

Legislative Analysis



BALLOT INSTRUCTIONS AT POLLS AND ON ABSENTEE BALLOTS

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House Bill 4992 (as reported without amendment)

Sponsor: Rep. Eileen Kowall

Committee: Redistricting and Elections

First Analysis (11-29-11)

BRIEF SUMMARY: The bill would revise the sections of the law that require ballot instructions about the method of voting, removing those instructions from the ballot itself, but posting them in the polling place and including them with absent voter mailings.

FISCAL IMPACT: According to the Department of State, House Bill 4992 would have no direct fiscal impact on the department. However, the bill would have a positive fiscal impact on local governments, specifically local election clerk offices. The savings would be realized through lower printing costs and greater efficiencies in processing the ballots.

THE APPARENT PROBLEM:

The design and printing of election ballots is the job of Michigan's county and municipal clerks. As they mock up their sample ballots for delivery to the printer before each election, the clerks must make certain their layout is error-free, and that it complies with state statutes concerning voting instructions.

Now under the law, clerks must design each ballot to include voting instructions which take-up an estimated four inches of space at the top of each ballot. Further, the wording of the instructions must follow the language provided in the state statute—a set of instructions originally created to assist voters with old-style lever voting machines now antiquated and out-of-use.

During committee testimony, local elections clerks pointed out that election ballots are increasing in size and length because of (1) election consolidation to just four dates in any year, (2) the proliferation of local ballot issues (which unlike state ballot issues have no word limit), and (3) an increase in the number of people (and in some places political parties) seeking office.

Legislation has been introduced to update the Election Law so that the ballot instructions, themselves, will be removed from the ballots. Instead, instructions would be "based upon the voting equipment being used in each county," and designated by the Secretary of State.

THE CONTENT OF THE BILL:

House Bill 4992 would amend the Michigan Election Law (MCL 168.560 et al) to, among other things, revise the sections of the law that require ballot instructions about the method of voting, removing those voting instructions from the ballot itself. A more detailed description of the modifications follows.

Under the bill, each polling booth or voting compartment used at all elections would be required to contain the instructions as to the procedures for marking a ballot, as prescribed by the Secretary of State. Further, instructions for an absent voter concerning the method of voting would have to be included with each absent voter ballot that is furnished to a voter.

In addition, House Bill 4992 would eliminate the detailed description of the *form* of a primary election ballot, removing the language that now specifies format, headings, and instructions to electors such as "make a cross or a check mark in the square to the left on not more than the number of names for each office as may be indicated under the title of each office." The bill would instead specify that the official primary election ballot would be prepared in a form prescribed by the Secretary of State based upon the voting equipment being used in each county.

Likewise, the bill would eliminate the detailed description of the *arrangement* of the ballot, removing the language that now specifies how to vote straight party; how to vote for a candidate not on your party ticket; the need to keep as a unit one's votes for president and vice president, and governor and lieutenant governor; how to write-in a candidate, etc. The bill instead would require that the arrangement of the ballot containing the names of candidates for office be prescribed by the Secretary of State based upon the voting equipment being used in each county.

ARGUMENTS:

For:

Proponents of this bill argue that this legislation is needed, because ballots have grown too long; indeed, the threat of an expensive two-page ballot is imminent in some jurisdictions, according to the Wayne County Clerk, a possibility she describes as an election "nightmare."

There are three chief reasons that election ballots are increasing in size and length: (1) election reforms that consolidate elections, designating just four dates in any year which has the effect of increasing the number of people and proposals appearing on each election ballot; (2) the proliferation of local ballot issues (which unlike state ballot issues have no word limit), and (3) an increase in the number of people (and in some places political parties) seeking office.

This legislation would eliminate the statutory requirement that clerks include voting instructions at the top of each ballot, a requirement that takes up about four-inches of

space. Instead, voting instructions would appear elsewhere in the polling place and also accompany absent voters ballots. This change would allow local election clerks to replace the old-fashioned instructions originally created to assist voters with old-style lever voting machines now antiquated and out-of-use.

Against:

Opponents of the bill expressed the concern that removing voting instructions from each ballot might increase voter error, and result in many more spoiled ballots.

POSITIONS:

The Secretary of State supports the bill. (11-29-11)

The Michigan Association of County Clerks supports the bill. (11-29-11)

The Michigan Association of Municipal Clerks supports the bill. (11-29-11)

The Kent County Clerk supports the bill. (11-29-11)

The Oakland County Clerk's Office supports the bill. (10-25-11)

The Macomb County Clerk/Register of Deeds supports the bill. (10-24-11)

The Wayne County Clerk supports the bill. (10-24-11)

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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.