

ALLOW ELECTION INSPECTORS TO WORK IN SHIFTS

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Senate Bill 756 (H-2) as reported from House committee

Sponsor: Sen. Ruth Johnson

1st House Committee: Elections and Ethics

2nd House Committee: Ways and Means

Senate Committee: Elections

Complete to 9-16-20

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

SUMMARY:

Senate Bill 756 would amend Chapter 28 (Holding of Elections) of the Michigan Election Law to allow workers on absent voter (AV) counting boards in cities or townships to work in shifts.

Currently and under the bill, those in attendance at AV counting places cannot leave the counting place from the time the tallying has begun until the time the polls close. There is an exception to this rule for local election officials and their employees, employees of the state Bureau of Elections (BOE), county clerks and their employees, and representatives of voting equipment companies. However, workers on the AV board may not leave the room.

It is anticipated that the introduction of no-reason absentee voting¹ will lead to a substantial increase in the number of AV ballots for the November presidential election.

Under the bill, as long as the clerk of the city or township provided written notice to the Michigan Secretary of State (SOS) at least 20 days before an election day occurring in 2020, and at least 40 days before any subsequent election day, members of the AV counting board would be allowed to work in shifts. The SOS would have to post any such written notice on its website.

A second shift of AV board workers could begin at any time on election day as provided in the notice. However, an election inspector could not leave the voter counting place after the tallying had begun until the polls closed. (In other words, a fresh set of workers could relieve the original workers, but the original workers would still need to remain sequestered at the polling location until the polls close.) Also, there could be no gap between shifts, and the AV ballots could never be left unattended. At all times, at least one election worker from each major political party would have to be present at the AV counting place, and applicable policies and procedures would have to be followed.

MCL 168.765a

¹ House Fiscal Agency analysis of Proposal 3 of 2018:
https://www.house.mi.gov/hfa/PDF/Alpha/Ballot_Proposal_2018-3_Promote_The_Vote.pdf

BACKGROUND:

The section to be amended, section 765a, was added to the Election Law by 2018 PA 123 (Senate Bill 812)² as part of an update intended to revise and remove outdated sections. In testimony before the Senate Elections committee on January 29, 2020, clerks expressed concern that the increased absentee votes expected following the enactment of Proposal 3 of 2018 would make an already long day for election workers even longer. That issue would likely only be exacerbated by the interest in absentee voting during the COVID-19 pandemic.

According to the National Conference of State Legislatures, 18 states³ currently allow election workers to work part-time or in a split shift. Most require that a certain number of election judges or inspectors serve for a full day, while other workers can work a portion of the day or work one of two or more shifts.

BRIEF DISCUSSION:

Sequestration at the polling location for 13 hours is intended to ensure that a poll worker who has been involved in the tabulation of votes is not able to divulge the results of those votes and intentionally or accidentally affect votes going forward.

FISCAL IMPACT:

The bill would have no fiscal impact on the Department of State or local units of government. Providing for shifts for AV counting board inspectors would not directly impact the number of hours those inspectors worked and the wages paid out to them by local units of government.

POSITIONS:

The following entities indicated support for the bill:

- Department of State (6-23-20)
- Michigan Townships Association (6-23-20)
- Michigan Association of Municipal Clerks (6-23-20)
- League of Women Voters (9-15-20)

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

² House Fiscal Agency analysis of 2018 PA 123/SB 812: <http://www.legislature.mi.gov/documents/2017-2018/billanalysis/House/pdf/2017-HLA-0809-5CA894DA.pdf>

³ <https://www.ncsl.org/research/elections-and-campaigns/election-poll-workers637018267.aspx>

The eighteen states that allow part-time or split shifts are Alabama, Arkansas, Connecticut, Indiana, Maryland, Minnesota, Missouri, Montana, Nebraska, New Jersey, New York, North Carolina, North Dakota, Pennsylvania, Rhode Island, Texas, Virginia, Wisconsin