

ABSENT VOTER COUNTING BOARD PROCEDURE

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House Bill 6030 (Substitute H-2)
Sponsor: Rep. Lisa Brown
Committee: Ethics and Elections

First Analysis (5-19-10)

BRIEF SUMMARY: Under the bill the results of ballots tabulated in an absent voter counting board would be combined with the results of the appropriate precinct, instead of being treated as a separate precinct; however, the bill would allow cities having more than 250 precincts (e.g., Detroit) to opt out.

FISCAL IMPACT: House Bill 6030 would have a negligible fiscal impact, if any, on state and local governments.

THE APPARENT PROBLEM:

Currently under the law, on Election Day, the ballots that are voted absentee are tabulated by election workers as a group and designated as a separate (virtual) precinct, regardless of the address of the registered voter who casts the ballot absentee.

Because the total number of absent voters in any given election cannot be accurately known before Election Day, local election clerks run the risk of ordering too many absent voter ballots, or too few. This increases the cost of printing the ballots--either paying for far too many, or paying a premium to order more ballots at the last minute--and wastes taxpayer's dollars.

In addition to higher cost, the present practice is unfair to candidates, because candidates' names are not rotated on the absent voter ballot. Generally, it is thought that the top of the ballot is voted by electors first. Consequently, ballots are printed differently across a community's precincts so that candidates' names for each office are rotated. That way every candidate's name appears first an equal number of times on the list of those running for each office. In contrast, all absent voter ballots are customarily printed identically, having no candidate rotation.

Legislation has been introduced to require that in communities having fewer than 250 precincts, the votes tabulated by an absent voter counting board be combined with the results of the appropriate precincts where the voters reside. Communities with 250 precincts or more, such as Detroit, could opt out.

THE CONTENT OF THE BILL:

House Bill 6030 (H-2) would amend the Michigan Election Law so that the absent voter ballots tallied by absent voter counting boards would not be treated as separate precincts;

instead the results of ballots tabulated by an absent voter counting board would be combined with the results of the appropriate precincts where the voters reside.

Now under the law, generally speaking, in a city, township, or village that uses voting machines, absent voter ballots must be counted by people appointed by the election clerk to serve on an absent ballot counting board. In a city, township, or village that does not use voting machines, the absent voter ballots can be counted by absent voter counting boards, or they can be counted in the same manner as is otherwise provided for precincts in which voting is not done on voting machines. The law currently requires that where absent voter counting boards are used, each ballot form that contains identical offices and names shall be considered a separate precinct for the purposes of the act.

House Bill 6030 (H-2) would retain the provision that absent voter ballots can be counted by absent voter counting boards, but specify that an absent voter counting board is not a separate precinct. Instead, the bill would require that the results of ballots tabulated in an absent voter counting board be combined with the results from the appropriate precinct. However, if a municipality has 250 or more precincts and absent voter counting boards are used, then each ballot form which contains identical offices and names may be considered a separate precinct.

Finally, the bill would be updated to remove references to school board secretaries or school employee-designees found in the definition of "local election official."

MCL 168.569, 168.671, 168.792a

ARGUMENTS:

For:

The designation of absent voters' ballots as a separate (virtual) precinct by counting boards requires local election clerks to incur unnecessary costs when printing ballots. Unable to foretell the number of absent voters in any given election, the clerks order too many absent voter ballots that are then wasted, or they must place last-minute orders for which they are charged top dollar by printers.

This bill allows local election clerks to eliminate the printing costs of ballots for an absent ballot (virtual) precinct. Instead, those who cast absentee ballots will vote the same ballot as do their fellow precinct residents when they head to the polls. That practice will save the Oakland County clerks as much as \$100,000 each year, according to committee testimony.

In addition, eliminating the need to print a separate ballot for an absent voter (virtual) precinct, ensures that voters who vote absentee will be distributed ballots on which the candidates' name for a particular office are rotated. That rotation--which ensures fairness to all candidates since voters are known to vote the top of the ballot first--does not now occur when the separate absent voter ballot is printed.

For:

Very large cities, such as Detroit, have hundreds of voting precincts. Their local election clerk testified that the current practice--that is to say, a separate absent voter (virtual) precinct ballot tallied by a counting board on Election Day--is the most efficient way to tally thousands of voters' absentee ballots. Consequently, House Bill 6030 (H-2) allows the clerks of cities having 250 precincts or more to opt out of the bill's requirements, and continue their current practice.

POSITIONS:

The Secretary of State supports the bill as amended. (4-21-10)

The Michigan Association of County Clerks supports the bill. (4-21-10)

The Michigan Association of Municipal Clerks supports the bill. (4-21-10)

The Oakland County Clerks' Association supports the bill. (4-21-10)

The Kent County Clerk supports the bill. (4-21-10)

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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.