the city or township to obtain a signed affidavit from the owner or manager of a privately owned venue that certified that he or she was not a sponsor of a political or independent committee before the location could be designated as a polling place.**
- **Prohibit a city or township from using a building that did not meet the bill's requirements as a polling place.**

Currently, under Section 662 of the Law, the legislative body in each city, village, and township must designate and prescribe the place or places of holding an election for a city, village, or township election, and must provide a suitable polling place in or for each precinct located in the city, village, or township for use at each location. Except as otherwise provided, school buildings, fire stations, police stations and other publicly owned or controlled buildings must be used as polling places. If it is not possible or convenient to use a publicly owned or controlled building as a polling place, the legislative body of the city, township, or village may use a polling place from a building owned or controlled by an organization that is exempt from Federal income tax as provided by Section 501(c), other than 501(c)(4) (civic leagues and nonprofit organizations operated for promotion of social welfare), 501(c)(5) (labor, agricultural, or horticultural organizations), or 501(c)(6) (business leagues, chambers of commerce, real estate boards, or professional football leagues) of the Internal Revenue Code. The bill would delete references to villages throughout Section 662.

The legislative body of a city or township may not designate as a polling place a building that is owned by a person that is a sponsor of a political committee or independent committee. The bill also would prohibit the legislative body of a city or township from designating as a

polling place a building that was owned by an individual who was a candidate. "Candidate" would mean that term as defined in Section 3 of the Michigan Campaign Finance Act: an individual who meets one or more of the following criteria:

- Files a fee, an affidavit of incumbency, or a nominating petition for an elective office.
- Is nominated as a candidate for elective office by a political party caucus or convention and whose nomination is certified to the appropriate filing official.
- Receives a contribution, makes an expenditure, or gives consent for another person to receive a contribution or make an expenditure with a view to bringing about the individual's nomination or election to an elective office, whether or not the specific elective office for which the individual will seek nomination or election is known at the time the contribution is received or the expenditure is made.
- Is an officeholder who is the subject of a recall vote.
- Holds an elective office, unless the officeholder is constitutionally or legally barred from seeking reelection or fails to file for reelection to that office by the applicable filing deadline; an individual described in this provision is considered to be a candidate for reelection to that same office for the purposes of the Michigan Campaign Finance Act only.

Section 662 of the Law requires the legislative body in each city, village, and township to make arrangements for the rental or erection of suitable buildings for use as polling places if publicly owned or controlled buildings are not available and must have the polling places equipped with the necessary facilities for light and with adequate facilities for each and ventilation. The bill would delete these provisions.

Under the bill, if a suitable polling place as described in Section 662 were not reasonably available for use or convenient to use, the legislative body of a city or township could establish a polling place at any privately owned banquet or conference center or recreation clubhouse. The legislative body could not designate as a polling place a building described above that was owned by a person that was a sponsor of a political committee or independent committee or that was owned by an individual who was a candidate. Before a building that was not publicly owned or controlled as described above was designated as a polling place by a city or township, the clerk of the city or township in which that building was located would have to obtain a signed affidavit from the owner or manager of the building that certified that the owner was not a person that was a sponsor of a political committee or independent committee or was not an individual who was a candidate.

A city or township could not use a building that did not meet the requirements of the bill as a polling place.

MCL 168.662

Legislative Analyst: Stephen P. Jackson

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Joe Carrasco, Jr.

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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.