

Legislative Analysis



POLLING PLACE LOCATIONS

Phone: (517) 373-8080
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House Bill 4492 as enrolled
Sponsor: Rep. Ann M. Bollin
House Committee: Elections and Ethics
Senate Committee: Elections
Complete to 1-13-22

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

(Vetoed by the Governor 10-3-21)

SUMMARY:

House Bill 4492 would amend the Michigan Election Law to expand the types of locations that may be used as polling places.

Currently, school buildings, fire stations, police stations, and other publicly owned or controlled buildings must be used as polling places. Other buildings owned by tax-exempt organizations may be designated if public buildings are not available or convenient. A building owned by a person that is a sponsor of a political committee or independent committee cannot be designated as a polling place.

The bill would require that, before designating a building that is not publicly owned or controlled as a polling place, the city or township clerk must obtain a signed affidavit from the building's owner or manager, certifying that the building owner is not a sponsor of a political committee or independent committee.

Additionally, senior housing facilities or complexes and apartment buildings or complexes in which 150 or more people reside may currently be designated as polling places. The bill would allow this only if a suitable polling place as described above were not reasonably available or convenient, and as long as the facility was not owned by a person that is a sponsor of a political committee or independent committee and the facility's owner or manager complied with the non-sponsorship affidavit requirement. The bill also would expand the allowed polling place locations, subject to the same restrictions, to include a privately owned clubhouse or conference center located in an apartment or condominium complex, a hotel or motel conference center, or a recreation clubhouse such as a golf course clubhouse or banquet center or park complex clubhouse.

Finally, the bill would remove a provision that requires the legislative body of a city, village, or township to arrange for the rental or erection of polling places if publicly owned or controlled buildings are unavailable and to ensure that those polling places are equipped with lighting, heat, and ventilation. It would also remove a provision allowing the establishment of a central polling place for up to six precincts.

MCL 168.662

BACKGROUND:

The bill is similar to House Bill 5031 of the 2019-20 legislative session. That bill would have expanded the allowable locations to include privately owned clubhouses or conference centers and the other locations, but would not have required the affidavit of non-sponsorship. HB 5031 was referred from the House Elections and Ethics committee and considered by the House Ways and Means committee.

BRIEF DISCUSSION:

According to committee testimony, due to the disruption and security concerns caused by election day (especially for schools), locations that have historically served as polling places are more reluctant to do so. While some schools that serve as polling places have opted to give students election day off as one of the six days “forgiven” for conditions outside the control of school authorities, such as storms or health concerns, recent years with a large number of snow days have made that option less appealing. The bill would give local units of government the flexibility to designate other locations as polling places.

Others proposed that the options be expanded still more, whether to other nonprofit organizations or to unused commercial spaces, arenas, and fairgrounds. While senior housing complexes allow another option, some expressed concern that the typical space used as a polling location—the dining room—often means that residents do not get any hot meals on election day.

FISCAL IMPACT:

House Bill 4492 would have no fiscal impact on the Department of State but could provide minimal cost savings to local units of government by allowing buildings other than publicly owned buildings to be designated as polling locations.

Vetoed 10-3-21:

In her veto message,¹ Governor Whitmer stated her belief that the bill was one of several election-related bills that were intended to spread disinformation about the 2020 election. Specifically, she stated that HB 4492 would have made it more difficult for seniors and persons living in large apartment complexes to vote.

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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.

¹ https://content.govdelivery.com/attachments/MIEOG/2021/10/04/file_attachments/1955882/Veto%20Letter%20-%20HB%204528,%204837,%204838,%204492.pdf