

INCREASE ALLOWABLE PRECINCT SIZE AND REQUIRE PERMANENT ABSENT VOTER LIST

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House Bill 4134 (H-1) as reported from committee
Sponsor: Rep. Ann Bollin
Committee: Elections and Ethics
Complete to 3-3-21

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

House Bill 4134 would amend the Michigan Election Law to increase the maximum number of electors allowed in a precinct from 2,999 to 4,000, beginning in 2022 (two years after the decennial census).

The bill would also increase that number for certain elections in the interim. Currently, as long as the number of electors does not exceed 4,000, voting precincts may be consolidated for an election that is not a November general election, the primary preceding that general election, or another statewide or federal election. The bill would allow precincts to be consolidated for any election except a November general election.

The bill would also allow precincts that are currently divided to have the division abolished as long as it appears, from an examination of registration records, that the consolidated district would not exceed 4,000 active registered electors.

As now, consolidation would have to occur at least 60 days before a primary, general, or special election, and the election commissioners would have to provide notice of the consolidation to electors in the affected precincts and post notices each precinct polling location. Under the bill, if the consolidation applied to a primary election occurring before a general election, it could occur only if the polling place for the consolidated precincts would not change (and, in that case, the election commissioners would not have to provide notice of the consolidated precincts.)

Additionally, the bill would require county, city and township clerks to maintain a permanent absent voter (AV) list and would provide that only those entities are authorized to maintain such a list. Currently, maintenance and use of a permanent AV list is optional for jurisdictions. If a jurisdiction chooses not to maintain a list, a voter must request an application for an absentee ballot before each election.¹

Under the bill, through a written request submitted in person or by fax, email, or mail, a qualified and registered elector could request to be added to his or her county's, city's, or township's permanent AV application list. The elector's information would then be added to the Michigan Qualified Voter File (QVF), and the applicable county, city, or township clerk would send the voter an absentee ballot application for each election. If the elector

¹ https://www.michigan.gov/documents/sos/VI_Michigans_Absentee_Voting_Process_265992_7.pdf

moved, the request would continue automatically and the elector would be listed on the permanent AV list of his or her new county, city, or township. An elector could request to be removed from the list using any of the methods listed above. If the elector was placed in the inactive voter file, the applicable clerk would have to remove the elector from the list.

Finally, the bill would remove outdated requirements as to the number of voting machines required in precincts.

The provisions regarding precinct consolidation and division would take effect April 1, 2021.

MCL 168.658, 168.659, and 168.661

BACKGROUND:

The QVF was mandated by 1994 PA 441 and implemented January 1, 1998. It lists all individuals who are registered to vote in Michigan, including their names, current addresses, address histories, and other identifying information. The QVF is especially important in Michigan's highly decentralized election system, where voter records are managed by over 1,700 local officials.

Proposal 3 of 2018, approved by the voters with 67% of the vote, added eight voter rights to the Michigan Constitution, including "no-reason absentee voting." Previously, a voter had to meet one of six criteria to qualify for an absentee ballot. Now, any Michigan voter can obtain an absentee ballot during the 40 days before an election. House Bill 4134 would further ease the process of receiving an absentee ballot by allowing a person to be added to a permanent absent voter list and be mailed an application automatically before each election.

Links to information for existing permanent absent voter lists are below:

Ann Arbor: <https://www.a2gov.org/departments/city-clerk/Elections/Documents/Permanent%20Absent%20Voter%20List%20FAQpdf.pdf>

East Lansing: <https://www.cityofeastlansing.com/FormCenter/City-Clerk-4/Permanent-Absentee-Voter-Form-78>

Royal Oak: <https://royaloakmi.seamlessdocs.com/f/permanentabsenteelist>

FISCAL IMPACT:

House Bill 4134 would have no direct fiscal impact on the Department of State but would provide for potential cost savings to certain cities, wards, townships, or villages that are eligible to consolidate precincts without having over 4,000 registered electors. These local units of government could realize savings by requiring fewer numbers of voting equipment

and resources, such as absentee voter counting board tabulators, to meet the election needs in that precinct. There is an anticipated need for additional tabulators following the approval of no-reason absentee voting in the November 2018 statewide election. Absentee voter counting board tabulators cost approximately \$5,000 each. Data on the number of eligible precincts and the number of fewer tabulators required were not available at the time of this analysis for an estimate of cost savings to local units of government.

2019 PA 28, a supplemental appropriations budget act, appropriated \$1.0 million GF/GP to support the costs toward local units of government of absentee voter counting board tabulators. However, the Department of State has reported that these state funds are not sufficient to cover all local costs.

POSITIONS:

The following entities indicated support for the bill:

Michigan Townships Association (2-9-21)

Michigan Municipal League (2-23-21)

The following entities indicated a neutral position on the bill (2-23-21):

Michigan League of Conservation Voters

ACLU of Michigan

A representative of the Department of State testified in opposition to the bill. (2-16-21)

The Michigan League of Public Policy indicated opposition to the bill. (2-9-21)

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.