

EARLY VOTING

House Bill 4090 (Substitute H-4)
Sponsor: Rep. Aldo Vagnozzi
Committee: Ethics and Elections

First Analysis (12-3-08)

BRIEF SUMMARY: The bill would provide for early voting three days--on Friday, Saturday, and Monday--before Election Day, with the polls open at least eight hours each day.

FISCAL IMPACT: The bill would have a minimal impact on the Department of State. Any cost increases resulting from the bill could be absorbed within the department's existing budget. The bills would increase costs to local units by an indeterminate amount.

THE APPARENT PROBLEM:

Voting on Election Day while the polls are open is difficult for many registered voters. Those experiencing difficulty include stay-at-home parents without childcare; those having to leave town on short notice; those working long shifts; even, according to committee testimony, those local election clerks who work from sun-up to midnight, in order to ensure smoothly run elections.

Elsewhere in the nation, 31 states have enacted early voting laws. According to the Legislative Brief entitled "*Early Voting: Other States*" published by the Legislative Service Bureau, the state of Texas first introduced early voting in the late 1980s. The time period for early voting varies from state to state, but most often it is available during a period of 10-14 days prior to the election, generally culminating on the Friday or Saturday directly preceding the election. Early voting is done in-person, with no excuse and no advanced absentee voter application required.

Michigan law allows voters to make an application for an absentee ballot, if they need to vote before Election Day. However, an absent voter must justify a request to vote absentee, by marking one of six reasons on an application. See **BACKGROUND INFORMATION**.

Legislation has been introduced to allow citizens to cast their ballots on four days instead of one. Under this bill, early voting would be available for eligible voters on the Tuesday that has historically served as Election Day, and also on three days before the election: Friday, Saturday, and Monday--the polls open at least eight hours each day.

THE CONTENT OF THE BILL:

House Bill 4090 (H-4) would amend the Michigan Election Law to provide for early voting three days--Friday, Saturday, and Monday--before Election Day. The bill is tie-barred to House Bill 4048 so that it would not go into effect unless that bill is also enacted into law. [House Bill 4048 would allow a voter to obtain an absent voter ballot

without requiring a justification when making application for the ballot. However, if more than five percent of the absentee ballots issued in a statewide election were spoiled, then the current justifications would be reinstated. The bill would also count all overseas electors' absent voter ballots, if the ballots were postmarked by Election Day (rather than if they were received before the polls closed). House Bill 4048 has passed the House and is awaiting action in the Senate Elections Committee.]

Under the bill, each city, township, and village would be required to provide early voting at designated polling places. Early voting would occur on the Friday, Saturday, and Monday immediately before each election, and early voting ballots would be processed in the same manner as ballots cast on Election Day.

Under the bill, a clerk conducting an election would designate the hours when the polls would open and close; however, the bill specifies that the polls be have to be open at least eight hours each weekday during the early voting period. The clerk would be required to post the hours that polls would be open at the clerk's office and also provide notice to electors of the dates and hours the early voting polling places would be open.

All of the following provisions of the Michigan Election Law would apply to early voting:

- Election inspectors.
- Challenges to voters.
- Poll book and poll list.
- Notices, instructions, and placards.
- Security of a voting machine or other voting system.
- Ballot security, ballot containers, ballot counting, and ballot preservation.
- Spoiled ballots.

The bill would require that the poll book be divided by date and that separate records be maintained for each day of early voting.

The bill also would require the Secretary of State to cooperate with each municipality conducting early voting and provide technical assistance upon request. [Under the bill, "municipality" is defined to mean a city, township, or village.]

MCL 168.672, 168.674, 168.720, and 168.735

BACKGROUND INFORMATION:

Currently under the law, an eligible voter can apply for an absentee ballot when the voter cannot go to the polls on Election Day. In order to get that absentee ballot, the absent voter must attest to having a physical disability that requires assistance when attending the polls; having religious tenets that prohibit attendance at the polls; being an election precinct inspector in another precinct; being 60 years of age or older; planning to be absent from home on election day; or being in jail awaiting arraignment or trial. After attesting to one of these reasons, the voter is mailed an absentee ballot, votes that ballot, and then returns the completed ballot by mail to the local elections clerk.

ARGUMENTS:

For:

When House Bill 4048 was reported from committee--the no-reason absent voter bill to which this early voting bill is tie-barred---the Macomb County Clerk noted: "Voting should be as easy as paying taxes; we allow residents to pay taxes by mail without giving a reason. Surely the same convenience could be extended to our residents when voting. In our fast-paced lives with more and more time spent at work, commuting, and taking care of children and elderly parents, it's becoming harder to attend the polls during the 13 hours they are open on Election Day."

During that hearing, a spokesman for the Michigan Campaign Finance Network noted: "We should be concerned about making it easier for eligible citizens to vote. Allowing voters to cast an absentee ballot without requiring them to provide a state-sanctioned rationale is a step in that direction." In addition, allowing voters to vote during an eight-hour block of time (or even more, at the discretion of the local clerk) on each of the three days leading up to Election Day also makes it easier for eligible citizens to vote.

Against:

Opponents of this bill argue that early voting could jeopardize the security of the voting process, could cause more spoiled ballots, and could actually decrease turnout by decreasing mobilization efforts aimed at getting voters out on Election Day.

Response:

An amendment to the bill addresses two of these concerns: security and spoilage. The bill now requires that early voting ballots be processed in exactly the same manner as ballots cast on Election Day.

POSITIONS:

The Secretary of State supports the bill in concept. (12-2-08)

The Michigan Nonprofit Association supports the bill. (12-2-08)

The American Civil Liberties Union supports the bill. (12-2-08)

Asian & Pacific Island American Vote-Michigan supports the bill. (12-2-08)

The Council of Election Officials and the Michigan Association of County Clerks support the bill in concept. (12-2-08)

The Kent County Clerk/Register supports the bill in concept. (12-2-08)

The Michigan Townships Association opposes the bill. (12-2-08)

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■ 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.