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BILL ANALYSIS

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House Bill 5279 (Substitute H-3 as passed by the House)  
Sponsor: Representative Vincent Gregory  
House Committee: Ethics and Elections  
Senate Committee: Campaign and Election Oversight

Date Completed: 2-10-10

### **CONTENT**

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

- Provide for voter registration application and absent voter application by an "absent uniformed services voter", rather than a member of the armed services, as well as an overseas voter (as currently provided).**
- Allow an absent uniformed services voter or overseas voter to request an absent voter ballot to be transmitted electronically.**
- Require local clerks to mail or electronically transmit an absent voter ballot, at least 45 days before an election, to each absent uniformed services voter or overseas voter who applied for a ballot at least 45 days before the election.**
- Require the Secretary of State to prescribe formats and transmission methods for electronic absent voter ballots.**
- Require the Elections Director to approve a ballot form and registration proceedings for absent uniformed services voters and overseas voters, rather than for electors in the armed services and electors outside the U.S. and their spouses and dependents.**

The bill would take effect on June 1, 2010, and would apply to the August 3, 2010, election and each succeeding election conducted in Michigan.

#### **Voter Registration & Absent Voter Application**

Under the Law, a member of the armed services or an overseas voter who is not registered, but possesses the qualifications of an elector, may apply for registration by using the Federal postcard application. The bill would refer to an absent uniformed services voter, rather than a member of the armed services.

Under the bill, upon the request of an absent uniformed services voter or an overseas voter, the clerk of a county, city, township, or village would have to transmit electronically a blank voter registration application or blank absent voter ballot application to the voter. The clerk would have to accept a completed voter registration application or completed absent voter ballot application electronically transmitted by an absent uniformed services voter or overseas voter. An application would have to contain the voter's signature.

The bill specifies that an absent uniformed services voter or an overseas voter, whether or not registered to vote, could apply for an absent voter ballot.

The bill would delete a provision allowing each of the following people who is a qualified elector of a Michigan city, village, or township who is not a registered voter to apply for an absent voter ballot:

- A civilian employee of the armed services outside of the United States.
- A member of the armed services outside of the United States.
- A U.S. citizen temporarily living outside the territorial limits of the United States.
- A U.S. citizen living in the District of Columbia.

Currently, a spouse or dependent of a person listed above who is a U.S. citizen and who is accompanying that person, even though the spouse or dependent is not a qualified elector of a Michigan city, village or township, also may apply for an absent voter ballot, if that spouse or dependent is not a qualified and registered elector anywhere else in the U.S. Under the bill, instead, a spouse or dependent of an overseas voter who was a U.S. citizen, was accompanying the overseas voter, and was not a qualified and registered elector anywhere else in the U.S., could apply for an absent voter ballot even though the spouse or dependent was not a qualified elector of a Michigan city or township.

The Law requires a city, village, or township clerk to forward to an applicant the requested absent voter ballots, the forms necessary for registration, and instruction for completing the forms. The bill would extend that requirement to county clerks. The bill also specifies that if a Federal postcard application were filed, the clerk would have to accept it as the registration application and could not send any additional registration forms to the applicant.

Under the bill, "absent uniformed services voter" would mean any of the following:

- A member of a uniformed service on active duty who, by reason of being on active duty, is absent from the place of residence where he or she is otherwise qualified to vote.
- A member of the merchant marine who, by reason of that service, is absent from the place of residence where he or she is otherwise qualified to vote.
- A spouse or dependent of either of the above who, by reason of the member's active duty or active service, is absent from the place of residence where the spouse or dependent is otherwise qualified to vote.

"Uniformed services" would mean the Army, Navy, Air Force, Marine Corps, Coast Guard, the commissioned corps of the Public Health Service, the commissioned corps of the National Oceanic and Atmospheric Administration, a reserve component of a uniformed service, or the Michigan National Guard.

"Member of the merchant marine" would mean an individual, other than a member of a uniformed service or an individual employed, enrolled, or maintained on the Great Lakes or the inland waterways, who is either of the following:

- Employed as an officer or crew member of a vessel documented under the laws of the U.S., a vessel owned by the U.S., or a vessel of foreign-flag registry under charter to or control of the U.S.
- Enrolled with the U.S. for employment or training for employment, or maintained by the U.S. for emergency relief service, as an officer or crew member of a vessel described above.

"Overseas voter" would mean any of the following:

- An absent uniformed services voter who, by reason of active duty or service, is absent from the U.S. on the date of an election.
- A person who lives outside of the U.S. and is qualified to vote in the last place in which he or she lived before leaving the U.S.

-- A person who lives outside of the U.S. and who, but for that residence, would be qualified to vote in the last place in which he or she lived before leaving the U.S.

### Absent Voter Ballots

Under the bill, not later than 45 days before an election, a county, city, township, or village clerk would have to mail or electronically transmit, as appropriate, an absent voter ballot to each absent uniformed services voter or overseas voter who applied for an absent voter ballot at least 45 days before an election. Upon the voter's request, the county, city, township, or village clerk would have to transmit electronically a blank absent voter ballot to the voter. The voter would have to print the blank absent voter ballot, mark it, and return it to the appropriate clerk by U.S. mail or with another public postal service, express mail service, parcel post service, or common carrier.

The Secretary of State would have to prescribe electronic absent voter ballot formats and electronic absent voter ballot transmission methods. Each county, city, township, or village clerk would have to employ the prescribed electronic ballot format to fulfill an absent voter ballot request received from an absent uniformed services voter or overseas voter who wished to receive his or her absent voter ballot through an electronic transmission. The Secretary of State would have to establish procedures to implement requirements for transmitting absent voter ballots and for processing marked absent voter ballots returned by an absent uniformed services voter or overseas voter who obtained his or her absent voter ballot electronically.

The Secretary of State also would have to modify printed absent voter ballot statements and instructions as appropriate to accommodate the procedures developed for electronically transmitting an absent voter ballot to an absent uniformed services voter or overseas voter. The certificate signed by an absent voter who obtained his or her ballot through electronic transmission would have to include a statement that the secrecy of the absent voter ballot could be compromised during the duplication process. The absent voter ballot instructions provided to an absent uniformed services voter or overseas voter would have to include the proper procedures for returning the absent voter ballot to the appropriate clerk.

### Absent Voter Eligibility

Currently, a member of the armed services or an overseas voter who registers to vote by Federal postcard application and who applies to vote as an absent voter by Federal postcard application is eligible to vote as an absent voter in any local or State election, including any school election, occurring in the calendar year in which the Federal postcard application is received by the city, village, or township clerk, but not in an election for which the application is received by the clerk after 2 p.m. on the Saturday before the election.

Under the bill, that provision would refer to an absent uniformed services voter or an overseas voter who submitted an absent voter ballot application, and would include a county clerk who received an absent voter application, as well as a city, village, or township clerk.

### Elections Director's Approval

The Law requires the Elections Director to approve a ballot form and registration procedures for electors in the armed services and electors outside the U.S., including the spouse and dependents accompanying those electors. The bill instead would require the Elections Director to approve a ballot form and registration procedures for absent uniformed services voters and overseas voters.

MCL 168.759a

Legislative Analyst: Patrick Affholter

## **FISCAL IMPACT**

There could be administrative costs for the Department of State associated with promulgating rules and procedures to meet the requirements under the bill. These costs are indeterminate, but should be minimal.

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.