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BILL ANALYSIS

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House Bill 5644 (Substitute H-1 as passed by the House)
Sponsor: Representative Tom Barrett
House Committee: Elections and Ethics
Senate Committee: Elections and Government Reform

Date Completed: 4-11-18

CONTENT**The bill would amend the Michigan Election Law to do the following:**

- **Provide procedures for a city clerk to spoil an absent voter ballot if the clerk received a signed written statement from an elector.**
- **Require electronic voting systems to use a paper ballot for tabulation purposes.**

The Law allows an elector who qualifies to vote as an absent voter to apply for an absent voter ballot within 75 days before an election. "Absent voter" means a qualified and registered elector who meets one or more of the following requirements:

- On account of physical disability, cannot without another's assistance attend the polls on the day of an election.
- On account of the tenets of his or her religion, cannot attend the polls on the day of election.
- Cannot attend the polls on the day of an election in the precinct in which he or she resides because of being an election precinct inspector in another precinct.
- Is 60 years of age or older.
- Is absent or expects to be absent from the township or city in which he or she resides during the entire period the polls are open for voting on the day of an election.
- Cannot attend the polls on election day because of being confined in jail awaiting arraignment or trial.

The Law requires a city clerk who receives an absent voter ballot return envelope to follow certain procedures. The bill provides that absent voter ballots could not be tabulated before the opening of the polls on election day.

Under the bill, before 2:00 p.m. on the Saturday immediately before an election, an elector could submit a signed, written statement to his or her city or township clerk requesting that the clerk do both of the following:

- Spoil the elector's absent voter ballot.
- Provide or mail a new absent voter ballot to the elector.

Upon receiving that statement, the city or township clerk would be required to mark the absent voter ballot return envelope of that elector as "spoiled" and retain the envelope. In addition, the clerk would have to provide or mail a new absent voter ballot to that elector.

An elector who had returned an absent voter ballot could, before 4:00 p.m. on the day before an election except Sunday or a legal holiday, appear in person at his or her city or township clerk's office to do both of the following:

- Spoil his or her absent voter ballot by submitting a signed, written statement to the clerk indicating that the elector wished to have his or her absent voter ballot spoiled.
- Vote a new absent voter ballot in the clerk's office.

Upon receiving the signed, written statement from an elector, the city or township clerk would have to mark the absent voter ballot return envelope of that elector as "spoiled" and retain the envelope. In addition, the city or township clerk would have to issue the elector a new absent voter ballot that would have to be voted by the elector in the clerk's office.

Not later than 2:00 p.m. on the Saturday immediately before an election, an elector who had lost his or her absent voter ballot or had not yet received his or her absent voter ballot in the mail could submit a signed, written statement to his or her city or township clerk requesting that the clerk do both of the following:

- Spoil the elector's absent voter ballot.
- Provide or mail a new absent voter ballot to the elector.

Upon receiving that statement, the city or township clerk would have to indicate in the qualified voter file that the original ballot was spoiled. In addition, the clerk would have to provide or mail a new absent voter ballot to that elector.

An elector who had lost his or her absent voter ballot or not yet received his or her absent voter ballot in the mail could, before 4:00 p.m. on the day before an election except Sunday or a legal holiday, appear in person at his or her city or township clerk's office to do both of the following:

- Spoil his or her absent voter ballot by submitting a signed, written statement to the clerk indicating that the elector wished to have his or her absent voter ballot spoiled.
- Vote a new absent voter ballot in the clerk's office.

Upon receiving the signed, written statement from an elector, the city or township clerk would have to indicate in the qualified voter file that the original ballot was spoiled. In addition, the clerk would have to issue the elector a new absent voter ballot that would have to be voted by the elector in the clerk's office.

In addition, the Law prescribes requirements for electronic voting systems to be used in elections in Michigan. The bill would add a requirement that an electronic voting system use a paper ballot for tabulating purposes.

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

MCL 168.765 et al.

Legislative Analyst: Nathan Leaman

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Joe Carrasco

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.