



MICHIGAN ELECTIONS: A PLAN FOR THE 21ST CENTURY

Easier for Voters. Better for Michigan.

Election Reform for Michigan



Michigan Elections: Meeting 21st Century Challenges

Times change, technology advances and new challenges emerge. That's why Secretary of State Terri Lynn Land is working hard to keep Michigan's elections process up-to-date.

Land's 20-point strategy charts a course that is easier for voters and better for Michigan. Taking advantage of technology can mean greater simplicity and access for voters as well as enhanced efficiencies for local election officials. Equally important, it offers solutions to rising issues that challenge the integrity of the process.

Keeping Michigan elections contemporary requires constant attention and vigilance. Since 2003, Land has been working with lawmakers, local officials, disability community representatives and other stakeholders to make sure that the election process reflects the times in which we live. Land has spearheaded numerous improvements, including:

Consolidated elections: The law limits the number of elections, providing a more efficient and inclusive process. It boosts participation by letting voters plan for upcoming elections and reduces election costs for schools. The concept had been discussed for years in Lansing but without success. Soon after taking office, Land helped to build a coalition of supporters and made it happen.

Uniform equipment: Replacing outdated voting systems across Michigan brings greater efficiency and ease for voters and local election officials. The Secretary of State has completed all equipment purchases to move the entire state to a uniform optical-scan voting system. More than \$28 million was spent on new voting equipment in 2005 alone. The money comes from the federal Help America Vote Act (HAVA).

Online information: Voters need access to comprehensive, accurate and timely information – and it's available on the Secretary of State Web site. Land has upgraded the Michigan Voter Information Center with additional features and conveniences. Visit the site at www.Michigan.gov/vote.

Access for all: Land's "Improving Access for All" program helps communities to enhance the disability community's access to polling precincts. By allocating more than \$980,000 in federal funds to qualifying communities, improvements are being made and voters' rights are being protected. More than 100 communities are benefiting.

Working with communities: The state's Bureau of Elections is offering more training and information to local officials than ever before. It also helps communities to deal with election issues when needed, as was the case with the 2005 City of Detroit election. Michigan's election system has long been a national model for its innovation and integrity. The groundwork laid by Land guarantees that our state will continue as a leader for years to come.



Easier for Voters. Better for Michigan.

A 20-Point Plan to Improve Elections in Michigan.

The following proposal put forth by Secretary of State Terri Lynn Land offers wide-ranging reforms that will simplify Michigan's election process for voters while ensuring even greater integrity and efficiency. It adds speed, convenience and consistency for voters and local election officials while maintaining the public's confidence in the process. It builds on numerous bipartisan improvements spearheaded by Land such as Michigan's consolidated election law, conversion to a statewide, uniform voting system and partnering with communities to enhance polling-place access.

1 - Encourage Young People to Vote

Pre-registration at Age 16. While the Secretary of State currently sends reminders to teens turning 18 encouraging them to register to vote, pre-registering them at 16 would make the process even easier. Secretary Land proposes that the necessary information to register young voters be collected as part of the Graduated Driver Licensing program. Upon reaching their 18th birthday, their name would automatically be added to Michigan's voter list. In addition, a confirmation notice would be mailed informing them that they are eligible to vote. If the confirmation notice is returned for a bad address, the registration will be voided.

2 - Make Absentee Voting Simpler

Allow First-time Voters to Satisfy ID Requirements at Local Election Official's Office. Michigan law requires residents to vote in person if they have never voted before and have registered to vote by mail. They must also meet certain identification requirements. This puts college students and others who wish to vote in their hometowns but are residing elsewhere at a disadvantage. Secretary Land calls for allowing these first-time voters to present themselves and satisfy the mail-in identification requirement at any city, township or county clerk's office. Land's proposal would allow them to vote by absentee ballot if they are not at home on Election Day.

