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# CHAPTER 14 ESTABLISHING VOTING PRECINCTS AND POLLING PLACES

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**PRECINCT BOUNDARY REQUIREMENTS:** Michigan election law stipulates that all precincts “shall be composed as nearly as practicable of compact and contiguous territory and shall have clearly defined and clearly observable boundaries.” A “clearly observable boundary” is defined under the law as follows:

- A named road or street.
- A road or highway that is part of the federal, state primary, or state secondary road system.
- A river, stream, or drainage feature that is 40 feet or more in width.
- A natural or constructed permanent physical feature that is shown on an official county, city, or township map issued by the Department of Transportation or a United States geological survey topographical map.

- An apartment building, a dormitory or other permanent multiple-unit housing structure.
- A village or school district boundary line.

**PRECINCT SIZE LIMITS:** Each precinct must not contain more than 2,999 active registered voters. Inactive voters registered within a precinct may be removed from the overall precinct count.

**APPROVAL OF PRECINCT BOUNDARY ALTERATIONS:** In townships and charter townships, the approval of all precinct boundary alterations must be granted by the local election commission. In a city, the approval of all precinct boundary alterations must be granted by the local election commission or other officials charged with the performance of the duty by the jurisdiction's charter.

Precinct boundary changes must be approved no later than 210 days prior to the August primary in an even numbered year; however, in the second year following the federal census precinct boundary changes must be approved no longer than 120 days following the August primary. (MCL 168.661(3))

**NOTICE TO VOTERS – PERMANENT PRECINCT OR DISTRICT CHANGE:** An updated Voter Identification Card must be issued to every voter affected by a permanent voting district change or a precinct reassignment.

- Electors placed in a new Congressional, State Senate, State House or County Commissioner District must be issued a corrected Voter Identification Card. (MCL 168.499(3))
- Electors assigned to a new precinct must be issued a corrected Voter Identification Card. (MCL 168.499(3))

## TEMPORARY PRECINCT CONSOLIDATIONS

**Temporary Precinct Consolidations:** Where a city, township, local school district, intermediate school district or community college district is divided into two or more precincts, the precincts may be combined to conduct any election scheduled in the city, township, or school district other than an August primary, November general election an even-numbered year, a special statewide election or a special federal election. A “consolidated” precinct established under the allowance cannot contain more than 5,000 active registered voters. (MCL 168.659)

- The consolidation of precincts must be effected through the adoption of a resolution by the appropriate election commission on the county, city or township level. The resolution must be adopted at least 60 days prior to the election involved. When determining whether to consolidate precincts for an upcoming election, the election commission must consider the complexity of the ballot and the anticipated turnout for the election. (MCL 168.659)
- If a decision is made to proceed with the consolidation of precincts for an upcoming election, *whole precincts* must be combined; the precincts involved in the consolidation cannot be divided. (MCL 168.659)
- In an instance where the consolidation of precincts will make it necessary for voters to attend a different polling place location to participate in the election, the election commission must notify the affected voters of the new polling place location established for the election by mail “or other method designed to provide actual notice to the registered electors.” On the day of the election, the election commission must post a notice of the polling place location change at each polling place location eliminated for the election. The notice must provide directions to the new polling place location established for the precinct. (MCL 168.659)

## USE OF SCHOOL BASED PRECINCTS

**Note:** In the conduct of special school elections, School Election Coordinating Committees have a choice to establish permanent school-based precincts not to exceed 2,999 voters. Or the School Election Coordinating Committees may choose to temporarily consolidate voting precincts via the authorized election commission prior to each election in order to accommodate up to 5,000 voters depending on the logistics of the various units of government impacting the special election.

**Permanent School District Precincts:** Where a *county clerk* is responsible for serving as a school district's "election coordinator," the county election commission is responsible for establishing the school district's precincts and polling place locations for special school elections. (MCL 168.301(5) as amended under PA 71 of 2005) Where a *city or township clerk* is responsible for serving as a school district's "election coordinator," the city or township's election commission is responsible for establishing the school district's precincts (if there is a need to establish separate precinct boundaries for the conduct of the school district's special elections) and the city or township's legislative body is responsible for establishing the school district's polling place locations (if there is a need to establish separate polling place locations for the conduct of the school district's special elections).

