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Senate Bill 367 (Substitute S-1 as reported)  
Senate Bill 368 (as reported without amendment)  
Sponsor: Senator Jeremy Moss (S.B. 367)  
          Senator Ed McBroom (S.B. 368)  
Committee: Elections and Ethics

## **CONTENT**

Senate Bill 367 (S-1) would amend the Michigan Election Law to do the following:

- Require a municipality to provide nine consecutive days of early voting, for eight hours per day, for every statewide and Federal election.
- Require the Secretary of State (SOS) to supervise the implementation and conduct of early voting and provide resources to county and municipal election officials that prevented an elector from casting more than one ballot per election.
- Require each municipality to provide at least one suitable early voting site for each voting precinct located in the municipality.
- Prescribe the types of buildings that could or could not be used as a polling place or early voting site.
- Require the appropriate clerk to provide a notice specifying the location of the polling place or early voting site to each registered elector upon approval or change of the site.
- Allow the clerk of a municipality to set additional hours for early voting, add additional days of early voting, and allow early voting for an election that was not a statewide or Federal election, by resolution.
- Establish the requirements and process for entering a municipal or county early voting agreement.
- Require a single municipality or participants in a municipal agreement to submit to the appropriate county clerk an early voting plan.
- Require a county clerk participating in a county agreement to prepare an early voting plan.
- Establish the requirements a clerk would have to fulfill while administering early voting.
- Prohibit an individual from intentionally disclosing an election result from an early voting site before 8 PM on election day and prescribe a felony penalty for a violation of such.
- Allow a different paper ballot design if those ballots used for early voting that were produced by an on-demand ballot printing system.
- Require the SOS to issue instructions regarding ballots that are subject to challenge and those produced by an on-demand ballot printing system.
- Allow municipalities that conduct early voting for a presidential primary election to enter into a municipal agreement by April 15 of that year.
- Require a board of election inspectors to secure both absent voter ballots and tabulators used at the early voting site in a locked room.
- Require a board of election inspectors to lock the building in which the early voting site was located.
- Prescribe requirements for the instructions labelled on the front of a ballot secrecy sleeve used at a primary election.

Senate Bill 368 would amend the Code of Criminal Procedure to add a felony penalty for disclosing an election result from an early voting site before election day.

Senate Bill 368 is tie-barred to Senate Bill 367.

## **BRIEF RATIONALE**

Testimony before the Senate Committee on Elections and Ethics indicates that allowing voters only one day to vote in-person places an undue burden on voters who deal with long lines and wait times. In November 2022, Proposal 2 addressed these concerns by amending the State Constitution to require nine days of early voting before election day for eight hours each day. Accordingly, with the presidential primary occurring in February 2024, it has been suggested that the Law be amended to further govern the implementation of early voting under Proposal 22-2.

## **FISCAL IMPACT**

### Senate Bill 367 (S-1)

The Department of State estimates the total implementation costs for early voting for Fiscal Years (FYs) 2022-23 and 2023-24 at \$45.4 million. The \$9.5 million would be expended by the State and \$36.0 million would be expended by local units of government. These figures include the cost to locals of 5,000 tabulators and over 1,700 voter assistance terminals. Costs to the State include expenditures for four IT programmers, 5,000 electronic poll books, and Qualified Voter File network and performance upgrades.

The Department estimates annual ongoing costs to local units of government for FY 2024-25 at \$10.0 million. These costs may increase in subsequent years due to a provision in the bill stating that early voting may be expanded to the Monday prior to an election beginning January 1, 2026, or if a significant number of jurisdictions otherwise expand early voting beyond the nine days required under the bill. In addition, locals could incur unknown costs if it were necessary to print or obtain new ballot sleeves to meet the revised secrecy sleeve requirements.

The bill would require the appropriate clerk of a municipality or county to provide notification to all electors registered to vote in their jurisdiction upon approval of an early voting site. Although clerks would not be required to provide notice by mail, it is likely that this would be the most common method of communication. The average mailing cost for the Department of Technology, Management, and Budget for a 1 oz to 3.5 oz parcel is \$0.66. If a single notification were sent to all 8.2 million electors in the state, postage costs would total approximately \$5.4 million. However, actual costs may be higher if multiple mailings were required. These costs would occur each election.

### Senate Bill 368

The bill would have no fiscal impact on local government and an indeterminate fiscal impact on the State, considering 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 the addition 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.

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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.