

Legislative Analysis



VOTER REGISTRATION & ID VERIFICATION AT ANY LOCAL CLERK'S OFFICE

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House Bill 4383 as passed by the House
Sponsor: Rep. Tom Pearce

House Bill 4993 as passed by the House
Sponsor: Rep. Tim Melton
Committee: Ethics and Elections

Second Analysis (9-11-09)

BRIEF SUMMARY: The bills would allow an individual to register to vote in any local clerk's office, and specify that a person who registers to vote by mail can satisfy the identification requirement and the requirement that he or she vote in person if a first-time voter, by presenting a valid form of identification, in person, to any county, city, or township clerk.

FISCAL IMPACT: House Bill 4383 would have an indeterminate fiscal impact on local units of government. Any impact would be related to increased administrative costs from the bill's requirement that local clerks who have valid identification presented to them must transmit a notice to the clerk where the elector is registered that the voter has satisfied the identification requirement. Local units of government may also have increased administrative costs related to the requirement that local clerks update the qualified voter file information after each notification.

House Bill 4993 would have an indeterminate fiscal impact on the Department of State and local units of government. Any impact would be related to increased administrative costs stemming from the bill's provisions requiring that the office that receives the registration application transmit the application to the clerk of the county, city, or township where the applicant resides.

THE APPARENT PROBLEM:

United States citizens embrace a broadly participatory form of democracy: citizens undertake community service projects; volunteer to serve in local government; and sometimes stand for election to leadership posts. For most, exercising their right to vote constitutes the chief form of participation in the decision-making of their community, state, and nation. The right to vote is universal, beginning at age 18. Consequently, voting processes must be efficient, reliable, and accessible to millions of citizens.

Voting processes vary considerably from state to state. For example, in some states new voters can register on the day of an election at the polls. Currently in Michigan, however, new voters must register to vote before the election, at the office of the local clerk in the community where they live or at a designated registration site. If a voter registers to vote by mail, then, at a voter's first election, the voter must appear in person to vote at the

precinct polling place in his neighborhood, where his name will have been entered in the poll-book. Or, if applying to vote an absentee ballot, the new voter must appear in person at the office of the local clerk to verify his identity as a first-time voter entering his name on the voting rolls.

These requirements serve as a barrier to voting for people who wish to vote but who temporarily live, work, or study in communities other than their home towns. Legislation has been introduced to allow new Michigan voters to register with any local election clerk, and to have their identification verified by any local election clerk when making application for an absent voter ballot.

THE CONTENT OF THE BILLS:

The bills would allow an individual in Michigan to register to vote in any county, city, or township clerk's office, and would specify that a person who registers to vote by mail can satisfy the identification requirement, and the requirement to vote in person if a first-time voter, by presenting a valid form of identification to any county, city, or township clerk. House Bill 4383 is tie-barred to House Bill 4993 so that it could not go into effect unless House Bill 4993 was also enacted into law.

House Bill 4383 (H-2) would amend the Michigan Election Law (MCL 168.509t) to specify that a person who registers to vote by mail could satisfy the identification requirement of the Help America Vote Act of 2002, and the requirement that he or she vote in person if a first-time voter, by presenting a valid form of identification, in person, to any county, city, or township clerk in Michigan. (See below for valid forms of identification.)

A clerk who receives the identification and who is not the clerk where the elector is registered to vote would have to transmit to the clerk where the elector (voter) was registered a notice that the elector had satisfied the requirement. The notice would have to be transmitted in a manner prescribed by the Secretary of State. The clerk where the elector was registered would, upon receipt of the notice, be required to update the information in the qualified voter file.

[Under the federal Help America Vote Act of 2002, Section 303(b) 42 USC 15483, identification requirements can be met when a voter: (1) presents to the appropriate state or local election official a current and valid photo identification; or (2) presents to the appropriate state or local election official a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter. (Under the fail-safe voting provision, an individual who does not meet the requirements may cast a provisional ballot which is counted when the voter's identification is verified.)]