**Precinct Size Limit:** Precincts established for the conduct of local school district elections, intermediate school district elections and community college district elections cannot contain more than 2,999 active registered voters.

**Combined School District Election/Local Election:** Regardless of the arrangements made by an "election coordinating committee" chaired by a county clerk, the clerk of a city or township that falls in the local school district, intermediate school district or community college district *must* conduct an upcoming regular or special school election *if the city or township is holding a regular or special election at the same time*. The law extends two options for the administration of the combined school district election/local election:

- The clerk may administer the combined school election/local election with the same precincts and polling places established in the jurisdiction for the conduct of state and federal elections. (If the use of such precincts to administer the school election changes any polling place voters routinely attend to participate in the school district's elections, the city or township clerk is responsible for notifying the affected voters of the polling change for the school election.)
- The clerk may administer the combined school election/local election with the precincts and polling places established by the school district's "election coordinating committee" for the conduct of school elections. (This option cannot be selected without the consent of the county clerk who is functioning as the school district's "election coordinator." Note: This option cannot be selected if it would result in voters having to travel outside of their city or township of residence in order to participate in the city or township portion of the election. Additionally, this does not preclude a city or township forced to open their precincts for a special election from hosting voters on the school issue from a neighboring jurisdiction.)

**Temporary Consolidation of Precincts for the Conduct of Special School Elections:** Although many School Election Coordinating Committee Plans are utilized as a vehicle for outlining how precincts may be organized in the event of a special school election, election coordinators should note that the authority to consolidate precincts is not provided for in MCL 168.305 which outlines the contents of the school election plan. Rather, section 305 points to MCL 168.659 for the lawful authority to establish precincts, which rests with either the County Election Commission or the City/Township Election Commission depending on the participating units of government. If precinct consolidations are sought to efficiently conduct a special school election, they must be executed no less than 60 days prior to each special election.

Where a local school district, intermediate school district or community college district is divided into two or more precincts, the precincts may be temporarily combined to conduct any election scheduled in the school district. A "consolidated" precinct cannot contain more than 5,000 active registered voters.

- Precincts **cannot** be consolidated if the school district's election is held on the same date as an even-numbered year November election, an even-numbered year August primary, a special statewide election or a special federal election.
- In order to consolidate precincts, a resolution must be adopted by the appropriate election commission at least 60 days prior to the election. When determining whether to consolidate precincts for an upcoming election, the election commission must consider the complexity of the ballot and the anticipated turnout for the election. To determine the appropriate election commission with the authority to consolidate precincts, use the following guidelines:
  - If a city or township has "opted-in" to conducting all special school elections (opening their precincts) and they are **not** accepting voters from a neighboring jurisdiction, the authority for consolidating precincts rests solely with the city/township election commission within their borders.
  - If a city or township has "opted-in" to conducting all special school elections on behalf of their voters and they will be accepting voters migrating in from a neighboring jurisdiction, the authority to create this precinct rests with the County Election Commission because the precinct will be crossing jurisdictional lines. An agreement to accept the neighboring voters should be established with the hosting clerk.
  - If all jurisdictions or multiple jurisdictions within a school district choose **not** to "opt-in" to conducting special school elections, the County Election Commission possesses the authority to establish precincts.

- If the precincts being consolidated cross county boundary lines, the County Election Commission of the coordinating county possesses the authority to consolidate the precincts.
- If the precincts being consolidated do not cross county boundary lines, the County Election Commission of the home county possesses the authority to consolidate the precincts.
- If a decision is made to consolidate precincts, **whole precincts** must be combined; the precincts involved in the consolidation cannot be divided.
- If a consolidated precinct will make it necessary for voters to attend a different polling place location, the election commission must notify the voters of the new polling place location by mail “or other method designed to provide actual notice to the registered electors.” On the day of the election, the election commission must post a notice at each polling place location eliminated for the election. The notice must include directions to the polling place location the voters must attend.

