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BILL ANALYSIS



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Senate Bill 13 (as enrolled)
Sponsor: Senator Marty Knollenberg
Senate Committee: Elections and Government Reform
House Committee: Elections

PUBLIC ACT 268 of 2015

Date Completed: 12-17-15

RATIONALE

General election ballots in Michigan have three sections: the partisan section, which includes candidates who are affiliated with a political party, such as those running for the U.S. presidency, Congress, the State Legislature, or a university board; the nonpartisan section, which includes candidates for judgeships, municipal offices, and school boards; and the proposal section, which includes State and local ballot issues. In the partisan section, electors have three different ways to cast their votes: 1) "straight ticket", which means that voters choose all of the candidates of one political party by making a single selection; 2) "split ticket", which allows voters to vote a straight ticket as well as select individual candidates from a different party for particular offices; and 3) "mixed ticket", means that voters separately choose candidates for each of the offices from any party. Some people believe that the straight-ticket option encourages voters to cast their ballots without examining the credentials and values of the individual candidates. There also is concern that electors who vote a straight ticket may neglect to vote in the nonpartisan sections of the ballot. Thus, it has been suggested that Michigan should eliminate the option to select all candidates for one party by casting a single vote.

CONTENT

The bill would amend the Michigan Election Law to do the following:

- **Delete provisions that allow voters to cast a straight ticket or a split ticket in the partisan section of the general election ballot.**
- **Prohibit ballot labels in partisan elections from including a position allowing electors to vote for all of the candidates of one party by a single selection.**
- **Appropriate \$5.0 million for the 2015-16 fiscal year to the Department of State for the purchase of voting equipment.**

Straight-Party Voting

The Election Law requires specific ballot marking instructions to be printed on the front of the ballot secrecy sleeve, or placed in a clear pocket on the front of the ballot secrecy sleeve, used at a general election. The partisan section of these instructions states that the voter may cast a straight ticket, a split ticket, or a mixed ticket, as follows:

Straight Ticket: Vote the party of your choice. Nothing further need be done in the partisan section.

Split Ticket: You may vote a straight ticket AND vote for individual candidates of your choice.

Mixed Ticket: Vote for the individual candidates of your choice in each office.

Under the bill, the ballot instructions for the partisan section would have to allow a voter to cast only a mixed ticket.

In partisan elections, the Election Law requires the ballot label to include a position by which the voter may, by a single selection, record a straight party ticket vote for all the candidates of one party. The Law also allows a voter to vote a split or mixed ticket. The bill would delete these provisions.

Instead, in partisan elections, the bill would prohibit a ballot label from including a position by which a voter could, by a single selection, record a straight party ticket vote for all the candidates of one party.

The bill also would delete provisions for straight-ticket voting in regard to emergency ballots, the placement of check marks or crosses on ballots by voters, and the counting of votes by the Board of State Canvassers.

Appropriation

For the 2015-16 fiscal year, the bill would appropriate \$5.0 million from the General Fund to the Department of State to purchase voting equipment to implement the elimination of straight party ticket voting.

MCL 168.736c et al.

BACKGROUND

In 1964 and 2001, legislation was enacted to eliminate straight-ticket voting in Michigan but was rejected by the voters. First, Public Act 240 of 1964 would have made a number of amendments to the Michigan Election Law, including the deletion of provisions that allowed straight-ticket voting. As a result of a petition drive, the legislation was placed before the voters in a 1964 election and was not approved.

Essentially the same thing occurred almost 40 years later. In addition to making various other amendments to the Election Law, Public Act 269 of 2001 would have prohibited electors from voting a straight political party ticket, "that is, from voting for all of the candidates for elective office who are on the ballot representing a single political party by a single selection on the ballot". Again, a petition drive was held and the legislation was placed before the voters, who rejected it in a 2002 election.

According to the National Conference of State Legislatures, Michigan is one of 10 states that allow straight-party voting (as of July 2015). The other states that allow it are Alabama, Indiana, Iowa, Kentucky, Oklahoma, Pennsylvania, South Carolina, Texas, and Utah.

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

Electors should vote for individual candidates. Without the option of straight-ticket voting, people might be encouraged to educate themselves about the prospective office-holders, their qualifications, and what they stand for. Every campaign season, candidates and interest groups spend hundreds of millions of dollars trying to inform and persuade the voters, but it is up to the voters to absorb the information. By familiarizing themselves with the individual candidates and making separate choices for each office, voters would be more fully involved in the democratic process. If they still wanted to vote for all of the candidates of one party, they could continue to do so. The bill would not eliminate straight-party voting; it simply would eliminate the option of voting a straight ticket by making only a single selection.

