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## NUMBER OF VOTING STATIONS

### House Bill 5075 (Substitute H-2) First Analysis (5-20-98)

**Sponsor: Rep. Beverly Hammerstrom**  
**Committee: Local Government**

#### **THE APPARENT PROBLEM:**

Public Act 583 of 1996 amended the Michigan Election Law in a number of ways, including increasing the minimum required number of voting stations per precinct in precincts using electronic voting systems from 1 for every 400 registered voters to 1 for every 200 registered voters. (Electronic voting systems are those in which votes are tabulated electronically, such as those using punch cards, optical scans, and direct recording equipment.) This change was largely in response to complaints about long lines at the polls at the presidential election in November of 1996. Some clerks have complained that this change is unnecessary and costly, particularly considering it applies to all elections and not just presidential elections or even just general elections. (Some people have suggested that the intent of the 1996 legislation was to increase the voting machine minimum at November general elections or presidential elections only and not to affect other elections.)

According to information from the Department of State, the minimum number of voting stations required in electronic precincts originally was one for each 200 registered voters when punch card voting was introduced into the state in 1967. This was lowered to 1 per 400 registered voters in 1987 to provide flexibility for local clerks in conducting low turnout elections, with the understanding more voting stations would be provided when necessary. Election experts point out that the minimum in statute is just that, a minimum, and that the law was amended in 1990 to specify that "a sufficient number of voting stations shall be provided as needed to ensure the orderly conduct of the election." The intent of the statute, say election experts, is that the minimum number of voting stations should be exceeded when necessary as determined by local election officials. However, say representatives from the Department of State, many jurisdictions stuck to the minimum number of voting stations in the 1996 presidential election "despite cautions that the minimum voting station formula does not work for presidential elections." This led to the legislature reinstating the 1 per 200 minimum with the

resulting complaints from local clerks. Legislation has been developed to address this issue once again.

#### **THE CONTENT OF THE BILL:**

The bill would amend the Michigan Election Law to address 1) the number of voting stations in precincts using electronic voting systems and 2) the attendance of election officials at an initial course of instruction provided by the secretary of state.

Voting Station Minimum. The bill would do the following:

-- Require a minimum of 1 voting station for each 400 registered voters in a precinct for elections conducted through August 1, 1998 and a minimum of 1 voting station per 300 registered voters for elections on or after September 1, 1998.

-- Specify that it is the responsibility of the board of election commissioners of a county, city, village, township, or school district to provide a sufficient number of voting stations needed to ensure the orderly conduct of the election "taking into consideration the projected turnout, the length of the ballot, and the number of voters the voting system can process per hour."

-- Require vendors of electronic voting systems seeking the approval of a system by the secretary of state to state the number of voters each component of the voting system can process per hour in 1) an election in which there are 10 or fewer items to be voted on the ballot by each voter; and 2) an election in which the ballot consists of the number of items typically voted on at a presidential general election in the state. This statement by the vendor would be taken into account in the field testing of a new voting system.

Training of New Officials. Currently, the election law says the secretary of state must establish and

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require attendance by all new election officials at an initial course of instruction within six months of the date of the election. The bill would make this provision apply to "all new appointed or elected election officials" and clarifies that the initial course would be within six months "before" the date of the election.

MCL 168.31 et al.

**FISCAL IMPLICATIONS:**

There is no information at present.

**ARGUMENTS:**

**For:**

Under the bill, the minimum number of voting stations required per electronic precinct would be 1 per 400 registered voters for the August primary, but after that would be raised to 1 per 300 registered voters. The minimum had been 1 per 400 voters prior to Public Act 583 of 1996, which raised it to 1 per 200 voters effective as of March 31 of this year. This means local clerks could conduct the upcoming primary election following the same voting station minimum in use for the past 10 years. Clerks have complained the 1 per 200 minimum is unnecessary and costly. The bill would also re-emphasize that local election officials are responsible for providing a "sufficient number" of voting stations, exceeding the minimum if necessary, and would specify that officials must take into account the length of the ballot, the projected turnout, and the capacity of the voting system in use.

**POSITIONS:**

The Department of State supports the bill. (5-19-98)

The Michigan Association of Clerks has indicated support for the bill. (5-18-98)

Analyst: C. Couch

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■This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.