Legislative Analysis

PROPOSAL 2022-2 IMPLEMENTATION FOR EARLY VOTING

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Senate Bill 367 (S-1) as passed by the Senate
Sponsor: Sen. Jeremy Moss
House Committee: Elections
Senate Committee: Elections and Ethics
Complete to 6-20-23

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

SUMMARY:

Ballot Proposal 22-2 amended the state constitution to grant Michigan voters the right to participate in early voting for statewide and federal elections. Early voters have the same rights and are subject to the same requirements as voters at polling places on election day. Each early voting site must be open for nine consecutive days prior to an election, beginning on the second Saturday before and election and ending on the Sunday before the election. Sites must be open for at least eight hours for each of these nine days and can be open for additional days and hours. Results cannot be generated or reported from a voting site until after 8:00 p.m. on election day.

<u>**Senate Bill 367**</u> would amend the Michigan Election Law to reflect these changes and to implement early voting. The bill is identical to House Bill 4695 as passed by the House.

Early voting rights

All registered and qualified voters in Michigan would have the right to vote in person at an early voting site for each statewide and federal election. Early voters would have the same rights, and would be subject to the same requirements, as voters at a polling place on election day.

Early voting would have to be provided for each statewide and federal election for at least nine consecutive days, beginning on the second Saturday before the election and ending on the Sunday before the election, and early voting sites would have to be open for at least eight hours per day during this period. Beginning January 1, 2026, early voting could be offered on the Monday before an election as long as voting ends by 4:00 p.m.

SOS implementation

The secretary of state (SOS) would be responsible for supervising the implementation and conduct of early voting for state and federal elections. For early voting at these elections, the SOS would have to do all of the following:

- Issue instructions and procedures to county and municipal election officials on the administration and conduct of early voting.
- Advise and direct those election officials on conducting early voting.
- Develop, acquire, or approve new technology for the early voting poll book to efficiently and securely implement, administer, and conduct early voting.
- Create a model municipal agreement template and model county agreement template.
- Ensure that each template can be completed online by a county or municipality.
- Create model early voting plan templates and model countywide early voting plan templates for municipalities and counties, respectively.

- Ensure that each early voting plan template can be electronically transmitted to the Bureau of Elections.
- Evaluate new voting system technology that produces ballots on demand or can be used to cast and tabulate early voting ballots. (If appropriate, the SOS would be required to submit the new technology to the Board of State Canvassers for approval.)

The SOS would have to provide resources to county and municipal election officials that prevent an elector from intentionally or inadvertently casting multiple ballots at an election by any method or at any location. These resources could be technological, procedural, or both. The SOS would also have to provide guidance to election officials regarding the process of securing equipment and ballots at the end of each day of early voting.

Ballots printed on demand
The requirement to compare a ballot number with the poll list would not apply to a ballot used for early voting that is produced by an on-demand ballot printing system. Ballots produced by an on-demand printing system for early voting would also be exempted from other provisions of the Michigan Election Law pertaining to ballot stubs and numbering requirements.

The SOS would have to issue instructions regarding ballots produced by an on-demand printing system and that are subject to challenge.

Local administration
To administer early voting, each municipality would have to either conduct early voting as a single and separate municipality, enter into a municipal agreement to jointly conduct early voting with one or more other municipalities located in whole or in part in the same county, or enter into a county agreement authorizing the county clerk to conduct early voting.

At least 155 days before the first regularly scheduled statewide or federal election in an even-numbered year, each county clerk would have to notify each municipal clerk in that county of whether the county clerk intends to conduct early voting in accordance with a county agreement. At least 150 days before that election, each municipal clerk would have to notify the county clerk of how the municipality intends to conduct early voting (as a single municipality, under a municipal agreement, or under a county agreement). Municipal and county agreements would have to be finalized and signed by the appropriate municipal clerks at least 125 days before the election. Agreements for special statewide or federal elections would have to be finalized and signed at least 90 days before the special election.

However, if a municipality conducted early voting as a single municipality for a presidential primary election, it could enter into a municipal or county agreement for the remaining statewide and federal elections to be held in that year, elections held during the following year, and any other elections covered by the agreement. Such a municipality could enter an agreement until April 15 of the year of the presidential primary either through an amendment to an existing agreement that was in effect for the presidential primary, if all parties to that agreement agree, or through a new agreement.