**ESTABLISHING POLLING PLACES:** The city council or township board is responsible for determining the location of polling places in the jurisdiction. Michigan election law, MCL 168.662, provides the following with respect to the establishment of polling places:

- Whenever possible, a polling place must be located in a publicly owned or controlled facility such as a school building, fire station or police station.
- If it is necessary to establish a polling place in a building other than a publicly owned or controlled facility, the building must be owned or controlled by an organization that is “exempt from federal income tax pursuant to section 501(c) other than 501(c)(4), (5), or (6) of the internal revenue code of 1986....”
- As an exception to the above, a polling place may be established in a “profit or nonprofit residence or facility in which 150 persons or more aged 62 or older reside or at an apartment building or complex in which 150 persons or more reside.”

- All polling places must be fully accessible to the elderly and handicapped. If necessary, the use of temporary ramps and signs designating handicap parking spaces may be employed on Election Day to ensure access.
- If a polling place is established in a building not owned or controlled by the city or township, it is advisable to have a polling place use agreement with the building owners.
- A polling place may *not* be established in a building that is owned by a business, individual, firm, organization, etc. that has established, directs, controls or financially supports the administration of a Political or Independent Committee registered under the Campaign Finance Act. This prohibition extends to a building owned by a subsidiary of a corporation or the local of a labor organization if the parent corporation or labor organization has established, directs, controls or financially supports the administration of a Political or Independent Committee.
- The same polling place may be used to accommodate up to six precincts if logistically practical. While the polling place is not required to be located within the precinct boundaries, each precinct must have its own precinct board within the shared polling place.
- A polling place may not be established, moved or abolished less than 60 days before an election unless the polling place has been “damaged, destroyed, or rendered inaccessible or unusable as a polling place.”
- An Accessibility Checklist can be found in the eLearning Center for use in determining whether a site is fully accessible or not. Use of the checklist is strongly recommended as there are many requirements to ensure ADA compliance.

**CHANGES REQUIRED IN QUALIFIED VOTER FILE:** Whenever a precinct or district boundary line or polling place changes, the information must also be updated in QVF.

**VOTING STATION MINIMUMS:** At least one voting station must be provided for every 300 registered voters. For General elections, the Bureau of Elections recommends a booth for every 80-100 active registered voters. Careful consideration must be given to the projected in-person turnout, length of the ballot and the number of voters each voting station can handle per hour. The local election commission should provide additional voting stations needed to ensure the orderly conduct of the election even if it *exceeds* the minimum requirements. In addition, at least one accessible voting station must be provided in each polling place.

**ARRANGING POLLING PLACES:** A polling place is composed of a processing/voting area and a public area. When arranging a polling place, consideration must be given to the space needed to establish these two areas, the need for an orderly flow of traffic and the right of voters to cast their ballots in secrecy.

- The processing/voting area of the polling place contains a table and chairs for the election inspectors appointed to work in the precinct. Sufficient room must be available in front of the table for electors who are offering to vote to stand. The election inspectors should be positioned so that they have a clear view of the polling place. The processing/voting area of the polling place also contains the voting stations and the tabulator needed to serve the precinct. Tabulators must be positioned in full view and close to the election inspectors so that they can be monitored at all times. The processing/voting area is reserved for the precinct inspectors engaged in processing voters, the voters applying to vote and in the process of voting, and any challengers qualified to serve in the precinct. No other persons have the authority to be present in the processing/voting area.
- The public area is reserved for voters entering and exiting the polling place and any persons on hand to observe the election who do not have official "challenger" status.

Some type of barrier must be established so that the processing/voting area of the polling place can be distinguished from the public area of the polling place. In instances where a polling place is used to accommodate two or more precincts, care must be taken to clearly separate the precinct boards to avoid voter confusion.



SAMPLE LAYOUT:

