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House Bill 4492 (Substitute H-1 as passed by the House)
Sponsor: Representative Ann Bollin
House Committee: Elections and Ethics
Senate Committee: Elections

Date Completed: 9-1-21

CONTENT

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

- **Remove language requiring the legislative body in each city and township to arrange for the rental or erection of suitable buildings for use as polling places if publicly owned or controlled buildings are not available.**
- **Eliminate references to villages.**
- **Remove language pertaining to the establishment of central polling places or the abolition of polling places made obsolete by the establishment of a central polling place.**
- **Allow a legislative body, if a suitable place were not reasonably available or convenient to use, to establish a polling place at a clubhouse or conference center located within an apartment or condominium complex, hotel conference center, or recreation clubhouse, in addition to those places currently listed.**
- **Prohibit the legislative body of a city or township from designating as a polling place a location described above that is owned by a person who was a sponsor of a political or independent committee.**
- **Require the clerk of the city or township to obtain a signed affidavit from the owner or manager of a privately owned venue that certified that he or she was not a sponsor of a political or independent committee before the location could be designated as a polling place.**
- **Prohibit a city or township from using a building that did not meet the bill's requirements as a polling place.**

Currently, under Section 662 of the Law, the legislative body in each city, village, and township must designate and prescribe the place or places of holding an election for a city, village, or township election, and must provide a suitable polling place in or for each precinct located in the city, village, or township for use at each location. Except as otherwise provided, school buildings, fire stations, police stations and other publicly owned or controlled buildings must be used as polling places. If it is not possible or convenient to use a publicly owned or controlled building as a polling place, the legislative body of the city, township, or village may use a polling place from a building owned or controlled by an organization that is exempt from Federal income tax as provided by Section 501(c), other than 501(c)(4) (civic leagues and nonprofit organizations operated for promotion of social welfare), (5) (labor, agricultural, or horticultural organizations), or (6) (business leagues, chambers of commerce, real estate boards, or professional football leagues) of the Internal Revenue Code, 26 USC 501. The bill would eliminate references to villages in Section 662.

The legislative body in each city, village, and township must make arrangements for the rental or erection of suitable buildings for use as polling places if publicly owned or controlled buildings are not available and must have the polling places equipped with the necessary facilities for light and with adequate facilities for each and ventilation. The legislative body may establish a central polling place or places for six precincts or less if it is possible and convenient for the electors to vote at that central polling place. The legislative body may abolish other polling places not required as a result of the establishment of a central polling place. The bill would eliminate this language.

Currently, a legislative body of a city, village, or township may establish a polling place at a for-profit or nonprofit residence or facility in which 150 individuals or more aged 62 or older reside, or at an apartment building or complex in which 150 individuals or more reside. Under the bill, if a suitable polling place, as described above, were not reasonably available for use or convenient to use, the legislative body could establish a polling place at a for-profit or nonprofit residence facility described above, or any privately owned clubhouse or conference center located within an apartment or condominium complex, hotel or motel conference center, or recreation clubhouse that included a golf course clubhouse or park complex clubhouse. The legislative body of a city or township could not designate as a polling place a building described above that was owned by a person who was a sponsor of a political committee or independent committee. Before a building that was not publicly owned or controlled was designated as a polling place, the clerk of the city or township in which that building was located would have to obtain a signed affidavit from the owner or manager of the building that certified that the building's owner was not a sponsor of a political or independent committee.

A city or township could not use a building that did not meet the requirements of the bill as a polling place.

"Sponsor of a political committee or independent committee" would mean a person that is described as being a sponsor under Section 24(3) of the Michigan Campaign Finance Act, and includes subsidiary of a corporation or a local of a labor organization, if the corporation or labor organization, if the corporation or labor organization is considered a sponsor under Section 24(3) of the Michigan Campaign Finance Act. (Under Section 24(3) of the Michigan Campaign Finance Act, a person, other than an individual or a committee, sponsors or is affiliated with an independent committee or political committee if that person establishes, directs, controls, or financially supports (i.e., more than merely making a contribution) the administration of the committee.)

MCL 168.662

Legislative Analyst: Dana Adams

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Joe Carrasco

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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.