

Legislative Analysis



REVISE ABSENTEE BALLOT DELIVERY DEADLINE

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Senate Bill 1094 as passed by the Senate

Sponsor: Sen. Cameron Brown

(Enacted as Public Act 43 of 2010)

House Committee: Ethics and Elections

Senate Committee: Campaign and Election Oversight

First Analysis (3-17-10)

BRIEF SUMMARY: The bill would standardize, at 45 days before any election, the deadline by which local clerks must have absentee ballots on hand.

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

THE APPARENT PROBLEM:

Under the Uniformed and Overseas Citizens Absentee Voting Act, passed by the U.S. Congress in 1986, an estimated 6 million military and overseas civilian voters have the right to cast absentee ballots in America's federal elections.

However, many overseas voters face procedural hurdles and tight deadlines when they cast their ballots. According to the PEW Center on the States and the federal Election Assistance Commission, an estimated one million ballots were distributed for the 2006 election, yet only one-third were cast or counted. (See *Background Information*.) In testimony about a similar bill—House Bill 5530, passed by the Michigan House of Representatives on November 4, 2009 by a vote of 105 to 0—committee testimony compared the percentages of civilians and military personnel who participated: "Across the board, voter participation among military personnel is starkly lower than the participation rates for their civilian counterparts. In part, this is due to the fact that the voting process they are forced to navigate is overly complex and subject to substantial mail delays. As a result, only 22 percent of citizens serving abroad in the military voted in 2006, as compared to roughly 40 percent of the general population."

The PEW "No Time to Vote Report" states that, in 2004, fully 30 percent of overseas military personnel reported that their ballots arrived late, or not at all. Another 28 percent said that they did not know how to get a ballot, found the process too complicated, or were unable to register.

In total, 25 states and the District of Columbia need to improve their absentee voting process for overseas military voters. Most do not provide enough time to return the ballot. When a state's process relies entirely or partially on mail delivery, military voters need more time to complete all the steps required and are less likely to have time to vote.

According to the Michigan Bureau of Elections, the voting process in Michigan takes 45 days. However, state law does not require that local clerks have absent ballots on hand 45 days before every election. For some elections, including all local elections, only 22 days are required. The Heritage Foundation's report "America's Military Voters: Re-enfranchising the Disenfranchised" has found that "based on surveys of the U.S. Postal Service and of

military postal authorities, ballots should be mailed to overseas addresses at least 45 days prior to an election in order to ensure adequate time for a ballot to reach a voter and be returned."

Two bills have been introduced to standardize, at 45 days before any election, the deadline by which local clerks must have absentee ballots on hand—House Bill 5530 and Senate Bill 1094. A third bill, House Bill 5279, would allow overseas absent voters from Michigan to receive their blank absentee ballots by electronic mail. That way, overseas voters can vote their ballot and return it by mail in half the time.

THE CONTENT OF THE BILL:

Senate Bill 1094 would amend the Michigan Election Law to revise the deadline for county clerks to deliver absent voter ballots to township and city clerks.

Now each county clerk must deliver absent voter ballots for each precinct to the clerk of each township and city in the county. The delivery must be at the earliest possible time and at least 45 days before the general November election and the preceding August primary, and at least 20 days before any other election or primary election in the county.

Senate Bill 1094 would delete the 20-day deadline for other elections and would require that absent voter ballots be delivered at least 45 days before a regular election or special election.

In addition, currently each county clerk must deliver ballots (other than absent voter ballots) and election supplies to the clerk of each township and city in the county at least 10 days before any election or primary election. Senate Bill 1094 would retain that provision.

Finally, the bill specifies that each city, township, and village clerk would have to adhere to the deadlines described above for elections in which the county did not print the ballots.

MCL 168.714

HOUSE COMMITTEE ACTION:

The House Committee on Ethics and Elections reported out the Senate-passed version of the bill without amendments.

BACKGROUND INFORMATION:

To review the PEW Center on the States 47-page report, "No Time to Vote: Challenges Facing America's Overseas Military Voters," visit:

http://www.pewcenteronthestates.org/uploadedFiles/NTTV_Report_Web.pdf

ARGUMENTS:

For:

Following a survey of military postal authorities, the U.S. Election Assistance Commission reports that a minimum of 45 days is needed to ensure that an overseas voter has enough time to receive and return a ballot by mail. Yet Michigan's Oakland County Clerk estimates that it now takes 57 days for Michigan clerks to verify, mail, and receive a return overseas ballot. For that reason, she and the county clerks in Wayne and Macomb Counties have launched "Operation Our Troops Count."

Currently, 32 states allow the electronic transmission of a blank absent voter ballot to their voters residing overseas. Michigan should do the same. Without electronic transmission of blank absent voter ballots, overseas voters do not have enough time to return their voted ballots to local elections clerks. According to committee testimony, states like Minnesota that have recently enacted this election reform (SF 1218/2008 Enacted Law) report great success. Participation rates for military voters increased over 400 percent between 2006 and 2008. In addition, Minnesota previously saw 19 percent of its ballots returned, but now sees a response rate of up to 61 percent.

This bill joins four others: House Bill 5279, which allows for the electronic transmission (but not return) of an absentee ballot; House Bill 5530, which would standardize, at 45 days before any election, the deadline by which local clerks must have absentee ballots on hand; House Bill 5560, which would standardize the filing deadline for local elections in odd-numbered years to require that the deadline be the 12th Tuesday before the primary and general elections; and Senate Bill 1094, which is identical to House Bill 5560.

Together, the bills would allow overseas voters to cast their ballots within Michigan's 45-day limit.

POSITIONS:

The Michigan County Clerks Association supports the bill. (3-17-10)

The Michigan Townships Association supports the bill. (3-17-10)

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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.