

ABSENTEE BALLOT APPLICATIONS

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

House Bill 5543 (H-1) as referred to second committee

Sponsor: Rep. Brad Paquette

1st Committee: Elections and Ethics

2nd Committee: Ways and Means

Complete to 3-23-20

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

SUMMARY:

House Bill 5543 would amend Chapter 28 (Holding of Elections: Absent Voters) of the Michigan Election Law to revise the rules for applying for an absentee ballot. The rules for all elections and primaries listed in the section are identical.

The bill would allow a single application to be used for all elections held during a calendar year. If the Secretary of State (SOS) provided an absentee ballot application that contained more options than a city or township application and was otherwise in compliance, the city or township clerk would have to honor the election options requested by the voter on the SOS absentee ballot application.

Currently, an elector can apply for an absentee ballot at any time during the 75 days before a primary, special primary, election, or special election, until 8 p.m. on the day of the election or primary. A clerk is prohibited from sending an absentee ballot to an elector by first-class mail any later than 5 p.m. on the Friday before the primary, special primary, election, or special election.

The bill would add the provision that, in addition to applying for an absentee ballot by a signed written request, on the city or township's application form, or on a federal postcard application, a voter could apply on an absentee ballot application form provided for that purpose by the SOS.

Additionally, the application form available at city and township clerks' offices would have to include the following options for which a voter could request absentee ballots:

- Any individual primary or special primary or election or special election.
- Both the primary or special primary and the election or special election.
- Any of those four types of elections to be held in a given calendar year.

MCL 168.759

BACKGROUND:

The bill is understood as an attempt to clarify the rules for absentee ballot applications. The current application available through the SOS website,¹ excerpted below, lists the options

¹ https://www.michigan.gov/documents/AbsentVoterBallot_105377_7.pdf

that the voter receive ballots for the presidential primary election, or the presidential primary election and the November general election. The bill would clarify that such an application is allowed.

Select election(s) to receive ballot (required):

March 10 Presidential Primary and November 3 General or March 10 Presidential Primary only

Other Elections: Complete to join permanent absent voter application list I want to vote absentee in all elections. Automatically send me an application for an absent voter ballot for all elections, including other elections in 2020.

Select only one ballot type for the Presidential Primary here (required):

Democratic Party Presidential Primary Ballot
 Republican Party Presidential Primary Ballot
 Ballot without Presidential Primary (If available, this choice is for voters not voting in the presidential primary who wish to vote on other proposals or candidates only.)

Voter's Signature (Power of attorney is not acceptable):

I certify that I am a **United States citizen** and that the statements in this absent voter ballot application are true.

X / /

Signature Date

The section was last amended² to account for the changes in absentee voting procedures instituted by the adoption of Proposal 3 of 2018.³

DISCUSSION:

As introduced, the bill would have distinguished the presidential primary from all other primaries, special primaries, elections, or special elections, and required that a separate application be submitted in order to receive an absentee ballot for the presidential primary. (All other ballots could have been obtained with a single application.) Reportedly, there was confusion surrounding existing law; currently, an application may be “for either that primary only, or for that primary and the election that follows.” In the 2020 election year, the SOS interpreted that to allow a single application to vote absentee in the presidential primary and the November general election. However, there may be two additional primaries between those two events—the May and August primaries.

A township clerk noted during committee testimony that each time she sends out applications it costs approximately \$4,500 in postage, and that there would be a substantial savings if only one application was required in a given year. Accordingly, the substitute as adopted by the committee clarifies existing law by allowing all elections and primaries in a year—including the presidential primary—to be included on a single application.

² House Fiscal Agency analysis of 2018 PA 563 (SB 1238): <http://www.legislature.mi.gov/documents/2017-2018/billanalysis/House/pdf/2017-HLA-1238-7DD61512.pdf>

³ House Fiscal Agency analysis of Proposal 3 of 2018: https://www.house.mi.gov/hfa/PDF/TestPDF/Ballot_Proposal_2018-3_Promote_The_Vote.pdf

FISCAL IMPACT:

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

POSITIONS:

Representatives of the following entities testified in support of the bill:

Michigan Secretary of State (3-11-20)

Michigan Association of Municipal Clerks (3-4-20)

Council of Election Officials (3-4-20)

Michigan Association of County Clerks (3-4-20)

The Michigan Municipal League indicated support for the bill. (3-11-20)

Legislative Analyst: Jenny McInerney
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.