Response: It is not fair to the electorate to suggest that those who vote a straight ticket are uninformed. They may be fully educated about the candidates or wish to vote for a party's platform.

Supporting Argument

When people vote a straight ticket, they might neglect to vote for candidates who are running in nonpartisan races or to vote on ballot proposals, thinking that they have finished voting after casting a single vote. The people who hold nonpartisan offices, however, typically have the most direct impact on the daily lives of their constituents. These include, for example, city and county clerks, city council members, county commissioners, and school board members. By failing to select the individuals who hold these offices, the voters do themselves a disservice. The same applies to State and local ballot measures, which often relate to the amount of taxes or assessments people pay. Removing the straight-ticket option could help ensure that electors completed their ballots before leaving the voting booth.

Opposing Argument

Eliminating straight-ticket voting would cause confusion and frustration among voters and result in longer lines at polling places. Reportedly, in the 2008 and 2012 general elections, some voters had to wait up to four hours in Detroit and Grand Rapids. Although supporters of the bill say that it would add only 30 seconds to the time it takes to complete a ballot, 30 seconds can add up significantly when numerous voters are standing in line. Waiting times already discourage people from voting and the State should not take steps that would further reduce turnout.

In addition, having to select each partisan candidate separately, after a long wait to vote, could decrease the voters' attention to the remainder of the ballot, rather than increase votes in nonpartisan races and on ballot questions. Requiring voters to select each candidate individually also could result in more spoiled ballots.

If straight-ticket voting were eliminated, then early voting or no-reason absentee voting should be allowed. People would have the opportunity to vote deliberatively at their convenience, and waiting times would not be an issue.

Response: The additional voting equipment purchased with the appropriation under the bill should reduce concerns about longer lines.

Opposing Argument

The bill would increase the burden on election workers, who already are challenged to move people through the polling places. According to Committee testimony, Michigan has one of the longest ballots in the country, polling places have become difficult to secure, and it is increasingly difficult to find people willing to serve as election inspectors, who receive little compensation or simply volunteer their time. Although it has been suggested that more precincts could be added, each precinct is said to cost over \$500, which local units would have to pay for on top of the cost of training and paying election workers.

Response: Democracy is about more than convenience and cost. If eliminating straight-ticket voting caused people to look at each candidate on the ballot, then the time and expense would be justified.

Opposing Argument

The Michigan electors already spoke out against eliminating straight-ticket voting when they rejected the 1964 and 2001 attempts to do so. The bill would remove a method of voting that the people of the State want to keep. If the voters want the ability to cast a single vote for all candidates of one party, or to vote a split ticket, they should not be deprived of that option. Furthermore, unlike the previous legislation, this bill contains an appropriation, which would prevent a referendum on it.

Legislative Analyst: Suzanne Lowe

FISCAL IMPACT

State: The bill would result in an indeterminate cost for the Department of State, specifically the Bureau of Elections. However, the bill would appropriate \$5.0 million for fiscal year 2015-16 for the Department to purchase new voting equipment to implement the elimination of straight party ticket voting.

The proposed changes regarding voting instructions and the elimination of straight-ticket and split-ticket voting would require the Department to revise its education and training of county clerks and staff. The costs of the education and training are indeterminate and would depend on the materials that could need to be purchased and the number of trainings conducted with county clerks across the State. Depending on the costs, the Department could need additional appropriations above the \$5.0 appropriated in the bill to carry out the education and training that would become necessary.

Local: The bill would lead to new printing costs for local units of government due to the changes to the general election ballot marking instructions. Although many local units of government already might have these instructions printed and use them for each general election, those instructions would no longer meet the requirements of the proposed changes and thus new ballot marking instructions would need to be printed. The related costs, which would be incurred by the local units of government, are indeterminate and would depend on the number of ballot instructions printed, etc. County clerks also could incur an indeterminate amount of additional costs for training local clerks and staff based on the new education and training received from the Department of State.

In addition, according to the Department of State, the proposed changes, in particular the elimination of straight- and split-ticket voting, could cause an increase in the time it takes to vote due to the voters' reading the new instructions as well as having to mark their vote for each candidate, rather using the straight-ticket voting option that would no longer be available. As a result, it could become necessary for local units of government to purchase additional voting booths, which would be a cost to the local units. This cost could be mitigated, however, by the bill's appropriation of \$5.0 million to the Department for the purchase of voting equipment.

Fiscal Analyst: Joe Carrasco