

Senate Fiscal Agency
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SFA**BILL ANALYSIS**

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House Bill 4642 (as reported without amendment)
Sponsor: Representative Nancy Cassis
House Committee: Redistricting and Elections
Senate Committee: Government Operations

Date Completed: 6-26-02

RATIONALE

Under the Michigan Election Law, a person who registers by mail to vote in a jurisdiction in the State must vote in person the first time he or she votes in that jurisdiction. This means that the person is not allowed to vote by absentee ballot, however, the restriction does not apply to a person entitled to vote by absentee ballot under the Federal Uniformed and Overseas Citizens Absentee Voting Act; a person with a disability as defined in the Federal Persons with Disabilities Civil Rights Act; a person who is 60 years of age or older; or a person who is entitled to vote other than in person under any other Federal law.

Reportedly, the reason for requiring an elector to vote in person the first time after registering by mail to vote is to prevent election fraud. It has been pointed out that many voters who register by mail, such as university students and truckers, are unable to be near their precinct on voting day. Some people believe that an amendment to the Election Law should create another exception to the restriction on absentee voting by those who register by mail.

CONTENT

The bill would amend the Michigan Election Law to allow a person to use an absentee ballot if he or she were voting for the first time in a jurisdiction in which he or she had registered by mail, provided that the signature of the person on the absent voter ballot application was notarized, and the person was entitled to vote as an absent voter under Section 758 of the Law.

(Section 758 provides that to qualify to vote by absentee ballot, a voter must be 60 years old or older, or meet one of the following

requirements: the voter is absent, or expects to be absent, from his or her township or city for the entire time the polls are open on election day; the voter cannot attend the polls without assistance because of a physical disability; the voter is confined to jail awaiting arraignment or trial; the voter cannot attend the polls because of the tenets of his or her religion; or the voter is an election inspector in another precinct.)

MCL 168.509t

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

Currently, an individual who registers to vote by mail is prohibited from using an absentee ballot the first time he or she votes in a precinct. Reportedly, this particularly affects college students who, upon attempting to vote for the first time, discover they cannot. This is not the way to encourage voting among the young. Notably, the prohibition applies to a person voting for the first time "in a jurisdiction", meaning that it can apply to someone with a lengthy voting history who moves from one jurisdiction to another and changes his or her registration by mail. The prohibition on absentee voting can have the effect of disenfranchising registered voters who are unable to attend the polls on election day, and may lead to disgruntled electors. The bill would remove this obstacle to voting, while providing a safeguard against fraud.

Legislative Analyst: George Towne

FISCAL IMPACT

The bill would have no fiscal impact on the State.

The bill would have a negligible fiscal impact on local units of government. With more voters qualifying for an absentee ballot, a local jurisdiction could experience slightly higher postage costs due to mailing additional absentee voter ballots.

Fiscal Analyst: Jessica Runnels

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.