Single municipality early voting
If a municipal clerk does not enter into a municipal or county agreement, then that clerk would be responsible for administering early voting in that municipality. Each municipality would

have to have at least one early voting site for a federal and statewide election. Municipal clerks could set additional hours for voting beyond the required days and times that take place on or after the 29th day before an election.[1]

Each early voting site would have to be designated in the same manner as polling places (as described below), and each elector registered in that municipality could participate in early voting at any early voting site in the municipality.

The municipality's board of election commissioners would have to appoint election inspectors for each early voting site.

Early voting could be approved for a local election by a resolution of the municipality's legislative body and would have to be held in accordance with all requirements for statewide and federal elections, except for the nine-day and eight-hour minimums.

If a municipality has 250 or more precincts, each ballot form that contains identical offices and names could be considered a separate precinct for the purposes of early voting

The municipal clerk would have to provide either of the following configuration sets for each early voting site:
- A single configuration set that is programmed to tabulate ballots for all precincts in the municipality.
- Multiple configuration sets that are each programmed to tabulate ballots for a unique set of precincts in the municipality and that do not include a precinct on multiple configuration sets.

Municipal agreements
For each federal and statewide election, there would have to be at least one early voting site that is open to all registered electors of each municipality that participates in a municipal agreement. Participating clerks could also agree to jointly offer early voting on additional days for up to 29 days before an election without being subject to the eight-hour minimum.

A municipal agreement would cover all statewide and federal elections, and any other elections included in the agreement, for at least the entire election year in which a general election is held and for the year following that election. An agreement could provide that it has no fixed termination date.

A municipality could withdraw from an agreement after providing 30 days' written notice to the other parties, but a municipality could not withdraw during the 150 days before the first statewide general election in an even-numbered year and before the completion of the county canvass for that election. If a municipality withdraws from an agreement, it would have to conduct early voting as a single municipality, as described above.

The clerks of participating municipalities would have to appoint a municipal clerk or staff member of a municipal clerk to serve as a coordinator who will organize and monitor the administrative requirements of early voting. The coordinator would be responsible for

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[1] Early voting sites that are open for days beyond the nine-day minimum would not be subject to the eight-hour requirement, and municipal clerks would be responsible for setting the site's hours on those days.

providing oversight to ensure that sufficient resources are available and dispatched to each early voting site, developing the early voting plan and budget for each election, and submitting each early voting site to the appropriate municipal legislative body or bodies for approval.

A participating clerk would also have to be designated to download the early poll book, and a clerk would also have to be appointed as a supervisor for each day of early voting. All participating clerks would have to recruit election inspectors, upon the coordinator's request, or provide the coordinator with the list of inspectors for their municipality. A board of election commissioners of a participating municipality would be responsible for appointing election inspectors for early voting.

Supervising clerks at early voting sites would have to operate in the same manner as at an election day polling place. Supervisor duties could be delegated to a staff member of the supervisor.

A municipal agreement would have to include the following information, in addition to any other provisions that the SOS could require:
- The name of each municipality that is a party to the agreement.
- The number of precincts in each participating municipality.
- The name of the coordinator organizing and monitoring the administrative requirements of early voting for the municipalities.
- The process for approving early voting sites by municipal legislative bodies.
- The board of election commissioners that will be responsible for appointing election inspectors for each early voting site.
- The process for approving early voting hours for the required nine consecutive days of early voting and for approving any additional days and hours of voting.
- The communication strategy for informing electors of the opportunity for early voting and publicizing the location, dates, and hours of operation of each early voting site.
- The process to ensure the SOS has the information necessary to include the location, dates, and hours of operation of each early voting site on its website.
- The process for developing the early voting budget and cost-sharing procedures.
- The process for determining the number of tabulators and early voting poll books necessary at each voting site.
- The name of each municipality that will provide the tabulators and poll books.
- The board of election commissioners that will be responsible for testing the electronic voting equipment.
- The name of the clerk who will be responsible for downloading the early voting poll book.
- The supervision and staffing of each early voting site for each day of early voting.
- Information on how a receiving board or a group of election inspectors will be appointed to canvass the early vote returns on election day and report results to the county clerk.
- The process for a participating municipality to withdraw from the agreement.

