

# Legislative Analysis

---



## REVISE SOME CANDIDATE FILING DEADLINES IN ODD-NUMBERED YEAR ELECTIONS

Mitchell Bean, Director  
Phone: (517) 373-8080  
<http://www.house.mi.gov/hfa>

**Senate Bill 1095 as passed without amendment**

**Sponsor: Sen. Michelle A. McManus**

*(Enacted as Public Act 44 of 2010)*

**House Committee: Ethics and Elections**

**Senate Committee: Campaign and Election Oversight**

### First Analysis (3-17-10)

**BRIEF SUMMARY:** The bill would standardize the election filing deadline in odd-year elections to the twelfth Tuesday before the primary or general election.

**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 six 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*.) 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 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. In addition, there is no standardized filing deadline for local elections. Instead, state law gives that authority to local charters and allows the governing body of a jurisdiction to provide, by ordinance, for a caucus date or filing date.

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."

In response, the Michigan House of Representatives has passed House Bill 5279 to standardize, at 45 days before any election, the deadline by which local clerks must have absentee ballots on hand. Further, the House of Representatives has passed House Bill 5530 to allow overseas absent voters from Michigan to receive their blank absentee ballots by electronic mail. Finally, the House of Representatives passed (by a vote of 101 to 4) House Bill 5560 to standardize the filing deadline in local elections to the twelfth Tuesday before the primary and general elections. That way, overseas voters can receive absentee ballots, vote their ballot, and return it by mail in half the time.

This bill, Senate Bill 1095, is identical to House Bill 5560, which passed the House on November 4, 2009 by a vote of 101 to 4. House Bill 5560 was referred to the Senate Committee on Campaign and Election Oversight, where it awaits action.

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

Senate Bill 1095 would amend the Michigan Election Law to revise the filing or certification deadlines for certain candidates in odd-year elections.

Now under the law, as a rule, an officer required to be elected at the odd-year general election must be nominated at the odd-year primary election. However, if a local charter provides for nomination by caucus or by filing a petition or affidavit directly for the general election, or provides for the election at the primary of a candidate who receives more than 50 percent of the votes cast for that office, then the local governing body may provide by ordinance for a caucus date, filing date, or other provisions to the extent necessary to be consistent with the odd-year general election requirement and the intent of the charter provisions.

Under Senate Bill 1095, instead, if a charter provided for nomination by caucus or by filing a petition or affidavit directly for the general election, the candidate filing deadline or certification deadline would be 4 p.m. on the 12th Tuesday before the odd-year general election. If a charter provided for the election at the primary of a candidate who received more than 50 percent of the votes cast for that office, the candidate filing deadline or certification deadline would be 4 p.m. on the 12th Tuesday before the primary.

MCL 168.644e

#### ***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](http://www.pewcenteronthestates.org/uploadedFiles/NTTV_Report_Web.pdf)

***HOUSE COMMITTEE ACTION:***

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

***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".

This legislation would standardize the filing deadline for local elections in odd-numbered years. That deadline would be the 12th Tuesday before the primary and general elections. Currently the deadline can be specified in charter or by local ordinance, and the dates in some jurisdictions are set too close to the election to allow absentee voter ballots to be printed in time to reach overseas voters.

This Senate bill is identical to House Bill 5560, and it joins two others—House Bills 5279 and 5530—which standardize, at 45 days before any election, the deadline by which local clerks must have absentee ballots on hand, and which allow for the electronic transmission (but not return) of an absentee ballot. Together, the bills would allow overseas voters to cast their ballots within Michigan's 45-day limit.

***POSITIONS:***

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

Legislative Analyst: J. Hunault  
Fiscal Analyst: Ben Gielczyk

---

■ 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.