

## **ABSENTEE BALLOT: NO REASONS**

### **House Bill 4448 (Substitute H-2) First Analysis (4-23-97)**

**Sponsor: Rep. Agnes Dobronski**  
**Committee: Local Government**

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

Currently, a voter is eligible to vote in an election by absent voter (or absentee) ballot if he or she 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 precinct inspector outside of the precinct of residence, or absence (or the expectation of absence) from the community during the entire period the polls are open on election day. Also, anyone 60 years old or older can vote by absentee ballot simply by virtue of age. 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 a ballot, a local clerk must arrange to have it picked up (either by the clerk himself or herself or by an authorized and credentialed assistant). It is now 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.

Some people believe that no reasons should be necessary for voting by absentee ballot, that with proper safeguards, absentee voting should be an alternative method of voting open to everyone. Public Act 261 of 1995 put into statute a number of new provisions aimed at ensuring that the absentee voting process has the same integrity of the ballot that exists at the polling place. For example, as mentioned earlier, the act restricts who can be in possession of a signed absentee ballot application and in possession of an absentee ballot and who can return them to an election clerk, and increases penalties for committing absentee voter violations. With these and

other protections in place, allowing "no reason" absentee voting could have a salutary effect on elections in several ways. The convenience of absentee voting could encourage voting and improve voter turnout. The additional use of absentee voting would reduce lines and other administrative problems on election day. And, at the very least, it would do away with forcing registered voters to "lie" to election officials in order to be allowed to vote by absentee ballot, as reportedly occurs widely now.

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

The bill would amend the Michigan Election Law (MCL 168.758 and 168.759) to eliminate the requirements that must be met before a qualified and registered voter can vote by absent voter (absentee) ballot. An "absent voter" would be defined as "a qualified and registered elector who wishes to vote without attending the polls on the day of an election."

Currently, an application for an absentee ballot can be made by a written request signed by the elector; on an absent voter ballot application form provided by the local clerk; or on a federal postcard application. The bill would specify that the request, form, or postcard could be delivered or returned to the local clerk in person, by mail, or, where available, by facsimile transmission.

The bill would take effect December 31, 1997.

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

The House Fiscal Agency reports that the bill will have no fiscal impact on the state and expects a "relatively small" increase in costs to local units. The HFA says that, in general, absentee ballots are more costly than in-person ballots because of costs due to mailing and postage. The assumption is that polling place costs would not decrease to mitigate additional absentee balloting costs because of the fixed costs associated with in-person voting. The actual increase in costs, says the HFA, is

indeterminate and is a function of the number of voters who choose to use absentee ballots. (Fiscal Note dated 4-9-97)

## **ARGUMENTS:**

### **For:**

Allowing a voter to vote by absentee ballot without needing to have one of the current statutory reasons will help the election system in a number of ways. It will encourage greater voter participation by making voting more accessible and convenient, while at the same time cutting down on the long lines on election day for those who prefer to vote at the polls. Recent legislation to enhance the integrity of the absent voter ballot makes open absentee voting even more attractive. The current system leads to voters misleading election officials in order to meet statutory AV requirements, and it inconveniences voters who may be called out of town at the last minute or who have transportation problems. Besides, it is hard for clerks to verify the legitimacy of AV applications. Clerks appear enthusiastic about open AV voting as improving the administration of elections. Open absentee voting is, as a representative of the secretary of state's office has noted, a form of early voting, like voting by mail. It is easier to implement than voting by mail, however, since it does not require that the state's new qualified voter file be in place first and does not require testing or piloting on the local level. Open absentee voting, unlike the vote by mail concept where all voters typically are sent ballots by election officials, requires positive action by the voter to initiate the process and simply builds on current absentee voting practices.

### **Response:**

Recent legislation increased the minimum number of voting stations local officials must make available in an election from at least one per 400 registered voters in a precinct to at least one per 200 registered voters in a precinct. Some people believe that the requirement should be reduced again to one per 400 in conjunction with the enactment of open absentee ballot voting. (Some election officials would prefer an even less restrictive requirement.)

## **POSITIONS:**

The following indicated their support for the bill to the House Local Government Committee: the Department of State; the Michigan Townships Association; the Michigan Municipal League; the Michigan Municipal Clerks Association; the Michigan Association of County Clerks; the Michigan Association of Clerks; and the League of Women Voters of Michigan. (4-15-97 and 4-22-97)

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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.