The legislative body of a participating municipality could adopt a resolution to conduct early voting in that municipality for a local election, in accordance with the requirements for single-municipality voting described above. Municipal legislative bodies could also agree to jointly conduct early voting for a local election in accordance with a municipal agreement. Early

voting for local elections under a municipal agreement would have to be conducted in accordance with the above requirements for municipal agreements but would not be subject to the nine-day and eight-hour minimums. A municipality could not withdraw from a municipal agreement covering local elections during the 150 days before that election and before the completion of the county canvass.

The municipal agreement would have to provide either of the following configuration sets for each early voting site:

- A single configuration set that is programmed to tabulate ballots for all precincts in each participating municipality.
- Multiple configuration sets with each tabulator programmed to tabulate ballots for one or more municipalities and that do not include a precinct on multiple configuration sets.

County agreements
For each federal and statewide election, there would have to be at least one early voting site that is open to all registered electors of each municipality that participates in a county agreement. The county clerk could also offer early voting on additional days for up to 29 days before an election without being subject to the eight-hour minimum.

A county agreement would cover all statewide and federal elections, and any other elections included in the agreement, for at least the entire election year in which a general election is held and for the year following that election. An agreement could provide that it has no fixed termination date.

A municipality partially or wholly located in a county could join an agreement for that county. A party to a county agreement could withdraw from an agreement after providing 30 days' written notice to the other parties, but a party could not withdraw during the 150 days before the first statewide general election in an even-numbered year and before the completion of the county canvass for that election.

The county clerk would have to appoint a clerk or staff member of a clerk to serve as a coordinator who will organize and monitor the administrative requirements of early voting. The coordinator would be responsible for providing oversight to ensure that sufficient resources are available and dispatched to each early voting site, developing the early voting plan in consultation with participating municipal clerk.

The county clerk could designate a participating clerk, including the county clerk, to download the early poll book, and a clerk or a county clerk staff member could also have to be appointed as a supervisor for each day of early voting.[2] All participating clerks would have to recruit election inspectors, upon the county clerk's request, or provide the county clerk with the list of inspectors for their municipality. The county board of election commissioners would be responsible for appointing election inspectors for early voting.

Supervising clerks at early voting sites would have to operate in the same manner as at an election day polling place. Supervisor duties could be delegated to a staff member of the supervisor.

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[2] Different municipal clerks or county clerk staff members could serve as supervisors on different days of early voting.

Upon request of the county clerk, a participating municipal clerk would have to make tabulators, early voting poll books, and ballot containers available to conduct early voting. In consultation with the municipal clerks, the county clerk would have to submit each early voting location to the county's board of election commissioners for approval. Approved sites could serve all electors covered by the county agreement, electors in municipalities covered by the early voting site, and/or the electors of a municipality, as long as each elector in the county can use an early voting site.

A county agreement would have to include the following information, in addition to any other provisions that the SOS could require:
- The name of the county and each municipality that is a party to the agreement.
- The number of precincts in each participating municipality.
- The name of the coordinator organizing and monitoring the administrative requirements of early voting.
- The process for determining the number of early voting sites needed and the location of each site.
- The process for approving early voting hours for the required nine consecutive days of early voting and for approving any additional days and hours of voting.
- The communication strategy for informing electors of the opportunity for early voting.
- The communication strategy for publicizing the city or township served by each early voting site and the location, dates, and hours of operation of each site.
- The process to ensure the SOS has the information necessary to include the location, dates, and hours of operation of each early voting site on its website.
- The process for developing the early voting budget and for developing the cost-sharing and chargeback procedures.
- The process for determining the number of tabulators and early voting poll books necessary at each voting site.
- The name of each municipality that will provide the tabulators and poll books.
- The board of election commissioners that will be responsible for testing the electronic voting equipment.
- The name of the county or municipal clerk who will be responsible for downloading the early voting poll book.
- The supervision and staffing of each early voting site for each day of early voting.
- Information on how a receiving board or a group of election inspectors will be appointed to canvass the early vote returns on election day and report results to the county clerk.
- The process for a participating municipality to withdraw from the agreement.

The legislative body of a participating municipality could adopt a resolution to conduct early voting in that municipality for a local election, in accordance with the requirements for single-municipality voting described above. A county clerk and municipal legislative bodies could also agree to jointly conduct early voting for a local election in accordance with a county agreement. Early voting for local elections under a municipal agreement would have to be conducted in accordance with the above requirements for county agreements but would not be subject to the nine-day and eight-hour minimums. A municipality could not withdraw from a county agreement covering local elections during the 150 days before that election and before the completion of the county canvass.

