

## "NO REASON" ABSENTEE VOTING

### House Bill 4105 as introduced First Analysis (6-5-01)

**Sponsor: Rep. Marc Shulman**  
**Committee: Redistricting and Elections**

#### ***THE APPARENT PROBLEM:***

The Michigan Election Law requires a person to meet one or more specified criteria in order to vote in an election by absentee ballot. Absentee voting is permitted if the person cannot vote at the polls on election day because of physical disability, religious tenets, confinement to jail awaiting arraignment or trial, duties as an election inspector in a precinct outside of the precinct of residence, or absence from the community (or the expectation of absence) for the entire period the polls will be open. Also, anyone 60 years of age or older can vote by absentee ballot simply by virtue of age. A lot of voters who do not technically meet these qualifications would like to vote by absentee ballot, and in fact many do. For example, election officials report that an extraordinary number of people "expect" to be out of town all day on election day. Many people believe that, given the safeguards against abuses of the system, absentee voting should be available to all voters, simply as an alternative method of voting.

#### ***THE CONTENT OF THE BILL:***

The bill would amend the Michigan Election Law so that any qualified voter could vote by absentee ballot. The bill would eliminate the current requirements that must be met before a person could be an "absent voter" and would instead define that term to mean "a qualified and registered elector who wishes to vote without attending the polls on the day of an election."

Currently, the law requires that in order to qualify for an "absent voter ballot," a qualified and registered voter must be 60 years of age or older or unable to attend the polls on the day of an election on account of a physical disability; on account of the tenets of his or her religion; because of being an election precinct inspector in another precinct; because he or she will be absent from the township or city during the entire period the polls are open; or on account of being confined in jail awaiting arraignment or trial.

The bill would not change the methods of acquiring or delivering absent voter ballot applications, except

in the case of emergency absent voter ballot applications. Ordinarily, a voter must apply for an absentee ballot up until 2 p.m. of the Saturday before the election. However, the election law allows a voter to apply for an absentee ballot on election day, up until 4 p.m., if "he shall have become physically disabled or shall be absent from the city or township because of sickness or death in the family" occurring at a time that made applying within the statutory deadline impossible. House Bill 4105 would eliminate the current reasons and instead allow for an emergency ballot application if "an event" had occurred that made meeting the statutory deadline impossible.

MCL 168.758 et al.

#### ***SUGGESTED AMENDMENTS:***

The Department of State and other election officials have recommended deleting the changes the bill would make to Section 759b regarding emergency absentee ballots.

#### ***BACKGROUND INFORMATION:***

A registered voter who wants to vote by absentee ballot must request one in writing in advance of election day (by Saturday at 2 p.m.) indicating the applicable justification. The request can be made in person or by mail. Application forms are available from clerks, but written requests need not be on an official form. (An application can be for a primary election only or for both the primary and subsequent general election.) The law restricts who can be in possession of a signed application. A ballot is then mailed to the voter, although it can be handed over personally. The ballot can be returned by mail or in person, and by a member of the voter's immediate family or a person residing in the same household who had been asked by the voter to return the ballot. If no eligible person is available to return the ballot, a local clerk must arrange to have it picked up (either by the clerk or by an authorized and credentialed

assistant). It is a felony for an unauthorized person to be in possession of an absentee ballot and for an unauthorized person to return, solicit to return, or agree to return an absentee ballot.

### ***FISCAL IMPLICATIONS:***

The House Fiscal Agency reports that the bill would have no fiscal impact to the state but would result in an indeterminate increase in costs to local units of government. The HFA says it assumes more people would vote by absentee ballot if allowed, but the size of the increase cannot be determined. Cost factors to local units of government would include the number of people voting by absentee ballot, the size of the ballot, and associated printing, mailing, and handling costs. (Fiscal note dated 2-28-01)

### ***ARGUMENTS:***

#### ***For:***

Allowing “no reason” absentee voting could be beneficial in a number of ways. It could help reduce long lines at general elections, thus making voting more convenient for voters and easing the burden of election day workers. Finding qualified workers is a serious challenge for election officials. The bill could encourage greater turnout by making voting easier for more people. It would end discrimination against younger voters, since those 60 and over can already get an absentee ballot simply by virtue of their age. And it would eliminate the need for voters to stretch the truth so as to qualify for an absentee ballot. (Many voters act as if open absentee voting is already available, which might in itself be a good reason for making it so.) Moreover, some people believe that voting by absentee ballot gives the voter more time to evaluate the candidates and to become better informed about the issues of the day, particularly given the long ballots and myriad choices Michigan voters are typically faced with. Sometimes, voters may not be aware until they actually confront the ballot that there are so many decisions to be made. Open absentee voting is a form of “early voting”, but since it builds on the current absentee process and procedures, it should not pose any difficulties in implementation (as voting by mail perhaps might). Given the protections in the election law against abuses of the system, there appears little reason for limiting the use of the absentee ballot.

#### ***Response:***

There is some concern about the possible increases in administrative burdens to local clerks and election workers from a significant increase in the demand for absentee ballots. There would be more applications

for clerks to handle, and then at the election there would be additional absentee ballots to be counted, which could affect the reporting of results.

#### ***Against:***

There is opposition to the change the bill would make in the availability of emergency absentee ballots. Currently, an absentee ballot is available after the Saturday 2 p.m. deadline (up to 4 p.m. on election day) only if a voter has become physically disabled or will be absent from the community due to sickness or death in the family. The bill would allow such an emergency ballot if “an event” has occurred that made it impossible to apply for an absentee ballot by the normal deadline. This is too vague a standard, say state election officials, and could be subject to abuse. They point out that emergency absentee ballots are subject to less stringent handling requirements, which increases the potential for abuse.

### ***POSITIONS:***

The Department of State supports the bill with modifications. (5-31-01)

The Michigan Association of County Clerks supports the bill. (6-4-01)

The Michigan Municipal League has indicated support for the bill. (3-1-01)

A representative of the League of Women Voters testified in support of the bill. (3-1-01)

The Michigan Association of Municipal Clerks supports the bill. (6-4-01)

The Michigan Townships Association supports expanding the reasons for allowing absentee voting but has practical concerns about the implementation of open absentee voting. (6-1-01)

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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.