

Legislative Analysis



REVISE ABSENT VOTER BALLOT DEADLINES

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House Bills 5017 and 5018

Sponsor: Rep. Joel Sheltrown

Committee: House Oversight, Elections, and Ethics

Complete to 2-28-06

A SUMMARY OF HOUSE BILLS 5017 AND 5018 AS INTRODUCED 6-29-05

House Bill 5017 would amend the Michigan Election Law (MCL 168.759 and 168.761) to specify that the filing deadline for an absent voter ballot application would be not later than 2 p.m. on the Wednesday immediately before the election, rather than the Saturday immediately prior to the election. House Bill 5018 would amend the Code of Criminal Procedure (MCL 777.11d) to change the reference for the crime of assisting an absentee voter in making a false statement. House Bill 5018 is tie-barred to House Bill 5017 so it could not go into effect unless House Bill 5017 also were enacted.

Currently under the law, at any time during the 75 days before an election, but not later than 2 p.m. of the Saturday immediately before the election, a qualified elector can apply for an absent voter ballot. House Bill 5017 would amend the Michigan Election Law to specify that the filing deadline for an absent voter ballot application would be not later than 2 p.m. on the Wednesday immediately before the election, rather than Saturday.

The bill also clarifies those who can have a signed absent voter ballot in their possession. Currently under the law, a clerk or assistant clerk cannot deliver an absent voter ballot to an applicant who does not sign the application. The bill would retain this provision.

Further, the law also prohibits a person from being in possession of a signed absent voter ballot application, unless he or she is the applicant; a member of the applicant's immediate family; a person residing in the applicant's household; a person whose job normally includes the handling of mail (but only during the course of his or her employment); a registered elector requested by the applicant; or a clerk, assistant clerk, or authorized election official. House Bill 5017 would retain this provision with one exception. A registered elector requested by the applicant could not be in possession of a signed absent voter ballot application unless he or she had been requested "to return the application."

The bill would add zip code information to the application for absent ballot application. Finally, it also would delete outdated language concerning a provision governing a March 1996 election.

House Bill 5018 would amend the Code of Criminal Procedure to change the reference for the crime of assisting an absentee voter in making a false statement. Currently under the state sentencing guidelines, that crime is a class E felony in violation of the public

trust, punishable by a sentence of up to five years in prison. House Bill 5018 would retain this provision but change its reference to the subsection of the Michigan Election Law from MCL 168.761(5) to MCL 168.751(4).

FISCAL IMPACT:

House Bill 5018 would have no fiscal impact. A fiscal analysis of House Bill 5017 is in process.

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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.