If an early voting site will cover an entire county, the county agreement would have to provide either of the following configuration sets for each early voting site:

- A single configuration set that is programmed to tabulate ballots for all precincts in the county.
- Multiple configuration sets that are each programmed to tabulate ballots for a unique set of precincts in the county and that do not include a precinct on multiple configuration sets.

If an early voting site will cover less than an entire county, the agreement would have to provide either of the following configuration sets for each early voting site:

- A single configuration set that is programmed to tabulate ballots for all precincts in each participating municipality.
- Multiple configuration sets with each tabulator programmed to tabulate ballots for one or more municipalities and that do not include a precinct on multiple configuration sets.

Early voting plans

Early voting plans would have to be filed at least 120 days before the first statewide or federal election in each even-numbered year. The coordinator for a municipal agreement would be responsible for filing the early voting plan for those municipalities with the appropriate county clerk, and a county would be responsible for preparing an early voting plan if participating in a county agreement. If a municipality fails to file an early voting plan for single municipality voting with the appropriate county clerk, that county clerk would have to immediately contact the municipal clerk and attempt to determine the municipality's plan for early voting.

Each early voting plan would have to include the following information, in addition to any other information the SOS or county clerk considers to be necessary:

- Whether the plan covers a single municipality, municipal agreement, or county agreement.
- The name of each municipal county clerk, and the name of the county clerk when applicable, executing the early voting plan.
- The number of precincts and registered electors in the municipality, municipal agreement, or county agreement, as applicable.
- The number of early voting sites, the location of each early voting site (if available), and the municipality or municipalities served.
- If applicable, the name, position, and contact information of the coordinator for a municipal or county agreement.
- Any additional early voting days that will be offered before the required nine consecutive days and the hours the early voting sites will be open on those additional days.
- Beginning January 1, 2026, whether early voting will be offered on the Monday before election day.
- The communication strategy for informing electors of the opportunity for early voting.
- The process to ensure that the SOS has the information necessary to include the location, dates, and hours of operation of each early voting site on its website.
- If applicable, a copy of a municipal or county agreement.

Each county clerk would review each received early voting plan to verify that it contains all required information. Municipalities and coordinators would be required to submit accurate

and complete information in their early voting plans and would have to promptly respond to a request for information from the county clerk or a member of the county clerk's staff.

At least 110 days before the first statewide or federal election in an even-numbered year, each county clerk would have to submit a countywide early voting plan to the SOS that includes all of the following, in addition to any other information the SOS or county clerk considers necessary:

- If the county clerk is participating in a county agreement, a statement as such that includes the municipalities that are parties to the agreement.
- Which municipalities, if any, will be conducting early voting as a single municipality.
- Which municipalities, if any, will be conducting early voting under a municipal agreement, and the municipalities party to each agreement.
- The process that the county, each municipal coordinator, and each municipality not party to a municipal or county agreement will use to ensure that the SOS has the information necessary to include the location, dates, and hours of operation of each early voting site on its website.
- A copy of each early voting plan submitted by the county's municipalities and municipal coordinators.
- A copy of the county early voting plan prepared by the county clerk.

The county clerk would have to certify that the electors of each municipality are served by at least one early voting site. If a municipality is not a participant in a municipal or county agreement and has not filed its own early voting plan, then the county clerk would have to indicate that municipality as an exception to this certification and indicate which steps the county clerk has taken to determine that municipality's early voting plan.

Early voting sites
Early voting sites would be subject to the same requirements as polling places, with the following exceptions:

- An early polling place could serve electors from more than six precincts and electors from more than one municipality within a county.
- An early voting place would not be subject to the limit on the number of electors assigned to a precinct.

The location and number of early voting sites would have to be selected after consideration of the expected turnout, population density, public transportation and accessibility, and travel time and traffic patterns, in addition to any other factors that election officials consider necessary to enhance the sites' accessibility.

Early voting sites would have to be finalized at least 60 days before election day.

Each registered and qualified voter that is in line at an early voting site at the time that the site closes for the day would have to be allowed to vote.

Early voting tabulation
Ballots cast at early voting sites would have to be tabulated electronically with authorized equipment. County clerks would be responsible for preparing programming for the electronic equipment and test ballots to be used at least 45 days before election day and would have to

provide the equipment and ballots to each municipal clerk and early voting site coordinator. The appropriate board of election commissioners would have to complete the preliminary and public logic and accuracy testing at least five days before the beginning of early voting.

The SOS could approve an alternate configuration of tabulators and early voting poll books if the alternate configuration produces an accurate poll list of voters who cast ballots on each specific tabulator and allows the balancing of the number of voters casting a ballot at the early voting site with the number of ballots cast on the tabulator.

As applicable, municipal clerks and municipal agreement coordinators would have to select the appropriate configuration and inform the county clerk of that selection at least 90 days before an election. If early voting will be held under a county agreement, the county clerk would have to consult with participating municipal clerks to select an appropriate configuration at least 90 days before an election.

County clerks would have to program tabulators to adhere to the selected configuration or configurations for each early voting site.

Each early voting site would be required to have the number of tabulators and early voting poll books that is required by the selected configuration.

The early voting poll book would have to be updated before the beginning of each day of early voting to reflect new registered electors, received absentee ballots, and ballots cast at early voting sites since the last update.

After the close of the first day of early voting, the board of election inspectors would have to do all of the following at each early voting site:
- Verify that the number of ballots tabulated equals the number of electors identified in the early voting poll book as receiving ballots at the early voting site on that day and note any discrepancies if the numbers do not match.
- Remove the voted ballots from the tabulator bin.
- Seal all ballots, including spoiled ballots, and the early voting poll book in a ballot container in the same manner on election day.
- Record the seal number on the ballot container certificate and in the poll book.
- Print a poll list from the early voting poll book of the electors who voter at the early voting site for that day and add the list to the paper poll book.
- Report the number on the tabulator's public counter at the end of the day and at the beginning of the day in the poll book.
- Secure the absent voter ballots that are to be processed at the early voting site and each tabulator used at the site in a locked room.
- Lock the building in which the early voting site is located.

After the close of each subsequent day of early voting, the board of election inspectors would have to follow generally the same procedures as for the first day of early voting but could either place and seal the current day's ballots in a new ballot container or add those ballots to a container used for the previous day of early voting. If the board of election inspectors adds the current day's ballots to the container used for the previous day, the seal on that container would have to be removed, the container would have to be resealed after adding the new ballots, and

the new seal number would have to be recorded on the ballot container certificate and in the poll book.

During the nine-day early voting period, the municipal clerk or early voting site supervisor, as appropriate, would have to take all necessary steps to secure the electronic voting equipment, ballot containers, blank ballots, and other election materials between the close of early voting and the opening of the next day of early voting.[3] After the last day of early voting, the municipal clerk or supervisor would have to deliver these materials to the clerk that will oversee the closing of the election after the polls close on election day. By the Friday before election day, each municipal clerk would have to post the location and time of the precinct canvass for early votes for that municipality on the municipality's website.

After the polls close on election day, precinct election inspectors would have to canvass the vote, generate the totals tape, and make the results available to those present. Precinct inspectors would also have to complete the statements of results, ballot summary, and certificate of election inspectors. If a ballot container is opened during the canvas, the inspectors would have to reseal the container and record the seal number on the ballot container certificate and in the poll book.

Early voting results would have to be reported separately from absent voter counting boards. Early voting results would then be added to the total results for each precinct. If a municipality has 250 or more precincts and chooses to use a ballot form that contains identical offices and names as the precincts for early voting, the results would not have to be tabulated separately.

If ballots from a precinct must be retabulated during a county canvass and ballots from that precinct are sealed in a ballot container from an early voting site that contains ballots from multiple precincts, then each necessary container would have to be opened, and the ballots would need to be sorted by precinct during the canvass. Ballots requiring retabulation would then be identified and separated. The same provisions would apply for a recount of a precinct.

Results from an early voting site could not be generated or reported until after 8:00 p.m. on election day, and an individual would be prohibited from intentionally disclosing an election result from an early voting site before that time. A violation of these provisions would be a felony punishable by imprisonment for up to five years or a fine of up to $1,000, or both.

Polling places and early voting locations
Currently, the legislative body of each city or township must designate polling places for non-statewide elections. School buildings, fire and police stations, and other public buildings must generally be used, and each precinct must have a suitable polling place. A legislative body can establish a central polling place for up to six precincts.

