

HOUSE BILL NO. 4134

February 04, 2021, Introduced by Reps. Bollin, Lightner, Steenland, Bezotte, Paquette, Wendzel and Hope and referred to the Committee on Elections and Ethics.

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 658, 659, and 661 (MCL 168.658, 168.659, and 168.661), sections 658 and 661 as amended by 2012 PA 270 and section 659 as amended by 2014 PA 94, and by adding section 759e.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 658. ~~When~~**If** a city, ward, township, or village is
2 divided into 2 or more election precincts, pursuant to law, and it
3 appears from an examination of the precinct registration records

1 that there are not more than ~~2,999~~**5,000** active registered electors
 2 in the city, ward, township, or village, ~~using voting machines,~~ the
 3 election commission, or other officials charged with the
 4 performance of the duty by the charter of a city or village, by
 5 resolution, may abolish the division or divisions and after that
 6 time the city, ward, township, or village ~~shall constitute~~
 7 **constitutes** a single election precinct as if a division had not
 8 been made. A consolidation ~~shall~~**must** not be made later than the
 9 120 days before a primary or election.

10 Sec. 659. (1) If a county, city, ward, township, village,
 11 metropolitan district, or school district is divided into 2 or more
 12 election precincts, the county, city, ward, township, or village
 13 election commissioners may, by resolution, consolidate the election
 14 precincts for a particular election that is not a general November
 15 election. ~~, primary election immediately before a general November~~
 16 ~~election, or other statewide or federal election.~~ In making the
 17 determination to consolidate election precincts for a particular
 18 election, the election commission shall take into consideration the
 19 number of choices the ~~voter~~**elector** must make, the percentage of
 20 registered ~~voters~~**electors** who voted at the last similar election
 21 in the jurisdiction, and the intensity of the interest of the
 22 electors in the jurisdiction concerning the candidates and
 23 proposals to be voted upon. Consolidated precincts ~~shall~~**must** not
 24 exceed 5,000 active registered electors.

25 (2) A consolidation under this section ~~shall~~**must** be made not
 26 less than 60 days before a primary, general, or special election.

27 (3) ~~Unless the polling places for the election precincts to be~~
 28 ~~consolidated are located in the same building, when a county, city,~~
 29 ~~ward, township, or village consolidates election precincts for a~~

1 ~~particular election under subsection (1), the election~~
 2 ~~commissioners or other designated election officials shall do both~~
 3 ~~of the following:~~

4 ~~(a) Provide notice to the registered electors of the affected~~
 5 ~~election precincts of the consolidation of election precincts for~~
 6 ~~the particular election and the location of the polling place for~~
 7 ~~the election precinct or precincts for that election. Notice may be~~
 8 ~~provided by mail or other method designed to provide actual notice~~
 9 ~~to the registered electors.~~

10 ~~(b) Post a written notice at each election precinct polling~~
 11 ~~place stating the location of the consolidated election precinct~~
 12 ~~polling place. **A consolidation under this section must not occur if**~~
 13 ~~**the consolidation changes the polling place for an election**~~
 14 ~~**precinct.**~~

15 (4) If a county, city, ward, township, or village consolidates
 16 election precincts under this section, each affected election
 17 precinct ~~shall~~ **must** be treated as a whole unit and ~~shall~~ **must** not
 18 be divided during the consolidation.

19 Sec. 661. ~~(1) When the voter registration in a precinct using~~
 20 ~~voting machines is 1,000 or less, there shall be not less than 1~~
 21 ~~voting machine for each 500 active registered electors at the~~
 22 ~~general November election and at the primary immediately preceding~~
 23 ~~that election. When the voter registration in a precinct using~~
 24 ~~voting machines is more than 1,000 and less than 3,000, there shall~~
 25 ~~be at least 1 voting machine for each 600 active registered~~
 26 ~~electors at the general November election and at the primary~~
 27 ~~immediately preceding that election. At other primaries and~~
 28 ~~elections, the number of voting machines shall be at the discretion~~
 29 ~~of the local election commission. In making this determination, the~~

1 ~~local election commission shall take into consideration the number~~
 2 ~~of choices the voter must make, the percentage of registered voters~~
 3 ~~who voted at the last similar election in the jurisdiction, and the~~
 4 ~~intensity of the interest of the electors in the jurisdiction~~
 5 ~~concerning the candidates and proposals to be voted upon. When the~~
 6 ~~voter registration in a precinct using voting machines exceeds~~
 7 ~~2,999, the precinct shall be divided or rearranged.~~

