

Legislative Analysis



"NO REASON" ABSENTEE BALLOTS

Mitchell Bean, Director
Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 4097 (Substitute H-1)
Sponsor: Rep. Martin Griffin

House Bill 4367 (Substitute H-1)
Sponsor: Rep. Woodrow Stanley

Committee: Ethics and Elections
First Analysis (4-22-09)

BRIEF SUMMARY: The bills would allow a voter to obtain an absent voter ballot without requiring a justification when making application for the ballot. Further, registered voters could apply for and deliver their absentee ballot applications to their clerks by mail, in person, by facsimile, or by electronic mail.

FISCAL IMPACT: The bills would have no fiscal impact on the State of Michigan. Local units of government may have additional administrative costs. The amount of the increased cost would depend upon the number of additional voters that requested absent voter ballots which would have to be mailed out and later processed by local clerks.

THE APPARENT PROBLEM:

Voting on Election Day while the polls are open is difficult for many registered voters. For example, those experiencing difficulty include stay-at-home parents without childcare; those having to leave town on short notice; those working long shifts; even, according to committee testimony, those local election clerks who work from sun-up to midnight, in order to ensure smoothly run elections.

Michigan law allows voters to make an application for an absentee ballot if they need to vote before Election Day. However, an absent voter must justify a request to vote absentee, by marking one of six reasons on an application. The absent voter must attest to having a physical disability that requires assistance when attending the polls; having religious tenets that prohibit attendance at the polls; being an election precinct inspector in another precinct; being 60 years of age or older; planning to be absent from home on election day; or being in jail awaiting arraignment or trial. After attesting to one of these reasons, the voter is mailed an absentee ballot, votes that ballot, and then returns the completed ballot by mail to the local elections clerk.

In order to apply for an absentee ballot, many registered voters "stretch the truth" when they must select a reason from the six provided on their application forms, knowing full-well that no reason on the list really applies. Critics of the current policy say voters do this in order to overcome the justification barrier that the law puts in their way because they are determined to exercise their voting rights as citizens in a participatory democracy.

Legislation has been introduced to eliminate the justifications, or reasons, that are now required under the law when applying to vote absentee before Election Day.

THE CONTENT OF THE BILLS:

The bills are identical and would amend the Michigan Election Law to allow a voter to obtain an absent voter ballot without requiring a justification when making application for the ballot. A brief description of the bills follows.

Currently under the law, the definition of an 'absent voter' refers to a qualified and registered elector who meets one or more of six requirements: has a physical disability and requires assistance when attending the polls; has religious tenets that prohibit attendance at the polls; is an election precinct inspector in another precinct; is 60 years of age or older; will be absent from home on election day; or cannot attend the polls because of being in jail awaiting arraignment or trial. House Bills 4097 and 4367 would eliminate these requirements. (The bills would define 'absent voter' to mean "a qualified and registered elector who votes without attending the polls on the day of an election.")

Currently the law requires that the form (called an application) a voter completes to request an absent voter ballot include, among other things, a list of the statutory grounds (i.e., the six criteria listed above) for which an absentee ballot can be requested. A voter making application then checks the criterion that applies. House Bills 4097 and 4367 would eliminate this provision of the law. An absent voter ballot application form would continue to require that a voter fill in the date of the election, his or her name, precinct, township or city, county, address to which the absent ballot should be sent, and a signature certifying the accuracy of the statements in the application.

Now an elector applies for an application in person or by mail with the clerk of the township, city, or village in which the voter is registered. Under the bills as amended, an elector could apply in person, by mail, by facsimile, or by electronic mail. Further, the law now requires that after completing the application, it be delivered by the voter (or by a member of the voter's immediate family, or by a registered elector, as specified in the law) to the clerk either by mail or in person. The bills would also allow the voter (or the other parties specified in the law) to deliver the completed application by facsimile, or to scan and send it by electronic mail.

MCL 168.758 et al.

ARGUMENTS:

For:

Proponents of this legislation note several advantages to so-called "no reason absentee voting. "For example, the Lansing City Clerk has noted: Voters will not need to "stretch the truth" when requesting a ballot; lines at polling places on Election Day will be shorter; and voter turnout will increase, since a barrier to participation will be removed.

Further, the Macomb County Clerk has noted: "Voting should be as easy as paying taxes; we allow residents to pay taxes by mail without giving a reason. Surely the same convenience could be extended to our residents when voting. In our fast-paced lives with more and more time spent at work, commuting, and taking care of children and elderly parents, it's becoming harder to attend the polls during the 13 hours they are open on Election Day."

After the 2000 election, the Michigan League of Women Voters undertook a survey of local election officials in order to ascertain the needs of Michigan's election system. The number one need was encouraging and training qualified poll workers; the second was broadening access to absentee ballots. The League found that when absentee ballots were used by more voters in a jurisdiction, the over-all election turnout was also higher. As a result, the League argues that "no excuse" absentee ballot availability is an important part of improving Michigan's election system.

During the 2008 presidential election, the Michigan Election Coalition ran an election protection program designed to assist voters and collect information about Michigan's elections. In March 2009, the Coalition released its first Post-Election Report. The report highlighted the fact that despite being ranked seventh in the nation in a state-by-state comparison of voter turnout, Michigan's electorate still faces unnecessary barriers when exercising the right to vote. A common barrier was the amount of time voters had to await to vote on Election Day. For example, Precinct 17 in Ypsilanti, and Precincts 27 and 30 in Detroit had more than three-hour wait times. The Coalition argues that no-reason absentee voting would be a viable solution to this problem.

Finally, a spokesman for the Michigan Campaign Finance Network has noted: "We should be concerned about making it easier for eligible citizens to vote. Allowing voters to cast an absentee ballot without requiring them to provide a state-sanctioned rationale is a step in that direction."

Against:

Opponents of this bill argue that increasing voting by mail could up the chances of fraud, could cause more spoiled ballots, and could actually decrease turnout by decreasing mobilization efforts aimed at getting voters out on Election Day. For example, during the law legislative session when a similar bill passed in the House of Representatives, an opponent cited a national study which found that no reason absentee voting had actually proven to lower voter turnout for two reasons: first, the emphasis on getting people out to vote on one specific day was lessened; and second, when people were given a window of time in which to vote, they were more likely to forget to mail in the ballot, hence missing the deadline to have their votes counted.

POSITIONS:

The Michigan Election Reform Alliance supports the bills. (4-22-09)

The Michigan Election Coalition supports the bills. (4-22-09)

The League of Women Voters supports the bills. (4-22-09)

The Michigan Association of Municipal Clerks supports the bills. (4-22-09)

The Michigan Municipal League supports the bills. (4-22-09)

The Michigan Campaign Finance Network supports the bills. (4-22-09)

The Michigan Association of County Clerks supports the bills. (4-22-09)

The Michigan Townships Association supports House Bill 4097. (4-1-09)

Common Cause Michigan supports House Bill 4097. (4-1-09)

The Michigan Nonprofit Association supports House Bill 4097. (4-1-09)

Legislative Analyst: J. Hunault
Fiscal Analyst: Viola Bay Wild

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.