3 - Clean up Michigan's Voter Lists

Create an "Inactive" Voter File. Michigan, like most states, has a number of voters who have not had any voter history on their file in several years. Under federal law, states may not cancel the names of inactive voters until they have reliable information that the voter no longer resides in the community. This typically happens when mailings, such as voter registration cards, are mailed to voters. If voter registration cards are returned, a two-step process is initiated: 1.) A confirmation notice informing the voter that their registration may be cancelled is sent by forwarding mail, and 2.) If there is no response, two federal elections must pass before election officials may remove the inactive voter's name from the rolls.

Carrying inactive voters on the voting rolls inflates Michigan voter registration numbers and increases election costs because officials administer elections based on the number of registered voters in their jurisdiction. Secretary Land proposes creating an “inactive” voter list to address this problem.

For example, under Land’s proposal a voter would be placed on this list when a voter confirmation notice is returned as “undeliverable.” Election officials would not be required to count “inactive voters” when preparing for an election thereby reducing the costs associated with administering the election such as the number of precincts used and ballots printed. The inactive voter status would not prevent anyone with this designation from voting on Election Day. These individuals would remain on the precinct list and be extended the same opportunities as other voters.

4 - Promote Responsible Voter Registration Drives

Hold Third-Party Organizations that Register Voters Accountable. In 2004, many of Michigan’s election officials were overwhelmed with last minute voter registration applications that were collected by third-party organizations. In some cases, these applications were either fraudulent or duplicates of existing voter registrations. The massive filing of questionable applications at the “11th hour” placed a tremendous burden on officials preparing for elections. To hold third-party organizations accountable for the voter registrations they collect and minimize the negative impact on the elections process, Secretary Land proposes to:

- Establish time frames for delivering voter-registration applications. Penalties would result for any third-party organization that turns in applications after the deadline.
- Require organizations to register with each county clerk before beginning a voter registration drive. This allows officials to work with groups to ensure that they understand the correct process for collecting and submitting voter registrations.
- Require organizations to have a process in place to screen out obviously fraudulent or false applications.
- Establish felony penalties for knowingly forging or submitting a false voter-registration application. This would be in addition to any forgery penalty that could be imposed.
- Prohibit the third parties from paying via commission, quota or on a per-application basis to collect voter registration applications.

5 - Protect the Vote of Seniors & the Vulnerable

Clarify How to Properly Assist Absentee Ballot Voters. Given the controversy surrounding the delivery and return of absent voter ballot applications in the 2005 Detroit election, Secretary Land supports clearly defining in law what activities may be carried out by individuals assisting with the absent voting process. Election assistants should not solicit to return absent voter ballot applications. In an instance where election assistants return applications, they must sign the certificate on the application form. Absentee ballots should not be delivered by hand unless that is the only way to ensure a timely return of the ballot. If an election assistant delivers an absentee ballot by hand, the ballot must be delivered directly to the voter and the election assistant must not deliver the ballot to any other person. Election assistants must not offer to assist voters in marking their ballots. When the voter requests help in marking their ballot, the election assistant must sign the "voting assistance" certificate that appears on the absentee ballot return envelope. In no case should an election official or assistant contact an absentee voter in person or by phone to offer to return the voter's ballot.

6 - Add Ease for Senior & Disabled Voters

Create Permanent Absentee Voter Lists. One of the issues brought to light during the Detroit elections in 2005 was the use of “permanent absentee voter lists.” Election officials use these lists to routinely send out absentee ballot applications to seniors and others within their jurisdictions as a courtesy. Certain criteria are used to determine these lists, such as all registered voters within a jurisdiction that are 60 years or older, disabled or have voted absentee in the previous election. Although this practice is not exclusive to Detroit, the questionable manner in which absentee ballot applications were distributed led to a Circuit Court ruling holding permanent absentee voter lists are not permitted under law. Secretary Land calls for establishing uniform permanent absentee voter lists where voters can request to automatically receive absentee ballot applications for all elections. Only voters requesting to be on the list would be included.