House Bill 4993 (H-5) would amend the Michigan Election Law (MCL 168.509v & 168.509w) to allow an individual to apply to register to vote at any county, city, or township clerk's office in the state.

Currently, the statute allows an individual to apply to register "at the office of a clerk of a county or the office of the clerk of the city or township in which the applicant resides."

This provision would be retained. (Applications to register can also be made at an office of the Secretary of State or at "a designated voter registration agency," such as offices of the Department of Human Services, Department of Community Health, and the Michigan Jobs Commission.)

In addition, the bill specifies that a person who is not registered to vote at the address where he or she resides may apply to register to vote by submitting a voter registration application in person to any county, city, or township clerk in this state, or an authorized full-time or part-time employee of any county, city, or township clerk in this state. The bill further specifies that an authorized assistant of a county, city, or township clerk who is not a full-time or part-time employee of a county, city, or township clerk would not be authorized to accept a voter registration application under this subsection.

The law currently requires that the Department of State office, the designated voter registration agency, or the county clerk transmit the application, not later than seven days after receipt, to the clerk of the county, city, or township where the applicant resides. House Bill 4993 (H-5) would retain this requirement, and extend it to city and township clerks' offices, if the applicant does not live in that city or township.

Finally, current law requires that if an application is made within seven days before the close of registration for a federal election, then the Department of State office, the designated voter registration agency, or the county clerk must transmit the application, not later than one business day, to the clerk of the county, city, or township where the applicant resides. House Bill 4993 (H-5) would extend this provision to the county, city, and township clerks' offices.

BACKGROUND INFORMATION:

On February 22, 2008, identical legislation--House Bills 5739 and 4774--passed the House of Representatives during the last legislative session by votes of 101 to 5, and 99 to 7, respectively. Both bills died in the Senate Committee on Campaign and Election Oversight at the end of the session.

ARGUMENTS:

For:

Voting serves as the foundation of our democracy. Citizens should be encouraged to exercise their right to vote by having the most efficient access to both the registration and ID verification processes. These bills allow eligible residents to register to vote at any county, city, or township clerk's office (rather than being limited to the local clerk where they reside), making voter registration more accessible. Further, they allow citizens who register to vote through mail registration processes to appear at any county, city, or township clerk's office to have their identification verified (rather than having to do so in the office of their local clerk). If these complementary bills are enacted into law, they will encourage more eligible voters to register to vote, and also to exercise their franchise in elections.

As noted in *The Grand Rapids Press* (4-9-09), "under Michigan law, new voters must register to vote before an election at the office of the local clerk in the community where

they live, or at a designated registration site. If first-time voters register by mail, they must show up in person to vote or to request an absentee ballot to vote in their first election. This means young people away at college who did not register in person before leaving for school might be unable to vote, if they cannot get back home on Election Day. That can be a challenge for some students who don't have the resources or the time between their studies, exams, or jobs to make a special trip back home to fulfill requirements. Only three other states--Illinois, Tennessee and Nevada--have this stipulation. This rule is usually a hardship associated with college students, but obviously other first-time voters can be impacted as well...There should be no obstacles for eligible voters. The Legislature should remove this limited, geographic challenge."

POSITIONS:

The Secretary of State supports the bills as amended. (6-24-09)

The Michigan Association of Municipal Clerks supports the bills. (6-17-09)

The Council of Election Officials supports the bills. (6-17-09)

The Michigan Campaign Finance Network supports the bills. (6-17-09)

The League of Women Voters supports the bills. (6-17-09)

The Michigan Municipal League supports the bills. (6-17-09)

The Michigan Nonprofit Associations supports the bills. (6-17-09)

The Kent County Clerk supports the bills. (6-17-09)

The Michigan Association of County Clerks supports the bills. (6-17-09)

The Michigan Townships Association supports the bills. (6-17-09)

Common Cause supports the bills. (6-17-09)

Michigan State AFL-CIO supports the bills. (6-24-09)

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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.