

Legislative Analysis



ABSENT VOTER COUNTING BOARDS

Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 5123 as introduced
Sponsor: Rep. Ann M. Bollin

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

House Bill 5141 as introduced
Sponsor: Rep. Julie Calley

Committee: Elections and Ethics
Revised 2-8-21

SUMMARY:

House Bill 5123

The bill would amend the Michigan Election Law to require, rather than allow, boards of election commissioners in cities and townships with more than one election precinct to establish absent voter counting boards for each of their precincts. It would allow those with only one precinct to establish a board.

Currently, a city or township has the option of creating an absent voter counting board when it contains more than one precinct.

MCL 168.765a

House Bill 5141

Written agreements with counties

The bill would amend the Michigan Election Law to allow a city or township clerk to enter into a written agreement with the respective county clerk providing that the county board of election commissioners would establish a county absent voter counting board and the county clerk would count the absent voter ballots for the city or township. A county absent voter counting board established in this way could not be used for the first time at a November general election.

The Michigan Bureau of Elections would have to develop model language that could be used for the written agreements. A written agreement between the city or township clerk and county clerk would not be effective unless approved by resolution of the governing body of each participating local unit of government. It would have to provide whether the city or township or county would be responsible for supplying the counting board with applicable supplies. The agreement would also have to include a provision that the agreement could be terminated with 60 days' written notice to the clerk of the other local unit. Each party would have to file the agreement, as well as any notice to terminate, with the Bureau of Elections (and the termination notice would also have to be filed with the clerk of the other local unit).

The bill would require the city or township clerk, or a designee of the clerk, to be present at the county absent voter counting board at all times when ballots were being counted on Election Day.

The county board of election commissioners would have to appoint the election inspectors to the county absent voter counting board between 21 and 40 days before the applicable election and provide the absent voter counting board with a place to count the ballots. The county board of election commissioners would establish the time the inspectors would report for duty and the time the ballots would be delivered for counting.

Written agreement with other cities or townships

A city or township clerk could also enter into an agreement with the clerks of contiguous cities or townships to combine absent voter counting boards. Generally, the rules that would apply if a county were taking over responsibility would apply in these cases. However, the board of election commissioners of each participating city or township would have to appoint three election inspectors for the combined board, with at least one from each major political party. The written agreement would stipulate which board of election commissioners will appoint the chairperson of the board of election inspectors.

MCL 168.765a; proposed MCL 168.764d and 168.764e

BACKGROUND:

Now and under the bills, boards of election commissioners must provide each absent voter counting board with a location for counting that is not a polling place, and more than one board may be located in a single location. All laws relating to paper ballot precincts, including laws regarding election inspectors, apply. The absent voter counting boards must process ballots and returns in as nearly as possible the same manner as ballots in paper ballot precincts, with processing and tallying beginning at 7 a.m. on Election Day.

Proposal 3 of 2018, approved by the voters with 67% of the vote, added eight voter rights to the Michigan Constitution, including “no-reason absentee voting.”¹ Previously, a voter had to meet one of six criteria in order to qualify for an absentee ballot. Now, Michigan voters can obtain an absentee ballot, without giving a reason, during the 40 days before an election. It is expected that Proposal 3 will lead to an increase in voting participation and a dramatic increase in absentee voters. HBs 5123 and 5141 would provide adjustments for that expected increase in absentee voters in upcoming elections.

FISCAL IMPACT:

House Bill 5123 would have no fiscal impact on the state or local units of government.

House Bill 5141 would have no direct fiscal impact on the Department of State and an indeterminate but potentially significant fiscal impact on local units of government.

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

The fiscal impact on counties, cities, and townships would depend on the extent to which these units enter into written agreements, the scope of the duties transferred through the agreements, and any agreed-upon payment arrangements. If written agreements are largely used to permit temporary gaps in administrative staffing to be filled, the bill would likely have only a limited fiscal impact on the units of government that enter into the agreements. The cost to a local unit of government for an election day worker can range between \$200 and \$300 a day.

Agreements among local units and counties could also provide cost savings through the transferring and reallocation of election equipment such as ballot tabulators, poll booths, and other equipment if those efficiencies are achieved. This may allow local units not to be required to purchase as many tabulators to accommodate anticipated increases in absent voter ballots and to replace tabulators in the future. Each tabulator costs approximately \$5,000, not including programming and maintenance costs. Programming and maintenance can cost an additional \$2,000 to \$3,000 over the course of five years.

Legislative Analyst: Jenny McInerney
Fiscal Analyst: Michael Crossen

■ 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.