



Senate Fiscal Agency
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BILL ANALYSIS



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Senate Bill 757 (Substitute S-4 as reported by the Committee of the Whole)
Sponsor: Senator Ruth Johnson
Committee: Elections and Government Reform

CONTENT

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

- Require the manufacturer or distributor of an absent voter ballot secrecy envelope container to submit the container to the Secretary of State for approval before it was sold to a city or township.
- Require a board of county canvassers to examine absent voter ballot secrecy containers and designate them as compliant or noncompliant with the bill.
- Specify that a city or township clerk who used or permitted the use of a noncompliant container would be guilty of a misdemeanor.
- Allow a clerk in a city or township with a population of at least 25,000 to perform certain absent voter ballot preprocessing activities on the day before election day if notice had been given to the Secretary of State at least 40 days before election day.
- Require the Secretary of State to post a notice received from a city or township clerk for this purpose on the Department's website.
- Require the clerk of a city or township to post a notice on the city or township's website.
- Require that the board of election commissioners appoint election inspectors to locations where absent voter ballot return envelopes would be opened.
- Require the board of election commissioners to appoint election inspectors not less than 21, or more 40, days before the day on which they would be used.
- Specify that laws pertaining to election inspectors appointed would, unless otherwise specified by law, apply to election inspectors appointed under the bill.
- Prescribe procedures, including record keeping, for election inspectors appointed to absent voter counting board and who were appointed to locations where absent voter ballot return envelopes were to be preprocessed.
- Allow challengers to be present during preprocessing activities.
- Allow an elector who returned an absent voter ballot to appear in person before 10 AM, instead of 4 PM, on the day before the election to spoil his or her ballot and vote a new ballot.

MCL 168.765 et al.

Legislative Analyst: Dana Adams

FISCAL IMPACT

The bill would have a minor negative fiscal impact on the Department of State and on local units of government. The bill would permit city or township clerks to procure an absent voter ballot secrecy envelope containers at the expense of their respective cities or townships. The costs incurred through this provision would depend on the number of purchases made and the price of the containers. The containers would have to be approved for sale to local government units by the Secretary of State prior to any such sale, and every four years, each board of county canvassers would be required to examine to containers to ensure they meet

the requirements in the bill. These additional costs would be covered within existing appropriations.

The bill also would require the appointment of election inspectors to absentee ballot return locations. The inspectors would be appointed by the Board of Election commissioners and would be subject to current statute regarding election inspectors. Election inspectors would be paid out of local funds. The magnitude of the impact would depend upon the frequency of engagement.

A city or township clerk who uses or permits the use of an absent voter ballot secrecy envelope container that was not approved by the Secretary of State in accordance with the bill's requirements would be guilty of a misdemeanor. An increase in misdemeanor arrests and convictions may increase resource demands on law enforcement, court systems, community supervision, and jails. Any additional fine revenue would be dedicated to public libraries.

The costs associated with providing a written notice to the Secretary of State and the posting of these notices by the Secretary of State likely would be covered by existing appropriations.

Date Completed: 5-28-20

Fiscal Analyst: Elizabeth Raczkowski