

Legislative Analysis



PROPOSAL 22-2 IMPLEMENTATION FOR MILITARY AND OVERSEAS ABSENTEE BALLOTS

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Senate Bill 259 (H-2) as passed by the House

Sponsor: Sen. Paul Wojno

House Committee: Elections

Senate Committee: Elections and Ethics

Complete to 4-27-23

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

(Enacted as Public Act 25 of 2023)

SUMMARY:

Senate Bill 259 would amend the Michigan Election Law to allow an absentee ballot cast by a military or overseas voter to be tabulated if it was *postmarked* on or before election day and received by a city or township clerk within six days of the election.

Postmark would mean any mark applied by the United States Postal Service or other delivery service to an absent voter ballot return envelope, such as a barcode or a tracking mark that indicates when a ballot was mailed.

The Michigan Election Law currently requires these ballots to be counted if they are received before the close of the polls on election day. However, Ballot Proposal 22-2 amended the state constitution to grant military and overseas voters the right to have their absentee ballots counted if the ballot was postmarked on or before election day and received by the appropriate election official within six days of election day.¹ Senate Bill 259 would amend the Michigan Election Law to reflect this change.

Specifically, the bill would provide that if an absent voter ballot return envelope containing a voted ballot cast by a military or overseas voter was postmarked on or before election day and was received in the mail by the appropriate city or township clerk within six days after the election, the clerk would have to consider it timely received. If a city or township clerk receives an absentee ballot return envelope within this deadline but the postmark on the envelope is missing or unclear, the clerk would have to deliver the ballot return envelope to the appropriate county clerk. If the county clerk determines that the voter had dated the envelope or the voter certificate on or before election day, the ballot would be considered timely received and would have to be tabulated.

By the seventh day after an election, each city and township clerk would have to forward all timely received ballots cast by military or overseas voters, without opening the return envelope, to the appropriate county clerk for tabulation at a county canvass board meeting.

Additionally, the list of instructions included with each ballot provided to a military or overseas absentee voter would have to include information about the extended deadline and specify that an absent voter ballot from a military or overseas voter will not be counted if it is received more than six days after an election or is postmarked after election day.

MCL 168.759a and 168.764a

¹ For a summary of Proposal 22-2, see https://www.house.mi.gov/hfa/PDF/Alpha/Ballot_Proposal_2_of_2022.pdf

FISCAL IMPACT:

The bill would result in minor costs for the Department of State to update software and the Qualified Voter File to accommodate the change in permitted military postmark dates. Changes proposed by the bill represent a small share of all the changes required by section 4 of Article II of the state constitution of 1963 as amended by Proposal 22-2. A FY 2022-23 supplemental appropriation is included in the Governor’s Executive Recommended budget that would provide \$1.3 million GF/GP to make technology updates related to Proposal 22-2. This would cover the costs of the bill if enacted.

The bill would have no fiscal impact on local units of government.

POSITIONS:

Representatives of the following entities testified in support of the bill (4-20-23):

- Michigan Department of State
- Michigan Association of Municipal Clerks
- Promote the Vote

The following entities indicated support for the bill (4-20-23):

- American Civil Liberties Union of Michigan
- Detroit Regional Chamber
- League of Women Voters of Michigan
- Michigan Association of County Clerks
- Michigan Democratic Party
- Protect Democracy
- Secure Democracy
- Voters Not Politicians

A representative of the Michigan Department of Military and Veterans Affairs testified with no position on the bill. (4-20-23)

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■ 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.