

Legislative Analysis



INCLUDE STATE/LOCAL CANDIDATES & QUESTIONS ON FEDERAL WRITE-IN ABSENTEE BALLOT

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House Bill 5297

Sponsor: Rep. Rick Outman

Committee: Redistricting and Elections

Complete to 2-3-12

A SUMMARY OF HOUSE BILL 5297 AS INTRODUCED 1-26-12

House Bill 5297 would amend the Michigan Election Law (MCL168.759a) to expand the federal write-in absentee ballot to include state and local candidates and ballot questions. A more detailed description of the bill follows.

The bill specifies that an absent uniformed services voter, or an overseas voter, could use the federal write-in absentee ballot (in accord with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act), at a regular election or a special election, to vote for a local, state, or federal office, or on a ballot question. Under the bill, the voter who used the ballot would be required to return the voted ballot by mail to the appropriate clerk.

House Bill 5297 would require the state Bureau of Elections to do both of the following:

- Make the ballot *format* for each election available to absent uniformed services voters and overseas voters by electronic mail or on an internet website maintained by the Department of State.
- Make the ballot *information*, including the offices, names of candidates, and ballot proposals, for each election available to absent uniformed services voters and overseas voters on an internet website maintained by the Department of State.

The bill then specifies that the state Bureau of Elections could review options to allow an absent uniformed services voter or overseas voters to download a ballot from an internet website maintained by the Department of State.

Currently under the law, if an absent uniformed services voter or an overseas voter—whether or not registered to vote—is eligible to apply for an absent voter ballot. In these instances, when a local clerk receives an absent voter ballot application from an unregistered voter, the local clerk is required to forward the absent voter ballot requested, as well as a voter registration form (with instructions), and, if it's available, the ballot. In contrast, if a federal postcard application for an absent ballot is filed, the clerk accepts the federal postcard application as the registration application, and does not send any additional registration forms to the applicant. House Bill 5297 would retain these provisions, but expand them to specify that if a federal postcard application *or an application from the official U.S. Department of Defense website*, were filed, then the

clerk would be required to accept them as the registration application, and would not send any additional registration forms to the applicant.

Currently, an absent uniformed service voter or an overseas voter who submits an absent voter ballot application is eligible to vote in any local or state election that occurs during the calendar year in which the application is received by the clerk. House Bill 5297 would retain this provision, and expand it to also include any *federal* election occurring during the calendar year in which the absent voter ballot application was requested.

FISCAL IMPACT:

The provisions of House Bill 5297 would expand the options and ability of absent uniformed services voters and overseas voters to vote in local, state, or federal elections.

Specifically, the bill would allow absent uniformed services voters and overseas voters to submit the federal write-in absentee ballot for local and state candidates and ballot questions. Moreover, the provisions would require the Secretary of State to make the ballot format, as well as the ballot information, available on an internet website or by electronic mail in the case of the ballot format. While it is unclear what kind of fiscal impact these provisions would have on the Secretary of State, the requirements of the bill could impose certain one-time costs associated with making the changes to the Secretary of State website and could increase ongoing elections administrative costs by requiring certain ballot information to be posted on the Secretary of State website. In addition, local clerks could realize certain increased administrative costs under the provisions of the bills to the extent that they have to ensure the Secretary of State has received ballot and candidate information related to their local elections.

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