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Senate Bill 374 (as passed by the Senate)
Sponsor: Senator Jeremy Moss
Committee: Elections and Ethics

Date Completed: 8-30-23

(COMPANION BILL LINK: [H.B. 4702](#))

RATIONALE

Among other things, Proposal 22-2 amended the State's Constitution to require nine days of early in-person voting for each Federal and statewide election. The implementation of this requirement requires clerks to make several changes, such as buying additional tabulators and equipment for each voting precinct, which some people believe will burden election officials. Accordingly, it has been suggested that clerks be allowed to consolidate precincts to reduce the burden of early voting.

CONTENT

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

- **Increase, from 2,999 active registered electors to 5,000, the maximum size of an election precinct.**
- **Delete provisions specifying the number of voting machines per voters in certain size precincts.**
- **Require an election commission or the Secretary of State (SOS) to consider only active registered voters when determining the number of registered voters in a precinct.**

Currently, if a city, ward, township, or village is divided into two or more election precincts but, upon an examination of the precinct registration records, it appears that there are not more than 2,999 active registered electors, the election commission may abolish the divisions and unite the city, ward, township, or village as a single election precinct. The bill would modify this provision to allow the unification of voting precincts with fewer than 5,000 active registered electors. A consolidation must occur at least 120 days before a primary or election.

When the voter registration in a precinct using voting machines is 1,000 or less, the Law requires at least one voting machine per 500 registered electors at the general November election and the primary immediately preceding it. For a precinct with between 1,000 and 3,000 active registered voters, there must be at least one voting machine per 600 active registered voters at the general November election and preceding primary. When the voter registration in a precinct using voting machines exceeds 2,999, the precinct must be divided and rearranged. The number of voting machines for other primaries and elections is up to the local election commission. The commission must consider the number of choices the voter must make, the percentage of registered voters who voted at the last similar election in the jurisdiction, and the intensity of the interest of the electors in the jurisdiction considering the candidates and proposals to be voted upon. If the election commission of a city, village, or township using voting machines decides to use paper ballots for a primary or election, the preceding limitations continue for that election. The bill would delete these provisions.

The Law requires precincts to be divided the second year after the Federal census. City and township election commissions must divide precincts at least 120 days before the primary

election next preceding the general November elections to ensure that a precinct does not exceed 2,999 registered electors. Under the bill, commissions would have to take this action to ensure that a precinct did not exceed 5,000 registered electors.

If a city or township election commission fails to divide the precincts, the county clerk must notify the SOS at least 110 days before the primary of any precincts that have not been divided. The SOS will proceed to make the necessary divisions not later than 90 days before the primary election next preceding the general November election.

Current statute allows a city or township election commission to use both the active registered voters for that city or township and the voters in the inactive voter file for that city or township in determining the number of registered voters for a precinct. The bill would delete the second option, requiring an election commission or the SOS to only count active, registered electors.

MCL 168.658 & 168.661

PREVIOUS LEGISLATION

(Please note: This section does not provide a comprehensive account of all previous legislative efforts on the relevant subject matter.)

The bill is a companion bill to House Bill 4702, which was signed into law and became Public Act 88 of 2023. Additionally, it is similar to House Bill 5032 of the 2019-2020 Legislative Session.

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

The bill would allow clerks to pool resources and save money by consolidating voting precincts. By combining precincts, clerks could free up required materials like ballot tabulators and Voter Assist Terminals to serve other precincts under a clerk's jurisdiction. Additionally, voting related equipment often needs to be replaced. For tabulators, the average lifespan is around 10 years.¹ Under the bill, clerks would have to buy less replacement equipment for consolidated precincts. Overall, clerks and local governments would save money through consolidation.

Opposing Argument

Allowing clerks to consolidate precincts may lead to longer lines and discourage people from voting. According to testimony before the House Committee on Elections, poll workers are in short supply. Consolidating precincts to at most 5,000 voters could overwhelm short-staffed polling sites. This could result in long lines, discouraging voters from voting in person. Though absentee voting and early voting may reduce the demands of in-person voting on election day, there is little data for clerks to use in determining what to expect. The bill could lead to confusion and long wait times.

Response: Precinct consolidation would be optional, not required, and at the discretion of clerks. Clerks are the best suited to make informed decisions about consolidation and, according to testimony before the Senate Committee on Elections and Ethics, would not make decisions leading to long lines or other obstacles to the voting process.

Legislative Analyst: Abby Schneider

¹ Baker, Turquoise, and Lawrence Norden, "Voting Machines at Risk in 2022", *Brennan Center for Justice*, March 1, 2022.

FISCAL IMPACT

The bill could result in some savings for local units of government by allowing multiple election precincts to consolidate into a single precinct, perhaps minimizing costs. Currently, consolidated precincts may not exceed 2,999 active registered electors and the bill would increase that limit to 5,000 active registered electors in the newly consolidated precinct. Based on the 2020 presidential primary elections, the average cost per precinct for the estimated 5,000 precincts in Michigan totaled \$3,200 per precinct which totaled \$16.0 million overall. Those costs could be lower if there were fewer precincts for which the State was responsible for paying the costs of a primary election. However, Proposal 22-2 will allow multiple precincts to vote at early voting sites over a nine-day period. The nine-day early voting period likely will increase costs to hold elections and thus likely will outweigh any savings achieved by the increase in the size of a precinct.

Fiscal Analyst: Joe Carrasco, Jr.

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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.