

# Legislative Analysis

---



## ABSENT VOTER BALLOT SPOILING AND PAPER BALLOTS FOR TABULATION

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

**House Bill 5644 as introduced**  
**Sponsor: Rep. Tom Barrett**  
**Committee: Elections and Ethics**  
**Complete to 3-7-18**

Analysis available at  
<http://www.legislature.mi.gov>

### SUMMARY:

House Bill 5644 would amend the Michigan Election Law to require electronic voting systems used in this state to utilize a paper ballot for tabulation purposes. The bill would also provide procedures for “spoiling” an absent voter ballot that has already been voted.

Sections 794 to 799a of the Michigan Election Law prescribe requirements and procedures for electronic voting systems to be used in elections in this state. The bill would amend section 795 to require that such a system must utilize a paper ballot for tabulating purposes.

The bill would also allow an elector who has voted an absent voter ballot to request that his or her city or township clerk spoil that ballot and provide the elector with a new absent voter ballot. The request would be made by submitting a signed, written statement to the clerk requesting that the ballot be spoiled and a new ballot provided. The statement could be submitted by mail or in person. The mail deadline would be 2 p.m. on the Saturday before an election, and the in-person deadline would be 4 p.m. on the day before an election, as long as that day isn't a Sunday or legal holiday.

Upon receiving such a signed, written statement from an elector, the clerk would have to mark the absent voter return envelope of that elector as “spoiled” and retain the envelope. The clerk would then provide or mail a new absent voter ballot to the elector or, if the elector has appeared in person at the clerk's office to request the spoilage, issue the elector a new ballot that must be voted in the office.

Additionally, the bill would stipulate that absent voter ballots can't be counted until the polls open on election day.

The bill would take effect 90 days after it is enacted.

MCL 168.765 and 168.795 and proposed MCL 168.765a

### FISCAL IMPACT:

The bill would have no fiscal impact on state or local governments.

Legislative Analyst: Rick Yuille  
Fiscal Analyst: Michael Clossen

---

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