7 - Eliminate Hurdles to Voting

Eliminate Notarization Requirement on Overseas Absentee Ballot Applications. Current law requires citizens who are not with the military and residing outside the county to notarize their absentee ballot application. In many countries, this is very time-consuming, inconvenient and expensive. For these reasons, Secretary Land supports current legislation that would eliminate this notarization requirement.

8 - Reduce Costs and Boost Awareness of Elections

Require that Special Elections be held on Next Consolidated Election Date. By limiting the dates for elections, Michigan’s acclaimed consolidated election law makes it easy for voters to know when to cast ballots and helps minimize election costs. However, for maximum benefit, the law should also include a provision for scheduling special elections to fill legislative or congressional vacancies. Believing that all Michigan residents deserve representation in their elective bodies of government, Secretary Land proposes that if a vacancy occurs and there is ample time to prepare for the election – and the responsible party calls for a special election – either the primary or general election to fill the vacancy should be held on the closest February, May, August or November consolidated election date. For example, if the primary is scheduled for the consolidated election date, then the general election would be held within 30 days of that date. This would allow for promotion of special elections in conjunction with other elections, as well as increased participation and the reduction of election costs.

9 – Create a More Orderly Election Process

Change the Write-in Candidate Filing Date. Under current law, a write-in vote may not be counted unless the individual receiving the vote has filed a declaration of intent to be a write-in candidate. This provision eliminates the need for election officials to count frivolous votes, such as for cartoon characters or individuals who have no intention to serve if elected. The current deadline for a write-in candidate to file the declaration of intent is 4 p.m. on the Friday immediately preceding the election. Because local officials are performing other election-related duties at this time, Secretary Land supports a bill currently before the Legislature that would move the filing date to the Tuesday immediately preceding the election to give election officials adequate time to plan for Election Day.

10 - More Voting Options

Adopt Early In-Person Voting. As a logical first step toward the eventual goal of no-reason absentee voting, Secretary Land supports adopting early in-person voting. Currently in Michigan only those who have a specified reason, such as over 60 years old or disabled, can vote before Election Day by absentee ballot. Under the early in-person voting method first proposed last year, a person could go to one of several specified locations to vote at least seven days before Election Day. To reduce the chances of fraud, voters would be required to verify their identity by showing photo identification. This proposal when combined with “super precincts” and the electronic poll book, would constitute a new, efficient way to conduct elections in Michigan.

11 - Make Voting More Convenient

Pilot “Super Precincts.” Across the country there is a move to redesign the standard polling place to accommodate busy voter schedules and staffing issues. Colorado pioneered the Universal Vote Centers, or “super precincts,” in the 2004 general election. The program decreases the need for numerous polling places while increasing the convenience and efficiency of the voting process. Super precincts bring many advantages, including giving voters the option of voting at other convenient locations several days prior to Election Day.

Secretary Land proposes amending election law to allow for a pilot program that tests the feasibility of super precincts in Michigan. Super precincts require fewer poll workers, permit workers to specialize in one area of election administration, and offer greater convenience and support to voters with disabilities. Initially, the super precinct pilots would be used on consolidated election dates, with the exception of the August primary election and November general election in even-numbered years.

12 - Use Technology to Reduce Lines on Election Day

Pioneer an Electronic Poll book. Secretary Land is pursuing electronic poll books and precinct lists so voters can be checked in swiftly and more accurately than the current paper-based system allows. Advances in technology now permit electronic voter look-ups, the recording of voter history in the polling place and access to a voter registration database. These advancements will permit local election officials to direct voters to the correct polling place as needed.

The electronic poll book is also a necessary component of the super precinct as it would allow precinct workers to view voter registration data and know instantly whether a voter has been issued a ballot elsewhere. This will prevent attempts to vote more than once.

Voters with a valid driver’s license or state identification card would have the option of using an “express lane.” Their license or ID would be swiped through a card reader, the data would be verified against a voter registration database and then entered into an electronic poll book. No more paper forms and pencils! Voters without a license or ID would be checked in the traditional way.