8 (1) ~~(2)~~—Except as provided in subsection ~~(3)~~, **(2)**, city and
 9 township election commissions shall divide precincts according to
 10 law, not later than 210 days before the primary next preceding the
 11 general November election, and shall immediately notify the county
 12 clerk of the number of registered ~~voters~~**electors** in each precinct
 13 in the city or township. The county clerk shall notify the
 14 secretary of state not later than 200 days before the primary of a
 15 precinct in the clerk's county ~~which~~**that** has not been divided
 16 according to law, and the secretary of state shall proceed to make
 17 divisions as are necessary at the expense of the city or township
 18 involved, not later than 180 days before the primary next preceding
 19 the general November election. ~~If the election commission of a~~
 20 ~~city, village, or township using voting machines decides to use~~
 21 ~~paper ballots for a primary or election, the preceding limitations~~
 22 ~~shall continue for that election. A division of precincts shall~~
 23 **must** be made effective not later than 180 days before the primary
 24 election next preceding the general November election.

25 (2) ~~(3)~~—In the second year following each federal **decennial**
 26 census, precincts ~~shall~~**must** be divided pursuant to ~~under~~**under** this
 27 subsection. City and township election commissions shall divide
 28 precincts ~~,~~ not later than 120 days before the primary election
 29 next preceding the general November election in order that a

1 precinct, as far as is practical, is not split between districts
 2 and does not exceed ~~2,999~~ **5,000** registered ~~voters,~~ **electors**, and
 3 shall immediately notify the county clerk of the number of
 4 registered ~~voters~~ **electors** in each precinct in each city or
 5 township. The county clerk shall notify the secretary of state not
 6 later than 110 days before the primary of any precincts in the
 7 county ~~which~~ **that** have not been divided, and the secretary of state
 8 shall proceed to make the divisions as are necessary, at the
 9 expense of the city or township involved, not later than 90 days
 10 before the primary election next preceding the general November
 11 election. The division of precincts ~~shall~~ **must** be made effective
 12 not later than 90 days before the primary election. The secretary
 13 of state may authorize, upon written request by a city or township
 14 election commission, a later division of a precinct ~~which~~ **that**
 15 contains portions of more than 1 elective district. All precinct
 16 divisions ~~shall~~ **must** be completed not later than 90 days before the
 17 primary election next preceding the general November election. In
 18 determining the number of registered ~~voters~~ **electors** for a precinct
 19 under this subsection, a city or township election commission or
 20 the secretary of state, as applicable, may use either of the
 21 following:

22 (a) Only the active registered ~~voters~~ **electors** for that city
 23 or township.

24 (b) Both the active registered ~~voters~~ **electors** for that city
 25 or township and the ~~voters~~ **electors** in the inactive voter file for
 26 that city or township.

27 **Sec. 759e. (1) Each county, city, or township clerk shall**
 28 **maintain a permanent absent voter application list. Only a county,**
 29 **city, or township clerk is authorized to maintain a permanent**

1 absent voter application list.

2 (2) A qualified and registered elector may submit a written
3 request to be placed on the permanent absent voter application list
4 of the county, city, or township in which the elector is registered
5 to vote. A written request by an elector under this subsection must
6 be made to the county, city, or township clerk in person, by
7 facsimile communication, by electronic mail, or by first-class
8 mail, must be on a form as prescribed by the county, city, or
9 township clerk or in a format that substantially complies with the
10 form prescribed by the county, city, or township clerk, and must
11 include the elector's registered address.

12 (3) The request of each registered and qualified elector to be
13 placed on the permanent absent voter application list must be
14 entered in the qualified voter file in the same manner as data are
15 entered for a new elector.

16 (4) The county, city, or township clerk responsible for
17 issuing absent voter ballots for an election shall send to each
18 elector on the permanent absent voter application list an
19 application for an absent voter ballot for the election.

20 (5) A qualified and registered elector may request to be
21 removed from the permanent absent voter application list of the
22 county, city, or township. A written request by an elector under
23 this subsection must be made to the county, city, or township clerk
24 in person, by facsimile communication, by electronic mail, or by
25 first-class mail, and must include the elector's signature and
26 registered address.

27 (6) If the registration record of an elector is placed in the
28 inactive voter file, the clerk of the county, city, or township in
29 which that elector is registered must remove that elector from the

1 permanent absent voter application list for that county, city, or
2 township.

3 (7) If an elector is on a permanent absent voter application
4 list and the elector changes his or her registered address, the
5 elector's request to be on a permanent absent voter application
6 list automatically continues and the elector must be listed on the
7 permanent absent voter application list of the county, city, or
8 township in which the elector is registered to vote.

9 Enacting section 1. Sections 658, 659, and 661 of the Michigan
10 election law, 1954 PA 116, MCL 168.658, 168.659, and 168.661, as
11 amended by this amendatory act, take effect April 1, 2021.