

ABSENT VOTER PHOTO ID; PROHIBIT BALLOT COACHING; BALLOT TRACKER PROGRAM

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House Bill 5061 (Substitute H-2)
Sponsor: Rep. Bradford C. Jacobsen
Committee: Redistricting and Elections

Complete to 3-19-12

A SUMMARY OF HOUSE BILL 5061(H-2) AS REPORTED FROM COMMITTEE

House Bill 5061(H-2) would amend the Michigan Election Law (MCL 168.761 et al) to require (1) a photograph identification when obtaining an absent voter ballot; (2) the use of the ballot tracker program by local governments, if they have access to the program; and (3) that the secretary of state develop a poster for display 45 days before each election (and continuing through election day), indicating that ballot coaching in residential care facilities is prohibited. A more detailed description of the bill follows.

Ballot Coaching

House Bill 5061(H-2) requires that the secretary of state provide to each residential care facility in Michigan at least one poster indicating that ballot coaching in the facility is prohibited. The facility owner, operator, or facility would be required to post the poster in a public place in the facility, beginning 45 days before each election and continuing through election day. The bill defines "residential care facility" to include, but not be limited to, homes for the aged, and nursing homes. [Note: Under the bill, "home for the aged" means that term as defined in the Public Health Code at MCL 333.20106, and "nursing home" means that term as defined in the Public Health Code at MCL 333.20109.]

Photo ID for Absentee Ballot

The bill specifies that if an elector (a voter) obtains an absent voter ballot in person from the clerk of a city, township, or village in which the voter is registered, then the clerk could not provide the ballot until the elector presented an official state identification card, a Michigan operator's or chauffeur's license, or another generally recognized picture identification card. An elector who did not have an official state ID card, driver's license, or picture ID could sign an affidavit to that effect before being allowed to obtain the absent voter ballot. However, if an elector obtained a ballot without providing the identification required, then that elector's ballot would be counted as a challenged ballot, as provided in Section 727 of the Michigan Election Law.

Ballot Tracker Program

The bill specifies that if a city, township, or village had access to the ballot tracker program provided by the state, then the clerk of that jurisdiction must use the ballot tracker program, and allow voters to track their absent voter ballots.

Provisional Ballots; Affidavit Report

Now under the law, a city or township clerk must, within six days after an election, determine whether the individual voting a provisional ballot was eligible to vote, and whether to tabulate that provisional ballot. Then within seven days after an election (but sooner if practicable), the city or township clerk must transmit the results of the provisional ballots tabulated to the board of county canvassers, and also a provisional ballot report for each precinct to the county clerk. Within 14 days after an election, the county clerk must transmit a county provisional ballot report to the secretary of state. House Bill 5061(H-2) would retain all of these provisions.

In addition, House Bill 5061 (H-2) would require that within seven days after an election, the city or township clerk transmit to the county clerk, in a form prescribed by the secretary of state, an *affidavit report* that includes the number of affidavits signed by voters under Section 523 (1).

Finally, within 14 days after an election, the county clerk would be required to transmit a county affidavit report to the secretary of state, including the number of affidavits signed by voters under Section 523(1). That county affidavit report, transmitted in a form prescribed by the secretary of state, would be immediately available for public inspection after the secretary of state received it.

FISCAL IMPACT:

The requirement of House Bill 5061 that the Secretary of State (SOS) develop and provide each residential care facility with at least one poster indicating that ballot coaching was prohibited would increase SOS administrative costs by an unknown amount. The cost of developing and distributing the poster would be dependent on the number of residential care facilities in the state of Michigan.

The bill also requires an elector, prior to obtaining an absent voter ballot in person, to provide the clerk with an authorized photo identification card. If there is no identification provided, the ballot shall be prepared as a challenged ballot. This requirement would increase administrative costs to local election officials by an indeterminate, albeit negligent, amount. Previous voter ID law implementation measures required SOS training of local election officials. Any training would be conducted by the state Bureau of Elections.

Finally, the bill would require a local clerk to use the ballot tracker program provided by the SOS and allow voters to use it to track their absentee ballots. Further, local clerks would have to make affidavit reports to the county clerks, and the county clerk, in turn, to the secretary of state. These requirements could increase administrative costs of local election clerks that do not currently use the system by a small amount.

POSITIONS:

The Secretary of State supports the bill. (3-13-12)

The League of Women Voters opposes the bill. (3-13-12)

Common Cause opposes the bill. (3-13-12)

The Michigan Campaign Fund Network opposes the bill. (3-13-12)

The Michigan Election Reform Alliance opposes the bill. (3-13-12)

The Michigan Association of Municipal Clerks opposes the bill. (3-13-12)

The A. Philip Randolph Institute opposes the bill. (3-13-12)

The Michigan Association of County Clerks has concerns about the bill. (3-13-12)

Michigan Assisted Living is neutral on the bill. (3-13-12)

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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.