



**House
Legislative
Analysis
Section**

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**FIRST-TIME VOTER WHO
REGISTERED BY MAIL: ALLOW
ABSENT BALLOT IF NOTARIZED**

**House Bill 4554 as introduced
First Analysis (6-5-01)**

**Sponsor: Rep. Dale Sheltrown
Committee: Redistricting and Elections**

THE APPARENT PROBLEM:

Currently, a person who registers by mail to vote in a jurisdiction within the state must vote in person the first time he or she votes in that jurisdiction. That is, he or she cannot vote by absentee ballot. (There are exceptions to this requirement. It does not apply to a person entitled to vote by absentee ballot under the federal Uniformed and Overseas Citizens Absentee Voting Act; a person with a disability as defined in the federal Persons with Disabilities Civil Rights Act; a person who is 60 years of age or older; or a person who is entitled to vote other than in person under any other federal law.) The reasoning behind this is that there should be at least one face-to-face encounter between election registration officials and a first-time voter, in order to prevent election fraud. This difficulty with this provision is that some first-time voters, likely unaware of the requirement, find themselves unable to vote. This is said to have occurred in the most recent presidential election to some truck drivers who had registered by mail and found themselves away from home at school at the time of the election. The same problem is said to have inconvenienced other voters who could not attend the polls on election day, such as college students at school far away from home. Legislation has been introduced that aims at allowing first-time voters (who had registered by mail) to vote by absentee ballot, while at the same time guarding against fraud.

THE CONTENT OF THE BILL:

The bill would amend the Michigan Election Law to allow a person who was voting for the first time in a jurisdiction in which he or she had registered by mail to vote absentee ballot if he or she signed and had notarized a special notary form (and provided the voter was otherwise eligible to vote by absentee ballot).

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House Bill 4554 would amend the election law to expand the exception so that it would apply to anyone entitled to vote as an absent voter under Section 758 if he or she signed and had notarized a special form. The local clerk would have to provide the notary form to the first-time voter along with the ballot. If the notary form was not returned with the ballot, then the ballot would not be counted.

Section 758 of the election law currently defines an "absent voter" to mean a qualified and registered elector who is 60 years of age or older or who cannot attend the polls on the day of an election on account of a physical disability; on account of the tenets of his or her religion; because of being an election precinct inspector in another precinct; because he or she will be absent from the township or city during the entire period the polls are open; or on account of being confined in jail awaiting arraignment or trial.

MCL 168.509t and 168.761

BACKGROUND INFORMATION:

A similar bill, House Bill 4642, has also been reported from the House Committee on Redistricting and Elections. That bill would also require a notarized signature, but on the application for a ballot rather than on a form accompanying the returned absentee ballot.

House Bill 4554 (6-5-01)

FISCAL IMPLICATIONS:

There is no information at present.

ARGUMENTS:**For:**

Under this bill, first-time voters who register by mail could vote by absentee ballot if the ballot was accompanied by a special form containing the notarized signature of the voter. These voters cannot now vote by absentee ballot at all, apparently because of concerns that it would allow for the manufacturing of false identities and result in voter fraud. Notarization of a signature is a traditional way of attesting to the fact that a person is who they say they are. The current prohibition on absentee voting can result in the disenfranchisement of registered voters who cannot get to the polls on election day. This reportedly primarily affects college students, but it also affects other voters, such as truck drivers away from home. It leads to disgruntled and disaffected voters, and local clerks often bear the brunt of the complaints. It should be noted that this provision in the election law affects not only people voting for the first time ever, but also voters with long voting histories who have moved to a new community and registered by mail to vote there. It applies to people voting for the first time in a particular jurisdiction. This bill will provide a safe method of opening up absentee voting to this class of voters.

Response:

Two alternative approaches have been suggested. One, found in House Bill 4642, would require that the application for an absentee ballot be notarized before a ballot was provided to the voter. A second approach would be to make voting restrictions apply only to a person voting for the first time in the state (and not in a given jurisdiction within the state). This would allow people with voting records in the state to vote by absentee ballot without any kind of notarization requirement, provided they met other statutory requirements. A third alternative, of course, would be simply to do away with the restriction on first-time absentee voting entirely.

POSITIONS:

There are no positions at present.

Analyst: C. Couch

■ 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.