



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536



BILL ANALYSIS

Telephone: (517) 373-5383
Fax: (517) 373-1986
TDD: (517) 373-0543

Senate Bill 751 (as introduced 10-12-11)
Sponsor: Senator Dave Robertson
Committee: Local Government and Elections

Date Completed: 11-2-11

CONTENT

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

- **Require the Secretary of State (SOS) to create an inactive voter file of registered electors who did not vote for six consecutive years, or who received a notice to confirm residence information from the SOS.**
- **Require the absent voter ballot of a person whose registration record was in the inactive file to be prepared as a challenged ballot.**
- **Establish procedures for the confirmation of residence information of a registered elector who might have moved to another state; and require the voter's registration to be cancelled if the person did not respond or vote for a period of time.**
- **Require a person to present picture ID in order to obtain an absent voter ballot in person.**
- **Allow a person who did not present picture ID to sign an affidavit in order to obtain an absent voter ballot, and require the ballot to be prepared as a challenged ballot.**
- **Refer to *active* registered electors, rather than registered electors, in requirements pertaining to the consolidation of election precincts.**
- **Require a clerk to use the State's ballot tracker program, if possible, to allow voters to track their absent voter ballots online.**

Inactive Voter File

Under the Law, a statewide qualified voter file (QVF) was established as the official file for the conduct of all elections held in Michigan. The Law requires the SOS to establish and maintain the computer system and programs necessary to the operation of the QVF; and requires the SOS and county, city, township, and village clerks to compile the QVF consisting of all qualified electors.

Under the bill, the SOS would have to create an inactive voter file. If a voter were sent a notice under Section 509aa to confirm his or her residence information, or if a voter did not vote for six consecutive years, the SOS would have to place that person's registration record in the inactive voter file, where it would have to remain until the voter voted at an election.

(Under Section 509aa, upon receiving reliable information that a registered voter has moved his or her residence, a local clerk must mail all of the following to the voter:

- A notice that the clerk has received information indicating that the voter has moved.
- A postage prepaid and preaddressed return card on which the person may verify or correct the address information.
- A notice explaining the procedures the person must follow to be registered properly and vote in the next election.)

While a voter's registration record was in the inactive voter file, the person would remain eligible to vote and his or her name would have to appear on the precinct voter registration list.

If a voter's registration record were in the inactive file and the person voted at an election by absent voter ballot, that ballot would have to be prepared as a challenged ballot as provided in Section 727 (described below, under **BACKGROUND**).

Registered Voter Moving out of State

Under the bill, if the Department of State received notice that a registered voter had moved to another state by receiving his or her surrendered Michigan driver license, the SOS would have to send to the voter by forwardable mail all of the following:

- A notice that the SOS had received information indicating that the voter had moved his or her residence to another state.
- A postage prepaid and preaddressed return card on which the voter could verify or correct the address information.
- A notice that if the address information were incorrect and the voter had not moved to another state and wished to remain registered to vote, he or she should complete the card and return it to the SOS with a postmark of at least 30 days before the next election date.

If the card were not completed and returned with the specified postmark, the voter could be required to affirm his or her current address before being permitted to vote. Also, if the voter did not vote in an election between the date of the notice and the first business day following the second November general election held after the date on the notice, the voter's registration would have to be canceled and his or her name would have to be removed from the QVF.

Absent Voter Ballot: ID Requirement

Under the Law, if a clerk receives an absent voter ballot application from a person registered to vote in that city, township, or village and the signature on the application agrees with the signature for the person contained in the QVF or on the registration card, the clerk must forward the ballot to the applicant by mail or deliver it personally. In addition, a person qualified to vote as an absent voter may apply in person at the clerk's office before 4 p.m. on a day before the election, except Sunday or a legal holiday, to vote as an absent voter. The applicant must receive his or her absent voter ballot and vote in the clerk's office. Under the bill, these provisions would apply subject to the following picture ID requirement.

Under the bill, if an elector obtained his or her absent voter ballot in person from the clerk of the city, township, or village in which he or she was registered, the clerk could not give that person an absent voter ballot until the elector identified himself or herself by presenting an official State ID card, an operator's or chauffeur's license, or another generally recognized picture ID card. If an elector did not have any of those documents, he or she could sign an affidavit to that effect before the clerk and be allowed to obtain his or her absent voter ballot in person. If an elector obtained his or her absent voter ballot in

person from the clerk and voted without providing the required identification, however, his or her ballot would have to be prepared as a challenged ballot.

Precinct Consolidation

Under the Law, when a city, ward, township, or village is divided into at least two election precincts, and the precinct registration records show that there are not more than 400 registered electors in that political subdivision using paper ballots, or not more than 2,999 registered electors using voting machines, the election commission or other authorized officials may abolish the division or divisions so that the political subdivision constitutes a single election precinct.

Also, if a county, city, ward, township, village, or school district is divided into at least two election precincts, the applicable election commissioners may consolidate the precincts for a particular election that is not a general November election, primary election immediately before a general November election, or other statewide or Federal election. Consolidated precincts may not exceed 5,000 registered electors.

The bill would refer to *active* registered electors in these provisions.

Ballot Tracker Program

Under the bill, if a city, township, or village had access to the ballot tracker program provided by the State, the clerk would have to use it and allow voters to track their absent voter ballots online.

MCL 168.509r et al.

BACKGROUND

Section 727 of the Michigan Election Law requires an election inspector to challenge an applicant for a ballot if the inspector knows or has good reason to suspect that the applicant is not a qualified and registered elector of the precinct, or if a challenge appears in connection with the applicant's name in the registration book. A registered elector of the precinct present in the polling place may challenge the right of anyone attempting to vote if the elector knows or has good reason to suspect that individual is not a registered elector in that precinct. An election inspector or other qualified challenger also may challenge the right of an individual attempting to vote if the individual previously applied for an absent voter ballot and on election day claims that he or she never received the ballot or lost or destroyed it.

Upon a challenge, an election inspector immediately must identify a ballot voted by the challenged individual, if any. In addition, the inspector must make a written report including all of the following information:

- All election disparities or infractions complained of or believed to have occurred.
- The name of the individual making the challenge and the time of the challenge.
- The name, telephone number, and address of the challenged individual.
- Other information the election inspector considers appropriate.

The inspector must retain the report as part of the election record, and inform a challenged elector of his or her rights under Section 729. (Under that section, if a person attempting to vote is challenged as unqualified, an election inspector or a qualified elector may question the person under oath about his or her qualifications as an elector. If the answers show that the person is a qualified elector in the precinct, he or she is entitled to receive a ballot and vote.)

A challenger may not do any of the following: make a challenge indiscriminately and without cause; handle poll books while observing election procedures or the ballots during counting; or interfere with or unduly delay the work of the election inspectors. An individual who challenges a qualified and registered elector of a voting precinct for the purpose of annoying or delaying voters is guilty of a misdemeanor.

Legislative Analyst: Julie Cassidy

FISCAL IMPACT

There could be costs associated with the requirement for the Secretary of State to create an inactive voter file for registered voters who have not voted for six consecutive years. These costs could be absorbed by the current allocations to maintain the qualified voter file; however, the Secretary of State is still determining that possibility. Also, there could be a minimal cost to establish procedures for confirming residency information for electors who might have moved out of State, but these costs should be absorbed through current annual appropriations for the Secretary of State.

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.