

# Legislative Analysis



## EARLY IN-PERSON ABSENTEE VOTING WITHOUT PROVIDING A REASON

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**House Bill 4569 (Substitute H-1)**  
**Sponsor: Rep. Chris Ward**  
**Committee: House Oversight, Elections, and Ethics**

### First Analysis (4-19-05)

**BRIEF SUMMARY:** The bill would allow for early in-person absentee voting without providing a reason during the seven days preceding an election.

**FISCAL IMPACT:** This bill would have little or no fiscal impact on the Department of State. Any necessary workload changes caused by the bill can be absorbed by the department. The impact for local governments concerning any additional administrative costs is indeterminate at this time.

### THE APPARENT PROBLEM:

The Standards of Conduct published by The Election Center cite three responsibilities for elections and registration officials: 1) maintaining public confidence in honest, impartial, fair, efficient, and accurate elections; 2) providing for equal access to the democratic process; and 3) maintaining the highest levels of integrity in carrying out their duties. To meet these responsibilities, election officials must stay vigilant to the possibility of voter fraud and take measures to prevent it, while at the same time working to ensure that no qualified voters are disenfranchised by those measures. Election officials maintain the integrity of elections within a decentralized election system, in which state laws govern when and how citizens are registered, and when and how citizens vote. See [Background Information](#) below.

In order to improve access to the democratic process, two recent national reports—one published by the Caltech/MIT Voting Technology Project and the other by The National Task Force on Election Reform and sponsored by the Election Center—were issued following the 2000 presidential election whose outcome undermined citizen confidence in election procedures. Both have recommended extending the customary one-day voting period. The hope is that a move to make voting more convenient would increase voter turnout and also minimize the impact of election night projections of winners by television pundits. [A third national report published in the wake of the election by the National Commission on Federal Election Reform, co-chaired by former U.S. presidents Gerald Ford and Jimmy Carter, opposed extending the customary one-day voting period, proposing instead a national holiday for elections.]

High rates of voter registration and voter turn-out at the polls on election day are key indicators of a broadly participatory democracy, and both registration and turn-out signal that democracy's overall health and vitality. In Michigan, there are about 7,164,047

registered voters, and the voter turnout in general elections during presidential election years is slightly above the national average, a rating generally attributed to the fact that Michigan is often a 'battleground' or 'swing' state in high-profile elections where the outcome is close and the campaign hotly contested. For example, nationwide roughly 49 percent of eligible voters cast ballots for president in 1996, the lowest turnout since 1924. In Michigan, however, the turnout in 1996 was about 56 percent—3,848,844 voters. However, overall the percentage turnout in Michigan declined substantially between 1960 and 1992.

In addition to the overall decline for national and statewide offices, there is a steep fall-off in the election turnout for local elections when voters go to the polls to select the officials who serve on city and village councils or school boards. For example, when the Education Policy Center obtained information from 477 of Michigan's 555 school districts—ranging in size from 52 to 118,483 registered voters—they reported that average turnout during school board elections in 2000 was 7.8 percent. However, the turnout ranged from .3 percent to 60 percent of registered voters, depending upon the district. Nonetheless, in almost half of Michigan school districts, fewer than 5 percent of eligible voters participated in the 2000 school board election, and in three-quarters of districts, the turnout was 10 percent or less.

In order to increase convenience for voters, and spur an increase in voter turnout, legislation has been proposed to allow voting for a full week before election day.

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

House Bill 4569 would amend the Michigan Election Law to allow for early in-person absentee voting without providing a reason during the seven days preceding an election.

Under the bill, a qualified or registered elector who appeared at the city, township, or village clerk's office at any time during the seven days preceding an election (excepting Sunday or a legal holiday), but not later than 4 p.m. on the day before the election, could complete an absent voter ballot application, receive a ballot, and vote the ballot in the clerk's office without having to provide a reason. After receiving and voting the ballot, the absent voter would be required to personally submit the ballot to the clerk (or a designated assistant clerk) in a signed and dated return envelope.

The absent voter would have to establish identification by presenting a Michigan drivers license, state identification card, other government-issued photo identification card, or a photo identification card issued by a state university or community college.

If a city, township, or village clerk's office did not maintain regular business hours during the seven days preceding an election, and the local clerk entered into an agreement with the county clerk that allowed absent voters to vote, then a registered voter could apply and vote at the county clerk's office.

A person who made a false statement in the ballot application would be guilty of a misdemeanor. A person who forged a signature would be guilty of a felony.

MCL 168.758 and 168.764b

### ***BACKGROUND INFORMATION:***

The election system in the United States is decentralized, making it nearly impossible to manipulate the outcome of a state or federal election. In any presidential election year, there are, in effect, 50 different elections for president of the United States, not a single 'national' election. The checks and balances inherent in large numbers of workers administering elections in different levels of government are a strength of decentralization. For example, in election year 2000, turnout was approximately one hundred million voters and the election ended in a statistical tie. The ballots were counted using five different technologies and dozens of different products. Voting was conducted at about 200,000 polling precincts that were staffed by nearly 1.4 million poll workers. The entire process was overseen by about 20,000 professional election administrators.

### ***ARGUMENTS:***

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

Over the past 40 years, voter turnout in Michigan's statewide elections has declined. Further, voter turnout at local elections and particularly at school elections is very low, sometimes with percentages in single digits. There are doubtless many reasons for this, including the lack of competition in many elections. But election laws ought to remove barriers to public awareness of elections and also remove obstacles to voting whenever they can do so in ways that maintain the integrity of elections. One change in election procedures that may increase voter turnout is to allow registered voters to vote early—extending the customary time for voting from 13-hours on a single election day to a full week—in effect stretching election day into an election period. By the year 2000, eleven states had some form of early voting (Alaska, Arkansas, Colorado, Kansas, Nevada, New Mexico, North Carolina, Oklahoma, Oregon, Tennessee, and Texas), and in Texas there has been a measurable, although small, increase in voter turnout at local elections. Michigan should follow the lead of these states, and adopt early in-person voting, in order to offer voters greater convenience, and to eliminate barriers to participation that could raise voter turnout.

#### ***Against:***

Critics say this bill should be amended in two ways: First, the photo ID requirement should be eliminated in its entirety so those without government-issued IDs (drivers licenses or state ID cards) can vote. In the alternative, that provision of the bill should be severable in the event the photo ID requirement is invalidated by the courts, who could find the requirement unconstitutional. Second, the bill should be amended to take account of the fact that many local clerks in Michigan do not keep office hours for 40 hours during the week. Indeed, some have no offices but work out of their homes.

***Against:***

One of the reports issued in the wake of the 2000 election —The National Commission on Federal Election Reform, co-chaired by former presidents Gerald Ford and Jimmy Carter, recommended against adopting early voting (and no-reason absentee voting) for several reasons, chief among them the elimination of the ceremonial aspects of voting. Instead of early voting, the commission recommended a national holiday for voting as a superior way to ensure increased voter turnout. The commission noted that "voter turnout in states with early voting may eventually decline, as the civic significance of Election Day loses its meaning." The commission's report also notes that "federal law states that presidential elections should be held on the same day throughout the nation."

***POSITIONS:***

The Secretary of State supports the bill. (4-13-05)

The League of Women Voters supports the bill. (4-13-05)

The Council of Election Officials/Michigan Association of County Clerks supports the bill in concept. (4-13-05)

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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.