

Michigan Township **INSIGHTS**

June 14, 2024

Senate committee approves bills to create state voting rights act

Legislation that would establish a Michigan Voting Rights Act was approved this week by the Senate Elections and Ethics Committee. The four-bill package was introduced last year and numerous positive changes have been made to the bills; however, there remain several items of concern.



The main bill, [Senate Bill 401](#), sponsored by Sen. Darrin Camilleri (D-Brownstown Chtr. Twp.), is opposed by MTA. While the legislation would incorporate provisions of the federal Voting Rights Act (VRA) in state statute, it includes provisions beyond the federal requirements that could place an increased strain on local election officials, as well as increase liability and expense for local units of government. Under SB 401, a local government would be prohibited from imposing any law, practice, policy or method of election that leads to a disparity in voter participation between members of a protected class and other members of the electorate, or that would impair the ability of a protected class to participate in the political process or otherwise influence the outcome of an election. Among the election practices that are specifically mentioned are the consolidation of precincts, location of drop boxes, polling places and early voting sites, and method of election (at large of ward/district-based).

SB 401 would also establish a complaint process for individuals or groups who feel a local government is in violation. The goal would be to come to consensus on how to remedy a potential violation with the approval of the Secretary of State (SOS). A fund would be established to cover the costs of responding to a complaint or for implementing an agreed-upon remedy. If a remedy cannot be achieved, the next step would be court proceedings, and the bill outlines what can and cannot be considered in court and what

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potential remedies may include. Among the potential remedies are adopting a different method of election, adding voting days or hours, adding polling places, early voting sites and drop boxes, or ordering a special election. Punitive damages may also be assessed. SB 401 also sets up a similar process to allow a disabled elector to submit a complaint if the local government in which they reside violated a state or federal law involving the rights of disabled electors.

If a local government is found to be in violation under the proposed act, the court could require court pre-approval of any changes to election policy for up to a 10-year period or for a monitor to be appointed for up to 10 years for violations related to the rights of disabled voters.

The second bill, [Senate Bill 402](#), sponsored by Sen. Jeremy Moss (D-Southfield), is supported by MTA. The bill would establish the Michigan Voting Database and Institute for the purpose of having one location for people to access voting data and information. The institute would be created and administered by one or more of the public research universities in Michigan. The SOS would provide the institute with the voting data that local clerks already submit to the SOS. If the SOS requests any additional publicly available information for the institute, the local government would be reimbursed by the SOS in the same manner as a FOIA request. The institute would also become the depository for any election-related data that it receives, and if local governments were to receive a FOIA request for this information, they could then refer the requester to the institute.

[Senate Bill 403](#), sponsored by Sen. Stephanie Chang (D-Detroit), would create the Language Assistance for Elections Act. This bill would require local governments that meet a certain threshold of voters with limited English proficiency to provide language assistance for elections. Until 2030, the threshold would be the same as the federal VRA. After 2030, that threshold would be lowered, requiring more communities to provide language assistance. The bill would require the SOS to notify those local governments that are affected and provide the translated election materials. In addition, the SOS would be required to cover the additional costs for logic and accuracy testing. SB 403 also contains a similar complaint process to SB 401 for violations of this act. However, the only way a community could be in violation is if they do not use the resources provided by the SOS.

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The final bill, [Senate Bill 404](#), sponsored by Sen. Erika Geiss (D-Taylor), is also opposed by MTA. The bill would establish new notice requirements for certain election-related activities to the SOS. Failure to comply with these notices would result in the local government being listed on the SOS website for failure to comply. Additionally, the legislation would codify curbside voting currently detailed in the *Elections Manual* for voters who are unable to enter a polling place or early voting site due to a disability. It also allows a voter to bring another individual to provide language assistance in the voting booth if needed. And lastly, SB 404 allows individuals or groups to provide food, drink and warmth to those waiting in line to vote—inside and outside for polling location or early voting site. If the local clerk determines their actions are interfering with the election process, the clerk can require they immediately cease.

Again, MTA wishes to state that there have been tremendous strides with the bills since introduction when MTA strongly opposed all four bills. However, we remained concerned with the additional provisions beyond the federal VRA and believe the process could be abused and nuisance/frivolous complaints will be submitted—requiring increased time and expense in addition to legal fees. The four bills are now before the full Senate for consideration.