Under Senate Bill 367, a publicly owned or controlled building, including a municipal or school building, would have to be used as a polling place unless it is not possible or convenient to do so.

The legislative body of each municipality would also have to provide a suitable early voting site for each precinct located in the municipality if the municipality conducts early voting for

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[3] The SOS would be responsible for providing guidance on how to secure these materials.

an election. Legislative bodies would also be authorized to establish multiple central polling places, each of which could serve up to six precincts.

As is currently permitted for polling places, a township board could provide early voting sites that are located within the limits of a city that has been incorporated from territory formerly a part of that township, and township voters would be able to use those early voting sites.

All early voting sites and polling places would have to be accessible and in compliance with the Voting Accessibility for the Elderly and Handicapped Act and the Help America Vote Act.

Approved buildings
Currently, the Michigan Election law prohibits the use of buildings owned by a person that is a sponsor of a political or independent committee or by an individual is a candidate as polling places.

Senate Bill 367 would instead provide that a building owned or leased by an elected official, an official who is a candidate, or a person regulated under the Michigan Campaign Finance Act generally could not be designated as a polling place or early voting site. If only a portion of a building is leased by one of those persons, another portion of the building could be used if the portion leased by the prohibited person is located more than 100 feet from the entrance of the polling place or early voting site within that building.

Buildings that do not meet these requirements could not be used as early voting sites or polling places.

If there are no available approved buildings in a city or township, that city or township would have to enter a municipal or county agreement.

Notice
Once a polling place or early voting site is approved, the appropriate clerk would have to provide a notice within 45 days of an election to each registered voter entitled to vote at that polling place or early voting site that specifies its location.[4]

Notice for a polling place could be provided by updating and sending a voter identification card or by sending a separate notice by mail or another method that would provide notice to the voter. Notice for an early voting site would have to be provided only by mail or another method that would provide a separate notice to the elector; notice could not be provided through an updated voter identification card.

Notice for an early voting site would be provided by the municipal clerk approving a single-municipality early voting site, the clerk of each municipality party to a county agreement, or the clerk of the county where the site is located or the clerk of each municipality party to an agreement.

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[4] Notice would not be required if an early voting site is established in addition to another voting site in a precinct, as long as the appropriate voters received notice about the original early voting site and the original site stays open.

<u>Site changes</u>
An early voting site or central polling place location could not be moved less than 60 days before an election, unless relocation is necessary because the early voting site or central polling place as been damaged, destroyed, or rendered inaccessible or unusable.[5]

If there is a temporary change to any election site, the appropriate clerk would have to post a sign at the original location of the election site that indicates the new location. If the location is a polling place, notice of the change would have to be provided no more than 21 days before an election. If the location is an early voting site, notice would have to be provided no later than 21 days before the first day of early voting at that site.

If a temporary change is made within 20 days before an election or the start of early voting, the appropriate clerk would have to provide notice by posting a sign indicating the new location at the original location, posting the new location on the municipality or county website (as applicable), and posting the new location on the Department of State website.

MCL 168.662 et seq.

FISCAL IMPACT:

Senate Bill 367 would codify in statute provisions of Ballot Proposal 22-2 regarding early voting that entail significant costs to the state and to local units of government. While these costs are already incurred by the state and local units independently of SB 367, this summary provides details of cost estimates of both the bill and ballot proposal for full cost transparency.

The requirement that early voting sites be made available for at least nine consecutive days before the election date and be open for at least eight hours each day will result in significant one-time implementation costs and annual ongoing costs to the Department of State (DOS) and to city, township, and county clerks offices. DOS estimates early voting requirements to cost $45.4 million in one-time implementation costs to both the state and local units of government and $12.3 million annually to local units. DOS would incur $9.5 million of the one-time implementation costs, and municipal and county clerk offices would incur the remaining $35.9 million.

<u>Local government costs</u>
Municipal clerks' offices would be fully responsible for staffing and equipment costs for each early voting site unless they agree to share costs with a county clerk through an early voting site agreement. Final costs would be partly dependent on the number and hours of election staff, election inspectors, and vendor support. Municipal clerks would also be responsible for costs of new equipment for each early voting site and costs associated with finding and establishing early voting sites. DOS has not yet received figures from local clerks regarding their equipment needs. Voting equipment costs would be dependent on what existing voting equipment is currently held by local clerks and shared early voting site agreements that they make with each other and counties that would facilitate greater equipment sharing. DOS estimates local voting equipment needs to be 5,000 tabulators at $5,584 each, or $27.9 million total, and 1,753 voter assist terminals at $4,569 each, $8.0 million total, for a total of $35.9 million.

