

Legislative Analysis



OVERSEAS VOTERS: ABSENT BALLOT DEADLINES AND BALLOTS BY ELECTRONIC MAIL

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House Bill 5279 (Substitute H-1)
Sponsor: Rep. Vincent Gregory

House Bill 5530 as introduced
Sponsor: Rep. Jennifer Haase
Committee: Ethics and Elections

First Analysis (10-22-09)

BRIEF SUMMARY: The bills would allow overseas voters to be sent their absent voter ballots by electronic mail, and standardize, at 45 days before any election, the deadline by which local clerks must have absentee ballots on hand.

FISCAL IMPACT: The bills would have an indeterminate, but likely negligible, fiscal impact on the Secretary of State. Any fiscal impact would be associated with administrative costs in the promulgation of rules and procedures for electronic mail absentee ballots for members of the armed services or overseas voters, or for processing costs due to the revision of deadlines under the bill.

THE APPARENT PROBLEM:

Under the Uniformed and Overseas Citizens Absentee Voting Act, passed by the U. S. Congress in 1986, an estimated 6 million military and overseas civilian voters have the right to cast absentee ballots in America's federal elections.

However, many overseas voters face procedural hurdles and tight deadlines when they cast their ballots. According to the PEW Center on the States and the federal Election Assistance Commission, an estimated one million ballots were distributed for the 2006 election, yet only one-third were cast or counted. See [Background Information](#). Committee testimony compared the percentages of civilians and military personnel who participated: "Across the board, voter participation among military personnel is starkly lower than the participation rates for their civilian counterparts. In part, this is due to the fact that the voting process they are forced to navigate is overly complex and subject to substantial mail delays. As a result, only 22 percent of citizens serving abroad in the military voted in 2006, as compared to roughly 40 percent of the general population."

In 2004, the PEW "No Time to Vote Report" states that fully 30 percent of overseas military personnel reported that their ballots arrived late, or not at all. Another 28 percent said they did not know how to get a ballot, found the process too complicated, or were unable to register.

In total, 25 states and the District of Columbia need to improve their absentee voting process for overseas military voters. Most do not provide enough time to return the ballot. When a state's process relies entirely or partially on mail delivery, military voters need more time to complete all the steps required, and are less likely to have time to vote.

According to the Michigan Bureau of Elections, the voting process in Michigan takes 45 days. However, state law does not require that local clerks have absent ballots on hand 45 days before every election. For some elections, including all local elections, only 22 days are required. The Heritage Foundation's report "America's Military Voters: Re-enfranchising the Disenfranchised" has found that "based on surveys of the U.S. Postal Service and of military postal authorities, ballots should be mailed to overseas addresses at least 45 days prior to an election in order to ensure adequate time for a ballot to reach a voter and be returned."

A bill has been introduced to standardize, at 45 days before any election, the deadline by which local clerks must have absentee ballots on hand. A second bill would allow overseas absent voters from Michigan to receive their blank absentee ballots by electronic mail. That way, overseas voters can vote their ballot, and return it by mail in half the time.

THE CONTENT OF THE BILLS:

The bills would allow overseas voters to be sent their absent voter ballots by electronic mail, and standardize, at 45 days before any election, the deadline by which local clerks must have absentee ballots on hand. A more detailed description of each bill follows.

House Bill 5279 (H-1) would amend the Michigan Election Law (MCL 168.759a) to allow overseas voters to be sent their absent voter ballots by electronic mail.

The bill would require the Secretary of State to promulgate rules to do all of the following:

- Allow a county, city, village, or township clerk to transmit an absent voter ballot by electronic mail to an applicant who is a member of the armed services or an overseas voter, and who had provided an electronic mail address.
- Provide procedures for how an absent voter ballot transmitted by electronic mail to a member of the armed services or an overseas voters would be returned to the county city, village or township clerk.

House Bill 5530 would amend the Michigan Election Law (MCL 168.713 and 168.714) to increase the time prior to an election that absent voter ballots would be available to county clerks.

Currently under the law, the County Board of Election Commissioners must cause all ballots and absent voter ballots to be delivered to the county clerk at least 47 days before

both the November general election and the August primary, and 22 days before all other elections. The county clerk, in turn, must deliver the absent voter ballots for each precinct to all the township and city clerks in the county at the earliest possible time, but at least 45 days before both the November general election and the August primary, and at least 20 days before any other election. (All other ballots other than absent voter ballots, as well as election supplies, must be delivered to the local clerks at least 10 days before any election.)

House Bill 5530 would revise these deadlines. The bill would require that the County Board of Election Commissioners cause the delivery of all ballots and absent voter ballots to county clerks at least 47 days before *any* election. Further, the bill would require the county clerks to deliver to the local clerks the absent voter ballots for each precinct at the earliest possible time, but at least 45 days before *all* elections. (All but the absent voter ballots would continue to be delivered to the local clerks at least 10 days before any election.)

BACKGROUND INFORMATION:

To review the PEW Center on the States 47-page report, "No Time to Vote: Challenges Facing America's Overseas Military Voters, visit:
http://www.pewcenteronthestates.org/uploadedFiles/NTTV_Report_Web.pdf

ARGUMENTS:

For:

Currently, 32 states allow the electronic transmission of a blank absent voter ballot to their voters residing overseas. Michigan should do the same. According to committee testimony, states like Minnesota that have recently enacted this election reform (SF 1218/2008 Enacted Law) report great success. Participation rates for military voters increased over 400 percent between 2006 and 2008. In addition, the state previously saw 19 percent of its ballots returned, but now sees a response rate of up to 61 percent.

Without electronic transmission of blank absent voter ballots, overseas voters do not have enough time to return their voted ballots to local elections clerks. Following a survey of military postal authorities, the U.S. Election Assistance Commission reports that a minimum of 45 days is needed to ensure that an overseas voter has enough time to receive and return a ballot by mail. Yet Michigan's Oakland County Clerk estimates that it now takes 57 days for Michigan clerks to verify, mail, and receive a return overseas ballot. For that reason, she and the county clerks in Wayne and Macomb counties have launched "Operation Our Troops Count". This legislation, allowing the electronic transmission of a blank ballot, but requiring that the voted ballot be returned by mail, would cut the ballot transmission time in half, and allow overseas voters to cast their ballots within Michigan's 45-day limit.

POSITIONS:

The Secretary of State supports House Bill 5279 with amendments. (10-14-09)

The Oakland County Clerk supports House Bill 5279 (H-1). (10-21-09)

The Macomb County Clerk supports House Bill 5279. (10-14-09)

The Wayne County Clerk supports House Bill 5279. (10-14-09)

The Oakland County Board of Commissioners supports House Bill 5279. (10-14-09)

The Michigan Association of Municipal Clerks supports House Bill 5279. (10-21-09)

The Michigan Association of County Clerks supports House Bill 5279 in concept, and also supports House Bill 5530. (10-21-09)

The Bloomfield Township Clerk supports House Bill 5279. (10-14-09)

The Macomb County Veterans Department supports House Bill 5279. (10-14-09)

The American Legion, The Marine Corps League, and The Commanders Group support House Bill 5279. (10-14-09)

The Michigan Campaign Finance Network supports House Bill 5279. (10-14-09)

The Michigan Townships Association supports House Bill 5279 in concept, and also supports House Bill 5530. (10-21-09)

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■ 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.