Measure permits emergency service authorities to serve partial municipalities

Two or more townships, counties, cities or villages could incorporate an authority that covers a portion of their unit for emergency services such as fire or police protection or emergency medical services under an MTA-supported bill. Currently, an authority created under the statute must have jurisdiction over all territory located within the incorporating municipalities. [House Bill 4360](#), sponsored by Rep. Felicia Brabec (D-Pittsfield Chtr. Twp.), will allow incorporating municipalities to determine the territory to be served by an emergency service authority—including a **portion** of the local unit. The legislation also requires the articles of incorporation for any emergency service authority to be published on the website of each incorporating municipality, instead of in a newspaper. If any of the municipalities do not have a website, the articles of incorporation will have to be published in the clerk’s office of each municipality. Once signed by the governor, the changes will become effective 91 days after the end of the 2024 session.



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Increase in insurance escrow cap



The amount of insurance withholding that can be escrowed by certain municipalities from fire insurance claims for fire-damaged homes will increase. [House Bill 4331](#), sponsored by Rep. Karen Whitsett (D-Detroit) and supported by MTA, will increase the maximum amount that can be escrowed by certain municipalities from fire insurance claims and certain other property insurance claims involving residential real property. Specifically, the provisions apply to claims filed due to fire, explosion, vandalism, malicious mischief, wind, hail, riot or a civil commotion in townships, cities and villages located in counties with a population of 425,000 or more, or townships, cities and villages with a population of 50,000 or more in smaller counties. The bill increases the maximum amount to \$24,000 beginning July 1, 2024, and the amount would then be annually adjusted every Jan. 1 based on the Detroit Consumer Price Index. Prior to HB 4331 being enacted, the current cap in statute is \$12,000 (which took effect Jan. 1, 2015) but after inflationary adjustments is \$15,009. In addition, the bill will allow a municipality to use for repair, in addition to demolition, funds that were abandoned before the bill became law. Once signed into law by the governor, the bill will be in effect.

Legislation places additional requirements for mobile home park license

Currently, townships and other local units of government face challenges addressing complaints and health and safety issues with

unlicensed manufactured housing parks in their community. A package of bills—Senate Bills [486](#), [487](#), [488](#), [489](#) and [490](#)—reported by the Senate Housing and Human Services this week, is intended to address these and other issues. Earlier this year, MTA testified in support of SBs 486, 487 and 489, stating the legislation would provide local units with additional tools when addressing issues with unlicensed manufactured housing parks, clarify who has authority and provide transparency on the licensed operator. The bills would create a statewide database of manufactured housing parks and their owners, establish additional requirements for mobile home park licensure, create a provisional licensure process, increase licensing fees, and require notification of ownership changes or proposed land use changes for the locations of parks. The bills will next be considered by the full Senate.



Townships could request financial viability review of a liquor retailer under bill

Townships and other municipalities could pass a resolution to require the Michigan Liquor Control Commission (MLCC) to conduct a review of a licensee's business records to ascertain if the business is able to meet its financial obligations under legislation reported by the Senate Regulatory Affairs Committee this week. [Senate Bill 732](#), sponsored by Sen. Paul Wojno (D-Warren), would require the MLCC to conduct a financial viability review of a liquor retailer under certain circumstances. This is among other circumstances (such as failing to pay another vendor three or more times in a 12-month period, selling liquor to a minor two or more times in a 12-month period, or failing to make required tax payments). The bill now moves to the full Senate for further consideration.

More townships could allow the use of golf carts on their streets

Townships with a population of up to 65,000 would be permitted to pass a resolution to allow the operation of golf carts on their streets unless disallowed by county commission. Under current law, only townships and other municipalities with a population under 30,000 can allow such use of golf carts. [Senate Bill 771](#), sponsored by Sen. Kevin Hertel (D-St. Clair Shores), would also restrict those communities that are allowed to request the Michigan Department of Transportation (MDOT) for permission to allow golf carts on state trunkline highways if the roads meet certain conditions. Current law allows any community to make this request, but the bill would limit those that could make the request to communities with a population of less than 30,000. The bill passed the Senate Local Government Committee and now moves to the full Senate for further consideration.



