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Senate Bill 370 (Substitute S-1 as reported)
Senate Bill 371 (as reported without amendment)
Sponsor: Senator Sylvia Santana
Committee: Elections and Ethics

CONTENT

Senate Bill 370 (S-1) would amend the Michigan Election Law to do the following:

- Modify the absent voter application and ballot submission process to reflect Proposal 22-2's constitutional amendments, in addition to other modifications.
- Require that absent voter applications and ballots sent by mail include prepaid envelopes for return provided by the clerk of a city or township.
- Modify the absent voter application form to specify that an applicant could opt-in for an absent voter ballot for all following elections.
- Modify the absent voter application form to include telephone and email contact information from the applicant and require a clerk to use that information to inform an applicant if the application were rejected for.

Senate Bill 371 would amend the Code of Criminal Procedure to modify an MCL reference that specifies that a Forged Signate on an absentee ballot is a Class E felony against the public trust with a maximum sentence of 5 years' imprisonment.

Senate Bill 370 (S-1) is tie-barred to Senate Bill 339, which would require the Secretary of State to establish an electronic tracking system that allowed each elector who voted by absentee ballot to track the application or ballot through a website or mobile application. Senate Bill 371 is tie-barred to Senate Bill 370.

MCL 168.759 et al. (S.B. 370)
777.11d (S.B. 371)

BRIEF RATIONALE

Currently, voters who return their absent voter ballots by mail are required to pay postage. Some people claim that the financial burden of stamps may deter people, especially the poor, from voting absentee. In November 2022, Proposal 2 addressed this concern by amending the State Constitution to require pre-paid postage on absentee ballots. With several municipalities holding elections in August and November, it has been suggested that the Law be amended to reflect the provisions of Proposal 2.

Legislative Analyst: Abby Schneider

FISCAL IMPACT

Senate Bill 370 (S-1) would have costs for the Department of State and local units of government related to the mailing of absentee voter (AV) applications, ballots, and pre-paid return postage costs. Proposal 22-2 requires the State to pay for the costs of pre-paid return postage for AV applications and AV ballots. Based on the elections in 2022, the costs to the State for pre-paid return postage for AV applications and AV ballots for those elections totaled

an estimated \$1.4 million (averaging \$0.64 per parcel) while the average cost to locals for mailing applications and ballots for the November 2022 election totaled \$1.75 million (averaging \$0.80 per parcel). The costs for the State and local units of government are indeterminate and would depend on the number of AV applications and ballots that were mailed under the bill's provisions. Each application and ballot that would have to be mailed and returned under the bill would cost the State, on average, \$0.64 per parcel while locals would pay an average of \$0.80 per parcel mailed.

Senate Bill 371 would have no fiscal impact on local government and an indeterminate fiscal impact on the State, in light of the Michigan Supreme Court's July 2015 opinion in *People v. Lockridge*, in which the Court ruled that the sentencing guidelines are advisory for all cases. This means that the addition to the guidelines under the bill would not be compulsory for the sentencing judge. As penalties for felony convictions vary, the fiscal impact of any given felony conviction depends on judicial decisions.

Date Completed: 6-14-23

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.