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[5] This provision currently only applies to polling places.

There would be additional costs related to the bill's requirement for municipal clerks to notify all voters of approved polling places and temporary voting sites. Assuming clerks send notifications by mailing postcards, at $0.48, to all of the state's 8.1 million registered electors as required, total postage implementation costs would be approximately $3.9 million. Ongoing costs to notify electors of changes in temporary voting sites would be substantially less and is estimated at $1.0 million during even-numbered years.

Ongoing equipment costs to municipalities may include additional state Bureau of Elections-approved ballot bags or containers for transporting ballots from early voting sites. These generally range between $80 and $250 each, depending on the size. One larger-sized ballot bag can hold up to 2,000 ballots. Other ongoing costs would include additional staffing and contracted vendor costs. DOS estimates ongoing annual costs to locals for the items above to be approximately $2,000 per precinct, or $9.5 million to $10.0 million.

The bill would permit municipalities to offer early voting sites for more than the minimum of nine consecutive days before an election (not including the Monday before election day), to be open for more than the minimum of eight hours each day, and to hold early voting on the Monday before an election day. Municipalities would incur increases in costs corresponding to the amount of additional time they offer for early voting.

State costs
The bill requires that the state provide technological or procedural resources to local election officials to prevent voters from casting more than one ballot at an election. Accordingly, DOS would be required to develop and program an electronic pollbook system and distribute necessary resources to local voting sites. DOS estimates the necessary technological resources to be approximately 5,000 electronic pollbook units at $1,500 each, or $7.5 million. Additional implementation costs reported by DOS include $1.0 million for four additional IT programmers and $1.0 million for network and performance upgrades to the Qualified Voter File system.

DOS reports that an additional 16.0 FTE positions and $2.3 million would be required to provide the necessary procedural resources required by the bill, including developing and providing training materials, developing model early voting agreements and plans, and issuing instructions and guidance to local election officials.

Final costs to the state government may include a significant portion of estimated costs to local units of government out of concern for upholding the state's Headlee amendment, which requires the state maintain its proportion of spending for costs of state mandated programs and requirements. The amount of state funding support for local units' costs has not been determined.

Early Voting Cost Estimates

Cost Type	Description	State	Local	Total
One-Time				
	New Electronic Pollbooks	$7,000,000		$7,000,000
	IT Staffing	$2,500,000		$2,500,000
	Voting Equipment		$35,929,500*	$35,929,500
	Notifications Postage		$3,895,500**	$3,670,400
TOTAL		**$9,500,000***	**$39,825,000**	**$49,325,000**
Ongoing				
	Staffing, Voting Locations, Vendor Support	$2,300,000	$10,000,000	$12,300,000
	Notifications Postage		$1,000,000**	$1,000,000
TOTAL		**$2,300,000***	**$11,000,000**	**$13,300,000**

Note: Estimates provided by the Department of State except where noted otherwise.
*Final estimate awaiting input from locals on existing equipment and voting site agreements.
**House Fiscal Agency estimate.
***Final costs to state government may include a significant portion of local units' costs to comply with the Headlee amendment, which prohibits the state from shifting excessive financial burden of state initiatives to local units.

Senate Bill 367 also would have an indeterminate fiscal impact on the state and on local units of government related to corrections and the judiciary. Individuals disclosing an election result from an early voting site before election day would be guilty of a felony under the bill. New felony convictions would result in increased costs related to state prisons and state probation supervision. In fiscal year 2022, the average cost of prison incarceration in a state facility was roughly $47,900 per prisoner, a figure that includes various fixed administrative and operational costs. State costs for parole and felony probation supervision averaged about $5,000 per supervised offender in the same year. Those costs are financed with state general fund/general purpose revenue. The fiscal impact on local court systems would depend on how provisions of the bill affected court caseloads and related administrative costs. It is difficult to project the actual fiscal impact to courts due to variables such as law enforcement practices, prosecutorial practices, judicial discretion, case types, and complexity of cases. Any increase in penal fine revenue would increase funding for public and county law libraries, which are the constitutionally designated recipients of those revenues.

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