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Bill to create Judicial Protection Act

Townships and other public bodies would be required to not publicly post, display or release under a FOIA request certain personal identifying information concerning a judge or certain family members under a bill moving through the Legislature. [House Bill 5724](#), sponsored by Rep. Kelly Breen, (D-Nov), would create the Judicial Protection Act to allow judges to submit a written request that a public body or other person not publicly post or display certain information or that they remove such information, and to require compliance with such a request. If a request were made and not complied with, the judge could go to court to compel compliance or enjoin further noncompliance.

Similar legislation has been adopted in other states to address threats, stalking and harassment. The bill will be considered by the full House next week.

Recount reform measures move to governor

Multiple changes to the recount process are included in two bills that received final passage by the House this week. One of the changes would allow local clerks, their staff and election workers to submit a sworn affidavit stating that a precinct should be recounted even if a ballot seal is compromised, or a precinct is out of balance if those circumstances can be explained. [Senate Bills 603](#) and [604](#), sponsored by Sens. Stephanie Chang (D-Detroit) and Jeremy Moss (D-Southfield), would also prohibit recounts in races where the number of precincts being recounted would not alter the outcome. The bills also change the thresholds for automatic recounts, create automatic recount thresholds for legislative races, shorten the time allowed for recount petitions and counter petitions to be filed, and increase the deposit costs for recounts. The bills must be concurred in by the Senate before being sent to the governor for signature.

Snowplow safety bill headed to governor's desk

Motorists may soon have to remain at least 200 feet behind a snowplow operating on behalf of a government



entity and actively engaged in snow removal activities. [Senate Bill 465](#), sponsored by Sen. Sam Singh (D-East Lansing), also would require a motorist to stay at least 20 feet behind a snowplow when stopped at an intersection. The distance requirement would not apply when a vehicle is legally passing a snowplow. The bill passed the House this week and now awaits the governor's signature.

Reminder: Renewables Ready Communities grants available to locals

Any municipality that hosts or is permitted for any portion of an eligible utility-scale renewable energy project can apply for a

[Renewables Ready Communities Award](#). This opportunity, through the Michigan Department of Energy, Great Lakes, and Environment, provides up to \$5,000 per megawatt (MW) to permittees and expectant hosts. In situations where the host and permittee differ, \$2,500 per MW will be granted to each awardee. All projects must be at least 50 MW, unless any wind energy is involved, in which case a project must be at least 100 MW. An eligible project is a grid-connected wind, solar or energy storage project in Michigan that received a land use permit or approved site use plan on or after Oct. 1, 2023. **The application deadline is Sept. 30, 2024.**

Reminders for clerks

Statewide mailings. The Department of State will be sending out three statewide election mailings in the coming weeks: to remind voters that early voting is an option to vote in the August and November elections; to those between the ages of 16 and 17.5 who are not currently pre-registered to vote to inform them that they are eligible to pre-register; and to residents who are not currently registered to vote encouraging them to register.

Upcoming deadlines. June 22 is the deadline for a) county clerks to provide each municipal clerk or early voting coordinator with programming for the e-pollbook for early voting; b) notice for a location change of a polling place of early voting site if it was changed in the 60 days prior to the election; c) the beginning of the period in which a clerk must make a reasonable effort to reject or verify absent voter (AV) ballot applications or AV ballot return envelopes by the next day; d) military and overseas voters ballots to be mailed. **June 27** is the a) deadline when AV ballots must be made available for voters and b) the beginning of the period in which drop boxes must be accessible for 24 hours each day.

2024 election cycle mandatory training. Opportunities are limited to complete mandatory training sessions for this cycle by **June 24**. Sign up in the Bureau of Election's [eLearning Center](#).

EGLE hosting local government composting webinar

Townships can participate in a free [webinar](#) on **June 26** from 11 a.m. to noon to learn how to develop composting programs in their communities. Hosted by the Michigan Department of Environment, Great Lakes, and Energy (EGLE), the webinar will

provide an overview of how local governments can begin composting in their communities. Attendees will hear about efforts from a Michigan community with a successful composting program and how to encourage residents to start composting at home, as well as create community-wide programs.



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