

## Michigan Election Reform Alliance.org - Testimony

Statement to the House Committee on Ethics and Elections  
Regarding HB 4097 and 4367 (No Reason Absentee Voting)

April 22, 2009

From: Jan BenDor, Ypsilanti, MI, 734-484-1744, [jan@bendor.org](mailto:jan@bendor.org)  
Philip T. Shepard, East Lansing, MI 48823, 517-332-0761, [shepard@acd.net](mailto:shepard@acd.net)

Jan BenDor is a former Deputy Clerk in Michigan, an accredited Michigan Election Administrator, and a statewide coordinator of MERA.

Philip T. Shepard is Professor Emeritus at Michigan State University and legislative coordinator for MERA.

### **Testimony:**

#### *Why Absentee Voting Should Not Be Restricted*

The present requirement that a voter must check one of six statutory reasons in order to apply to vote absentee, constitutes an unfair, discriminatory, and possibly unconstitutional infringement upon the right to vote. It can be shown to effectively disenfranchise significant numbers of Michigan residents on a regular and recurring basis. The bills before the committee would redress this situation and resolve all the following types of problems:

1. Many Michigan residents work and study away from their community for variable periods of time. Pilots and flight staff, long haul truck drivers, sales representatives, computer and telephone repair workers, reporters and many others may not know their election day schedule a month in advance when they file their AV application. Yet they must check on the form and make a legal declaration that they **expect** to be absent on election day. These voters should not need to declare a reason to vote absentee.
2. Young and first time voters living temporarily away from their parents' home, such as first year college students, are often intimidated by the present requirement that they declare an expectation of their absence from the jurisdiction in which they are registered to vote in order to be eligible for an absentee ballot. Yet, in many cases their ability to return to their voting district to vote on election day is severely limited and the alternative of registering at their temporary address is awkward or threatens to jeopardize other arrangements involving their residence with their parents for insurance or other purposes. These voters should not need to declare a reason to vote absentee.
3. Employees whose work place is in their voting jurisdiction but whose work schedule affords no reasonable opportunity to vote on election day are regularly disenfranchised, if their employer refuses to allow absence from work in order to vote. These voters should not need to declare a reason to vote absentee.
4. Young parents or other caretakers who are not able to provide substitute child or eldercare on election day are regularly disenfranchised. These voters should not need to declare a reason to vote absentee.

5. Individuals with short term disabilities frequently shy away from declaring in the legal affidavit of the absentee ballot application their physical inability to attend the polls without assistance. They may be unsure whether their condition will persist through election day, unsure of the legality of such a declaration in the absence of a physician's finding of disability or the like, or they may be mistakenly hopeful of relief from their condition on election day. These voters should not need to declare a reason to vote absentee.
6. Generally, any individual who would have to make special or especially awkward arrangements to vote in person on election day is likely to be disenfranchised if their arrangements fall through or become too burdensome. These voters should not need to declare a reason to vote absentee.

It is the view of MERA that all of these problems would be solved by allowing absentee voting without restriction. We are aware of no problems that would be created by this measure. If every qualified adult should have the right to vote, then no reason absentee voting should be mandated.

#### *Why Election Administration Would be Expedited by No-Reason AV*

The current requirement that every application bear a check mark next to one of six reasons creates an added burden for election administrators. It is enough that each application must be carefully reviewed to make sure that the voter's registration address matches the address on the application, that the voter's signature matches the registered signature, and that the voter has included a valid mailing address for the absentee ballot.

However, many voters overlook the list of reasons, or cannot determine which one to check, and the application arrives incomplete. This situation causes the election staff to have to contact the voter by phone or by mail, and the voter must then be instructed to take action to check the form. More than one attempt may be necessary before the application can be processed, adding hours of work before an election.

#### *Error Correction in Absentee Voting*

These bills as currently proposed would not solve another very important problem for absentee voters. Because they do not attend the polls, they do not have the opportunity to process their completed ballot through an optical scan tabulator. The tabulator provides notice to a voter who has over-voted a race, marked a vote in an invalid manner, or crossed parties on a primary ballot. Such errors are correctable by the voter receiving and marking a new ballot in the polling place, but cannot be corrected by the AV count board or other election workers.

MERA urges that absentee voters be provided the same opportunity for error detection and correction. We propose that each jurisdiction (or county in the case of areas with low numbers of voters) provide an optical scan tabulator set in "test mode" and placed on a table top surrounded by a privacy screen. Hours of operation would be the same as the

clerk's office usually provides before an election. This would permit a voter to receive error feedback in privacy before sealing the ballot in an AV envelope.

Jurisdictions that do not have an extra tabulator for this purpose could be provided one from the large inventory of mothballed tabulators created when Michigan used HAVA money to buy new machines and standardize tabulator brands by county. Some minor upgrading may be needed for older machines, but the resulting increase in voter confidence would be well worth the investment. Such an arrangement would also provide the benefits of "early voting" without the severe security risks and added personnel costs that would accompany the early use of tabulators in live election mode.

MERA urges the Committee to include a mandate for AV error correction along with No Reason Absentee Voting.