



House
Legislative
Analysis
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OVERSEAS ABSENT VOTERS, ETC.

House Bill 4443 (Substitute H-3)
First Analysis (9-26-95)

Sponsor: Rep. Alvin Kukuk
Committee: Local Government

THE APPARENT PROBLEM:

Section 758 of the Michigan Election Law specifically allows certain classifications of voters to become "absent voters", and it specifically cites "former residents who are serving in the United States army, navy, merchant marine, marine corps, or air force." Elsewhere provisions dealing with absent voter balloting refers to "the armed services" but the act provides no definition of the term. Some people have become concerned about the lack of reference to those serving away from home in the Coast Guard, the reserves, and other branches of the service. They have proposed a fuller definition of the term "armed services" in order to protect the voting rights of all service personnel.

THE CONTENT OF THE BILL:

The bill would amend sections of the Michigan Election Law that apply to eligibility for absent voter ballots in a number of ways, including the following.

-- It would provide a definition of "armed services" as referring to A) the United States Army, Navy, Air Force, Marine Corps, or Coast Guard; B) the United States Merchant Marines; C) a reserve component of one of the services listed above; and D) the Michigan National Guard. The bill would delete a reference in Section 758 to "former residents who are serving in the United States army, navy, merchant marine, marine corps, or air force." Elsewhere the election law refers to "armed services." Civilian employees of the armed services, as well as members of the services, and citizens residing outside the country, who are qualified electors but not registered voters can apply for absent voter ballots when applying to register by mail.

-- A citizen temporarily residing in the District of Columbia would also specifically be permitted to apply for an absent voter ballot when applying to

register by mail. (The act currently refers to citizens temporarily residing outside the territorial limits of the United States and the District of Columbia.)

-- The state director of elections, pursuant to the federal Uniformed and Overseas Citizens Absentee Voting Act, would be required to approve a ballot form and registration procedures for electors in the armed services and electors outside the United States, including the spouses and dependents accompanying those electors.

-- The bill would specify that a spouse or dependent of an elector living outside the U.S. (or in the District of Columbia) could apply for an absent voter ballot when applying to register by mail "notwithstanding that the spouse or dependent is not a qualified elector of a city or township of this state", as long as he or she is a U.S. citizen and is not a registered or qualified elector anywhere else in the U.S. The spouse or dependent would be required to submit an affidavit stating that he or she meets the qualifications as an elector other than residency and that he or she has not established a residence for voting in any other place. Current language refers to a spouse or dependent "who is a qualified elector . . . but not registered for voting."

-- A member or a civilian employee of the armed services and an accompanying spouse or dependent residing outside the U.S. would be considered registered to vote in a special primary or special general election if he or she had been registered to vote in the primary or general election immediately preceding. The city or township clerk who received the completed registration forms in the primary or general election would be required to forward an absent voter ballot for the special primary or special general election immediately upon receiving them.

MCL 168.758 and 168.759a

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FISCAL IMPLICATIONS:

The bill would have no cost or revenue impact, according to the House Fiscal Agency. (Fiscal Note dated 9-13-95)

ARGUMENTS:

For:

The bill provides a broad definition of "armed services" in order to safeguard the right of Michigan residents in the services to obtain absent voter ballots. Several other clarifying amendments are also in the bill, notably to allow a spouse or dependent of a Michigan resident located outside of the United States (or in the District of Columbia) to be a Michigan voter if he or she was not voting elsewhere.

POSITIONS:

The Department of State supports the bill. (9-20-95)