

"NO REASON" ABSENTEE BALLOTS

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House Bill 4048 as passed by the House
Sponsor: Rep. Martin Griffin
Committee: Ethics and Elections

Second Analysis (11-7-08)

BRIEF SUMMARY: The bill would allow a voter to obtain an absent voter ballot without requiring a justification when making application for the ballot. However, if more than five percent of the absentee ballots issued in a statewide election were spoiled, then the current justifications would be reinstated. The bill would also count all overseas electors' absent voter ballots, if the ballots were postmarked by Election Day (rather than if they were received before the polls closed).

FISCAL IMPACT: There would be no fiscal impact on state government. There would be additional mailing costs to local units of government if more voters requested absent voter ballots.

THE APPARENT PROBLEM:

Voting on Election Day while the polls are open is difficult for many registered voters. For example, those experiencing difficulty include stay-at-home parents without childcare; those having to leave town on short notice; those working long shifts; even, according to committee testimony, those local election clerks who work from sun-up to midnight, in order to ensure smoothly run elections.

Michigan law allows voters to make an application for an absentee ballot, if they need to vote before Election Day. However, an absent voter must justify a request to vote absentee, by marking one of six reasons on an application. The absent voter must attest to having a physical disability that requires assistance when attending the polls; having religious tenets that prohibit attendance at the polls; being an election precinct inspector in another precinct; being 60 years of age or older; planning to be absent from home on election day; or being in jail awaiting arraignment or trial. After attesting to one of these reasons, the voter is mailed an absentee ballot, votes that ballot, and then returns the completed ballot by mail to the local elections clerk.

In order to apply for an absentee ballot, many registered voters "stretch the truth" when they must select a reason from the six provided on their application forms, knowing full-well that no reason on the list really applies. Critics of the current policy say voters do this in order to overcome the justification barrier that the law puts in their way because they are determined to exercise their voting rights as citizens in a participatory democracy.

Legislation has been introduced to eliminate the justifications, or reasons, that are now required under the law when applying to vote absentee before Election Day. In addition, the legislation would count all overseas electors' absent voter ballots, if the ballots were postmarked by Election Day (rather than if they were received before the polls closed).

THE CONTENT OF THE BILL:

The bill would amend the Michigan Election Law to allow a voter to obtain an absent voter ballot without requiring a justification when making application for the ballot. A brief description of the bill follows.

The bill would define "absent voter" to mean "a qualified and registered elector who votes without attending the polls on the day of an election." Currently under the law, the definition of an "absent voter" refers to a qualified and registered elector who meets one or more of six requirements: has a physical disability and requires assistance when attending the polls; has religious tenets that prohibit attendance at the polls; is an election precinct inspector in another precinct; is 60 years of age or older; will be absent from home on election day; or cannot attend the polls because of being in jail awaiting arraignment or trial. House Bill 4048 would eliminate these requirements. However, the bill specifies that if more than five percent of the absentee ballots issued to electors in a statewide election were spoiled, then for each election held thereafter the definition of "absent voter" currently in use would be reinstated.

Currently the law requires that the form (called an application) a voter completes to request an absent voter ballot include, among other things, a list of the statutory grounds (i.e., the six criteria listed above) for which an absentee ballot can be requested. A voter making application then checks the criterion that applies. House Bill 4048 would eliminate this provision of the law. An absent voter ballot application form would continue to require that a voter fill in the date of the election, his or her name, precinct, township or city, county, address to which the absent ballot should be sent, and a signature certifying the accuracy of the statements in the application.

Finally, the law currently allows a member of the armed services or an overseas voter who is not registered but qualified to vote, to apply for registration by using the federal postcard application. Further, the law specifies the people who are qualified electors, but not registered--generally, those temporarily living or working overseas--who may apply for an absent voter ballot. The law also requires that upon receipt of an application under this section of the law, a clerk must forward the absent voter ballot request, the necessary registration forms, and instructions for completing the forms. If the ballots and registration forms (properly completed) are received before the close of the polls on Election Day, then the absent voter ballots are delivered to the proper election board to be voted. House Bill 4048 would retain these provisions, but would allow the ballots to be counted if they had been postmarked by election day.

MCL 168.758, 168.759, and 168.759a

ARGUMENTS:

For:

Proponents of this bill note several advantages to so-called "no reason absentee voting." For example, the Lansing City Clerk notes: Voters will not need to "stretch the truth" when requesting a ballot; lines at polling places on Election Day will be shorter; and voter turnout will increase, since a barrier to participation will be removed. Further, the Macomb County Clerk notes: "Voting should be as easy as paying taxes; we allow residents to pay taxes by mail without giving a reason. Surely the same convenience could be extended to our residents when voting. In our fast-paced lives with more and more time spent at work, commuting, and taking care of children and elderly parents, it's becoming harder to attend the polls during the 13 hours they are open on Election Day." Finally, a spokesman for the Michigan Campaign Finance Network notes: "We should be concerned about making it easier for eligible citizens to vote. Allowing voters to cast an absentee ballot without requiring them to provide a state-sanctioned rationale is a step in that direction."

Against:

Opponents of this bill argue that increasing voting by mail could up the chances of fraud, could cause more spoiled ballots, and could actually decrease turnout by decreasing mobilization efforts aimed at getting voters out on Election Day. For example, one opponent cites a national study which finds that no reason absentee voting has actually proven to lower voter turnout for two reasons: first, the emphasis on getting people out to vote on one specific day is lessened; and second, when people are given a window of time in which to vote, they are more likely to forget to mail in the ballot, hence missing the deadline to have their votes counted.

Response:

As amended on the House floor, the justifications currently required of voters in order to obtain an absentee ballot would be reinstated if more than five percent of absentee ballots were spoiled in a statewide election.

POSITIONS:

The Michigan Campaign Finance Network supports the bill. (7-24-07)

The Michigan Association of County Clerks supports the bill. (7-24-07)

The Michigan Association of Municipal Clerks supports the bill. (7-24-07)

The City Clerk of Jackson supports the bill. (6-19-07)

The Washtenaw County Clerk supports the bill. (5-15-07)

The Macomb County Clerk supports the bill. (5-15-07)

The League of Women Voters of Michigan supports the bill. (7-24-07)

The Michigan Townships Association supports the bill. (7-24-07)

The Service Employees International Union (SEIU) supports the bill. (7-24-07)

The Secretary of State is neutral on the bill. (6-19-07)

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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.