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BILL



ANALYSIS

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House Bill 5061 (Substitute H-2 as passed by the House)  
Sponsor: Representative Brad Jacobson  
House Committee: Redistricting and Elections  
Senate Committee: Local Government and Elections

Date Completed: 5-2-12

## **CONTENT**

**The bill would amend the Michigan Election Law to do the following:**

- **Prohibit a local clerk from giving an absent voter ballot to a person until he or she presented a picture ID.**
- **Allow a person to obtain an absent voter ballot without presenting a picture ID if he or she signed an affidavit, but require the voted ballot to be prepared as a challenged ballot.**
- **Require a city, township, or village clerk to use the ballot tracker program and allow voters to track their absent ballots online, if the local unit had access to that program.**
- **Require cities, townships, and counties to report the number of affidavits signed by individuals voting without picture ID.**
- **Require the Secretary of State to develop a poster regarding ballot coaching and to provide at least one poster to each residential care facility in the State.**
- **Require the owner, operator, or director of each residential care facility to display the poster for at least 45 days before each election.**

### Absent Voter Picture ID

The Election Law allows individuals who meet specified criteria to apply to their local clerk for an absent voter ballot. The clerk must mail or deliver an absent voter ballot to an applicant who is registered to vote in that city, township, or village if the signature on the application matches the signature for the person in the qualified voter file or registration card. An absent voter ballot also may be given to an applicant in person at the clerk's office. Under the bill, that provision would be subject to the proposed picture ID requirement.

If an elector obtained his or her absent voter ballot in person from the clerk of the city, township, or village, the bill would prohibit the clerk from providing an absent voter ballot to the person until he or she identified himself or herself by presenting an official State identification card, an operator's or chauffeur's license, or other generally recognized picture ID card. If the elector did not present such a card or license, he or she could sign an affidavit to that effect before the clerk and be allowed to obtain his or her absent voter ballot in person from the clerk. The clerk would have to indicate to the elector that he or she could do so.

If an elector obtained his or her absent voter ballot in person and voted by absent ballot without providing the identification required, however, the ballot would have to be prepared as a challenged ballot under Section 727 (described below).

### Affidavit Reports

Section 523 of the Election Law requires registered electors, before being given a ballot, to present an official State ID card, an operator's or chauffeur's license, or other generally recognized picture identification. If an elector does not have one of those items, he or she must sign an affidavit to that effect before an election inspector and be allowed to vote. An elector voting without the required ID is subject to challenge under Section 727.

The bill would require a city or township clerk, within seven days after an election, to transmit to the county clerk an affidavit report that included the number of affidavits signed by voters under Section 523. The report would have to be transmitted in a form prescribed by the Secretary of State (SOS).

Within 14 days after an election, the county clerk would have to transmit a county affidavit report to the SOS, in a form he or she prescribed. The county report would have to include the number of affidavits signed by voters under Section 523. After the SOS received the county report, it would be immediately available for public inspection.

### Ballot Coaching Poster

The bill would require the Secretary of State to develop a poster that explained ballot coaching and indicated that ballot coaching was prohibited. The SOS would have to provide at least one poster to each residential care facility in the State.

For the period beginning 45 days before each election and continuing through election day, the owner, operator, or facility director of a residential care facility would have to display the poster in a public area in the facility.

"Residential care facility" would mean a home for the aged and a nursing home, as those terms are defined in the Public Health Code.

MCL 168.761 et al.

### **BACKGROUND**

Section 727 of the Michigan Election Law requires an election inspector to challenge an applicant for a ballot if the inspector knows or has good reason to suspect that the applicant is not a qualified and registered elector of the precinct, or if a challenge appears in connection with the applicant's name in the registration book. A registered elector of the precinct present in the polling place may challenge the right of anyone attempting to vote if the elector knows or has good reason to suspect that individual is not a registered elector in that precinct. An election inspector or other qualified challenger also may challenge the right of an individual attempting to vote if the individual previously applied for an absent voter ballot and on election day claims that he or she never received the ballot or lost or destroyed it.

Upon a challenge, an election inspector immediately must identify a ballot voted by the challenged individual, if any. In addition, the inspector must make a written report containing specified information. The inspector must retain the report as part of the election record, and inform a challenged elector of his or her rights under Section 729. (Under that section, if a person attempting to vote is challenged as unqualified, an election inspector or a qualified elector may question the person under oath about his or her qualifications as an elector. If the answers show that the person is a qualified elector in the precinct, he or she is entitled to receive a ballot and vote.)

Legislative Analyst: Suzanne Lowe

## **FISCAL IMPACT**

State: There would be an indeterminate cost to the Secretary of State (SOS) associated with creating a poster prohibiting ballot coaching, and providing the poster to residential care facilities. The amount would depend on the cost to develop the poster and the number of residential care facilities in the State.

Local: The proposed requirement for local clerks to use the ballot tracker program provided by the SOS to allow voters to track their absentee ballots could result in increased administrative costs to local units of government. The cost should be minimal but is indeterminate and would depend on the number of local units that have access to the SOS tracking system.

Fiscal Analyst: Joe Carrasco

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.