



Senate Fiscal Agency  
P.O. Box 30036  
Lansing, Michigan 48909-7536



## BILL ANALYSIS

Telephone: (517) 373-5383  
Fax: (517) 373-1986

Senate Bills 300 and 301 (as introduced 3-24-21)  
Sponsor: Senator Wayne A. Schmidt  
Committee: Elections

Date Completed: 5-12-21

### **CONTENT**

**Senate Bill 300 would amend the Michigan Election Law to do the following:**

- Require polls to be open from 8 AM to 5 PM on the second Saturday before election day for early voting.
- Require the city or township clerk to provide notice of the date, time, and places at which early voting would be held in that city or township.
- Require the city or township clerk to post notice at the clerk's office that included the time that polling places would open, and the location of polling places designated, for early voting.
- Require each city or township to provide early voting at one or more polling places designated by the city or township clerk.
- Require the Secretary of State (SOS) to cooperate with each city and township that conducted early voting and to provide technical assistance to those entities that requested it.
- Specify that all provisions of the Law regarding election inspectors, challenges to voters, poll books and poll lists, notices and instructions, security for the electronic voting system, ballot security, ballot containers, ballot counting, ballot preservation and spoiled ballots would apply to early voting.
- Require early voting ballots to be processed in the same manner as ballots cast on election day.
- Specify that an individual who knowingly tampered with a ballot container containing early voting ballots would be guilty of a felony.
- Specify that an individual who disclosed an election result or characterized how any ballot was voted during early voting would be guilty of a felony.
- Require a poll book for early voting to be divided by date and for separate records to be maintained for early voting.

**Senate Bill 301 would amend the sentencing guidelines in the Code of Criminal Procedure to include the felonies proposed by Senate Bill 300.**

Senate Bill 301 is tie-barred to Senate Bill 300.

### **Senate Bill 300**

Under the Election Law, on the day of an election, the polls must open at 7 AM and must be continuously open until 8 PM. Every qualified elector present and in line at the polls at closing must be allowed to vote.

Under the bill, for early voting, the polls would have to be open from 8 AM to 5 PM on the second Saturday before election day. The city or township clerk would have to provide notice to the electors as required under Section 653a of the date, time, and places at which early voting would be held in the city or township. Before early voting began, the city or township clerk would have to post notice at the clerk's office that included both of the following:

- The time that the polling places would be open on the second Saturday before election day.
- The location of the polling places designated by the city or township clerk to be used on the second Saturday before election day.

Each city or township would have to provide early voting at one or more polling places designated by the city or township clerk on the second Saturday before election day. The SOS would have to cooperate with each city and township that conducted early voting and provide technical assistance to each city or township that requested it. Except as otherwise provided, all the following provisions of the Law would apply to early voting:

- Election inspectors.
- Challenges to voters.
- Poll book and poll list.
- Notices and instructions.
- Security for the electronic voting system.
- Ballot security, ballot containers, ballot counting, and ballot preservation.
- Spoiled ballots.

Early voting ballots would have to be processed in the same manner as ballots cast on election day.

An individual who knowingly tampered with a ballot container containing ballots voted on the second Saturday before election day would be guilty of a felony.

If at any time beginning on the second Saturday before election day and before the close of the polls on election day, an individual disclosed an election result or in any manner characterized how any ballot was voted on the second Saturday before election day, the individual would be guilty of a felony.

Currently, at each primary and election, election inspectors must keep one poll book and one poll list. An election inspector must enter in the poll book, in the order in which the electors are given ballots, the name of each elector who is given a ballot and the number of the ballot given to the elector. For an absentee ballot, when an election inspector removes the ballot from the sealed absentee voter envelope, the inspector must enter in the poll book the name of the absentee voter and the number of the ballot. Under the bill, for early voting, the poll book would have to be divided by date and separate records would have to be maintained for early voting on the second Saturday before election day. The poll book and poll list for each precinct would have to be maintained in accordance with this provision.

### **Senate Bill 301**

The bill would amend the Code of Criminal Procedure to specify that early voting - tampering with a ballot container would be a Class E felony against public trust with a statutory maximum of five years' imprisonment.

Early voting - disclosing an election result or characterizing how a ballot was voted before the close of polls on election day would be a Class E felony against public trust with a statutory maximum of five years' imprisonment.

MCL 168.720 et al. (S.B. 300)  
777.11d (S.B. 301)

Legislative Analyst: Dana Adams

## **FISCAL IMPACT**

### **Senate Bill 300**

The bill would have a negative fiscal impact on State and local units of government. New felony arrests and convictions under the bill could increase resource demands on law enforcement, court systems, community supervision, jails, and correctional facilities. However, it is unknown how many people would be prosecuted under the bill's provisions. The average cost to State government for felony probation supervision is approximately \$3,100 per probationer per year. For any increase in prison intakes, in the short term, the marginal cost to State government is approximately \$5,400 per prisoner per year. Any additional revenue from imposed fines would go to local libraries.

### **Senate Bill 301**

The bill 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 any changes 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.

Fiscal Analyst: Joe Carrasco

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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.