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From: Gregory Mahar <gmahar@waynecounty.com>
Sent: Wednesday, September 27, 2023 1:46 PM
To:



Cc: Cathy M. Garrett, Jennifer Redmond, Erjon Conley, Edward Mckae
Subject: Local legislative body & Early Voting Sites
Attachments: Single_Municipality_Early_Voting_Plan.docx

Importance: High

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Good afternoon,

On behalf of Wayne County Clerk Cathy M. Garrett, just a friendly reminder to make sure your legislative body (city council or township board) approves by resolution your Early Voting Site location(s) for the Presidential Primary election **by October 25th**. All Early Voting Plan forms must be submitted **to the County Clerk by October 30th**. We have attached the EV form if you need it and pasted below what the State sent out in a previous news update regarding legislative body and election commission roles.

Let us know if you have any questions.

Local Legislative Bodies and County and Local Election Commissions During EV ([Public](#))

PA 81 specifies various roles for local legislative bodies as well as local and county election commissions during early voting (EV). In many cases, the role depends on the manner in which the municipality is conducting EV—the local legislative body may be responsible if the municipality is conducting EV as a single municipality or through a municipal agreement, but the board of county election commissioners may be responsible if the municipality is conducting EV through a county agreement. The list below indicates the roles and responsibilities of the various entities during EV, as well as the citation to the section number in [PA 81](#).

A local legislative body must:

- If conducting EV as a single municipality, approve EV sites— MCL 168.662(1); MCL 168.720e(2)
- If conducting EV under a municipal agreement, one or more legislative bodies must approve the sites, as specified in the agreement. MCL 168.720f(1)(d).

[Note: As the Bureau has indicated previously, early voting is required by the Constitution; clerks who are unable to secure early voting sites at the locations allowed under current law may need to expand their search parameters, using PA 81 as a guide, in order to conduct constitutionally mandated early voting.]

- Ensure that an EV site is accessible and complies with applicable voting accessibility laws— MCL 168.662(7).

A local legislative body may:

- Adopt a resolution to conduct early voting for local elections. A municipality that is party to a municipal or county agreement, which adopts a resolution to conduct EV for a local election, must operate EV the same way a single municipality operates EV for statewide and federal elections, except the days and hours required for early voting do not apply. MCL 168.720e(6), MCL 168.720f(9), MCL 168.720g(10).
- A municipality that conducts EV through a municipal agreement may enter into an agreement to jointly conduct EV in a local election. MCL 168.720f(10).
- A municipality that conducts EV through a county agreement may enter into an agreement for the county clerk to conduct EV for a local election. MCL 168.720g(11).

A city or township board of election commissioners must:

- Notify the applicable county clerk if establishing an Election Day vote center—MCL 168.523b(1).
- Appoint election inspectors at least 21 days before each election, designate one individual as chairperson, notify the county chairs of the appointments, and adjudicate qualifications challenges to election inspectors— MCL 168.674; MCL 168.720e(3); MCL 168.720f(1)(e).
- Subject to an EV agreement, conduct testing of electronic voting equipment — MCL 168.720f(1)(k), MCL 168.720g(1)(j); MCL 168.720j(2)(b).
- Set the time for the processing and tabulating of AV ballots— MCL 168.765a(6).

If the county is conducting EV, a county board of election commissioners must:

- Provide one or more EV sites— MCL 168.662(1).
- Ensure that an EV site is accessible and complies with applicable voting accessibility laws— MCL 168.662(7).
- Appoint the election inspectors for EV— MCL 168.720g(6).
- Subject to the agreement, conduct testing of electronic voting equipment— MCL 168.720f(1)(k), MCL 168.720g(1)(j); MCL 168.720j(2)(b).
- Approve EV sites— MCL 168.720g(5).

A city or township board of election commissioners may:

- Establish Election Day vote centers in communities that have historically processed large numbers of Election Day voter registrations— MCL 168.523b(1).
- Authorize the processing and tabulation of AV ballots before Election Day— MCL 168.765a(11).

All other decision-making authority, including the manner in which EV is provided in each municipality, rests with the local and county clerks using instructions issued by the Bureau of Elections.

Best Regards,

Greg

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