



**House  
Legislative  
Analysis  
Section**

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**OVERSEAS ABSENT VOTERS, ETC.**

**House Bill 4443 as enrolled  
Public Act 207 of 1996  
Second Analysis (7-26-96)**

**Sponsor: Rep. Alvin Kukuk  
House Committee: Local Government  
Senate Committee: Government  
Operations**

***THE APPARENT PROBLEM:***

Section 758 of the Michigan Election Law specifically allows certain classifications of voters to become "absent voters", and it specifically cites "former residents who are serving in the United States army, navy, merchant marine, marine corps, or air force." Elsewhere provisions dealing with absent voter balloting refers to "the armed services" but the act provides no definition of the term. Some people have become concerned about the lack of reference to those serving away from home in the Coast Guard, the reserves, and other branches of the service. They have proposed a fuller definition of the term "armed services" in order to protect the voting rights of all service personnel.

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

The bill would amend the Michigan Election Law in a number of ways, including the following.

**Absentee Ballots**

-- In the section of the act that addresses who is eligible for an absent voter ballot, the bill would provide a definition of "armed services" as referring to the United States Army, Navy, Air Force, Marine Corps, or Coast Guard; the United States Merchant Marines; a reserve component of one of the services listed above; and the Michigan National Guard. The bill would delete a reference in Section 758 to "former residents who are serving in the United States army, navy, merchant marine, marine corps, or air force." (Elsewhere the election law refers to "armed services," but currently there is no definition in the statute.) Civilian employees of the armed services, as well as members of the services, and citizens residing outside the country, who are qualified electors but not registered voters can apply for absent voter ballots when applying to register by mail.

-- A citizen temporarily residing in the District of Columbia would also specifically be permitted to apply for an absent voter ballot when applying to register by

mail. (The act currently refers to citizens temporarily residing outside the territorial limits of the United States and the District of Columbia.)

-- The state director of elections, pursuant to the federal Uniformed and Overseas Citizens Absentee Voting Act, would be required to approve a ballot form and registration procedures for electors in the armed services and electors outside the United States, including the spouses and dependents accompanying those electors.

-- The bill would specify that a spouse or dependent of an elector living outside the U.S. (or in the District of Columbia) could apply for an absent voter ballot when applying to register by mail "notwithstanding that the spouse or dependent is not a qualified elector of a city or township of this state", as long as he or she is a U.S. citizen and is not a registered or qualified elector anywhere else in the U.S. The spouse or dependent would be required to submit an affidavit stating that he or she meets the qualifications as an elector other than residency and that he or she has not established a residence for voting in any other place. Current language refers to a spouse or dependent "who is a qualified elector . . . but not registered for voting."

-- A member or a civilian employee of the armed services and an accompanying spouse or dependent residing outside the U.S. would be considered registered to vote in a special primary or special general election if he or she had been registered to vote in the primary or general election immediately preceding. The city or township clerk who received the completed registration forms in the primary or general election would be required to forward an absent voter ballot for the special primary or special general election immediately upon receiving them.

-- Recent legislation (Public Act 261 of 1995) made changes in the process by which absent voter ballots can be returned and required that certain notices of how to return ballots be printed on the return envelopes. The bill

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would permit a clerk to use absentee ballot envelope stock purchased before March 28, 1996 -- which was the effective date of Public Act 261 -- to be used for the remainder of the 1996 calendar year if the required new warning was affixed to the outside of the ballot and all other required instructions regarding assisting voters with absentee ballots were inserted into the ballot envelope.

-- The election law specifies how absentee ballots can be returned and says that a person who is unable to use those methods can telephone the clerk who issued the ballot to request assistance in returning it. The absentee ballot is then to be picked up by the clerk or an election assistant sent by the clerk. The bill would specify that the clerk is required to provide assistance if: 1) the voter was unable to use the specified means of returning a ballot; 2) it was before 5 p.m. on the Friday immediately preceding the election; and the person was asking the clerk to pick up the ballot within the jurisdictional limits of the city, township, or village in which the person was registered to vote. Also, the bill would permit a clerk who receives a request from an absent voter to make arrangements to collect a ballot he or she had issued even if the second and third criteria above were not satisfied.

-- The bill would specify that a new section of the election law requiring that clerks post or otherwise make public at various times on election day information on the number of absentee ballots distributed and returned only applies to elections in which a federal or state office appeared on the ballot.

#### Other provisions

-- The law requires that the polling places designated by local units be "publicly owned or controlled buildings" if possible (and cites school buildings, fire stations, and police stations as examples). However, if the use of such a building is not possible or convenient, the local unit can designate a building owned or controlled by an organization exempt from federal income tax pursuant to section 501(c)(3) of the Internal Revenue Code. The bill would change the reference so as to cite section 501(c) other than 501(c)(4), (5), or (6). It also would prohibit a local unit from designating as a polling place a building owned by a person who was a sponsor of a political committee or independent committee. That refers to a person described as a sponsor in section 24(3) of the Michigan Campaign Finance Act and includes a subsidiary of a corporation or a local of a labor organization, if the corporation or labor organization was considered a sponsor under that section.

-- The local board of election commissioners is required to designate at least three election inspectors for each precinct (and as many more as are needed). The board must appoint an equal number of inspectors in each

precinct, as nearly as possible, from each major political party. The bill would require the election commissioners to appoint "at least one election inspector from each major political party." (This is in addition to the equal-number-of-each-party requirement. The bill also would permit the appointment of election inspectors from minor political parties. Further, the bill would specify that the requirement that the election commissioners notify the county chair of each political party of the name and affiliation of election inspectors applies to elections in which a federal or state office appears on the ballot.

MCL 168.662 et al.

#### **FISCAL IMPLICATIONS:**

The bill could result in additional costs to local governments to the extent that additional voters qualify for absentee ballots, according to the Senate Fiscal Agency. (SFA floor analysis dated 5-10-96)

#### **ARGUMENTS:**

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

The bill provides a broad definition of "armed services" in order to safeguard the right of Michigan residents in the services to obtain absent voter ballots. Several other clarifying amendments are also in the bill, notably to allow a spouse or dependent of a Michigan resident located outside of the United States (or in the District of Columbia) to be a Michigan voter if he or she was not voting elsewhere.

Analyst: C. Couch

■ 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.