

ABSENT VOTER BALLOT APPLICATIONS

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<http://www.house.mi.gov/hfa>

House Bill 4724 as introduced
Sponsor: Rep. Lisa Posthumus Lyons
Committee: Elections
Complete to 6-17-15

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

House Bill 4724 would amend the Michigan Election Law to modify the procedures both for obtaining an application for an absentee ballot, and also for returning that application to the local clerk where the voter was registered to vote. Notably, the bill would permit any eligible voter, without offering a reason, to apply for an absent voter ballot in person with the local clerk by providing a driver license, an official state identification card, or another generally recognized picture identification card. The bill would take effect January 1, 2016.

A more detailed description of the bill follows.

Absent voter defined. Currently under the law, the definition of an 'absent voter' refers to a qualified and registered elector who meets one or more of six requirements (MCL 168.758):

- has a physical disability and requires assistance when attending the polls
- has religious tenets that prohibit attendance at the polls
- is an election precinct inspector in another precinct
- is 60 years of age or older
- will be absent from home on election day
- cannot attend the polls because of being in jail awaiting arraignment or trial

House Bill 4724 would retain all of these provisions. In addition, the bill would add a definition of an 'absent voter' to also mean a person *who applies for an absent voter ballot in person with the clerk of the township, city, or village in which he or she is registered, and identifies himself or herself to the clerk by presenting an official state personal identification card, an operator's or chauffeur's license, or another generally recognized picture identification card.*

Now under the law, an elector who qualifies to vote as an absent voter must apply in person or by mail to the clerk of the township, city or village where registered, and may do so any time during the 75 days before an election. House Bill 4724 would retain this requirement, and also require that applicants present picture identification, as described above.

Customary absentee ballot application. Currently the law requires that the form (called an application) a voter completes to request an absent voter ballot contain, among other things, a list of the statutory grounds (i.e., the six criteria listed above) for which an absentee ballot can be requested. A voter making application then checks the criterion that applies. House Bill 4724 would retain these provisions. (MCL 168.759)

Absent ballot application for absent voters presenting picture ID. In addition, House Bill 4724 provides a separate application form for electors who seek an absentee ballot by identifying themselves as eligible voters, with a picture ID, to the local clerk where the voter

is registered. That application would require, among other things, presentation of a picture identification card, the voter's address to which the absentee ballot should be sent, a warning that only United States citizens may vote, a notice that making a false statement would be a misdemeanor, and a notice that only those people listed in the instructions may assist a voter by returning an absentee ballot application to the clerk (whether by offering to return it, agreeing to return it, or soliciting to return it).

Credentials for those receiving absent voter applications. House Bill 4724 specifies that an assistant who is authorized by a local clerk to receive absent voter ballot applications at a location other than the clerk's office must have credentials signed by the clerk. The notice to be provided to applicants would instruct them to ask to see those credentials before entrusting their applications to an assistant.

Signed certification for those assisting absent voter applicants. Further, the application form would contain a section entitled "Certificate of Authorized Registered Elector Returning Absent Voter Ballot Application." This section of the application form would require the signature of a person who helped an absentee voter return the ballot application. When signing the certificate, those offering assistance would give their name, address, date of birth, the name of the person whose ballot application they were delivering, and also the promise that the assistant had not solicited or requested to return the application; had made no marks on the application; had not altered the application; nor had influenced the applicant. The application form also would warn that a false statement was a violation of Michigan election law.

Absent voter ballot applications to include warning. House Bill 4724 would require a person who printed and distributed absent voter ballot applications to print on the application the warning, the 'certificate of authorized registered elector returning the absent voter ballot application', and the instructions required by this section of the law.

Campaigning prohibited at clerk's office. Finally, under House Bill 4724, for the period beginning 45 days before each election and continuing through election day, if a city, township or village clerk's office was open and an elector could obtain an absent voter ballot in person from the clerk, then campaigning would be prohibited within 100 feet of the entrance to the clerk's office. Specifically, a person could not post, display, or distribute any material that directly or indirectly made reference to an election, a candidate, or a ballot question; nor could a person persuade or try to persuade a person to vote for or against any particular candidate or party ticket or for or against any ballot question that was being voted on at the election. A person who violated this section of the law would be guilty of a misdemeanor. (Proposed MCL 168.761b)

FISCAL IMPACT:

A fiscal analysis is in progress.

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.