13 - Eliminate Disruptions in Polling Places

Clarify Permissible Activities at Polling Places. In 2004, Michigan experienced disruptions at polling places involving various “527 groups,” which are not directly affiliated with candidates or campaigns. The problems with the 527 groups ranged from overstepping their roles as poll watchers to bullying poll workers and impersonating election officials. It is paramount that the polls be kept free from distractions, so people have the opportunity to vote in private. To address these concerns, Secretary Land proposes the following procedural amendments and criminal penalties:

- Allow only voters, election officials and qualified challengers may be in the polling place on Election Day.
- Establish a misdemeanor penalty for anyone other than an election official who attempts to distribute anything of value, discuss election-related processes with voters or otherwise distract the voter within 100 feet of the entrance to a polling place.
- Establish a civil fine for any organization that directs individuals to violate prohibitions that establish a campaign-free zone within a 100 feet of the building in which a polling place is located.
- Create a misdemeanor penalty for anyone who impersonates an election official.

14 - More Secure Voting

Use Photo Identification to Speed Up the Process. Requiring photo identification as a means of verifying identity is a standard practice in today’s world – whether you are cashing a check or boarding an airplane. Support for requiring photo identification when voting is also growing across the United States. Last year, a bipartisan commission co-chaired by former U.S. President Jimmy Carter and former U.S. Secretary of State James A. Baker III, recommended the use of photo identification when voting. Detroit mayoral candidate Freeman Hendrix also suggested that the state should consider requiring identification to vote.

Michigan currently has a photo-identification requirement law on the books. It states that voters must show a driver’s license, state identification card or other photo identification to vote. If a voter does not have any photo identification, he or she would be allowed to cast an affidavit ballot, which is subject to challenge. However, the law is unenforceable due to a 1997 attorney general’s opinion that ruled the law unconstitutional. Litigation is under way in federal courts over the use of photo identification when voting in Georgia and Indiana. Should the courts rule that states may require photo identification to vote, Secretary Land will work to enforce Michigan’s law.

15 - Secure the Integrity of the Ballots

Allow the Secretary of State to Ask for State Police Assistance. Due to issues raised during the 2005 election cycle in Detroit, the State Police provided 24-hour security for the ballots stored by court order in the Secretary of State’s Cadillac Place office. While the State Police were very cooperative in these efforts, Secretary Land believes it makes more sense to give the Secretary of State’s Office the authority to call upon the State Police for assistance if such extraordinary circumstances should arise again.

16 - Minimize Politics on the Board of State Canvassers

Revise the Qualifications for Board of State Canvasser Members. The Board of State Canvassers is constitutionally created to ensure fair elections processes such as canvassing petitions and elections. As a bipartisan board, its role in certifying results is critical to the integrity of elections. However, recent events have demonstrated how the process can become politicized and highlight the need for reform. Secretary Land believes that at least one designee from each party should be a former clerk or election official. Having members on the board with election administration experience will help the board focus on its true functions and duties as prescribed by law.

17 – Instill More Consistency in the County Canvass Process

Assist County Canvassers in Fulfilling Their Duties. The canvass is a critical function of an election process that results in the official certification of the candidates elected and the proposals passed. The most difficult job of the bi-partisan canvassing board is auditing the election night results as reported by each precinct. Heightened attention must be focused on ensuring that precincts balance and are thus able to be recounted. To ensure consistency in the conduct of the canvass, Secretary Land offers the following proposals:

- Give County Board of Canvassers the Ability to Re-tabulate Precincts out of Balance. Under current law, a board of canvassers may require ballots to be tabulated again if the precinct results do not balance. This ensures that any errors are corrected and that precincts will meet the recount requirements. To re-tabulate, the law requires that the original board of precinct inspectors must be brought in to conduct the process.

This is not practical in larger communities. Gathering the required number of precinct inspectors in a short time period to conduct the canvass can be difficult. Secretary Land proposes to amend state law to permit the board of canvassers to designate local or county staff to conduct the re-tabulation of precincts not in balance.

- Eliminate Local Boards of Canvassers. Recent elections have called into question the need for cities and townships to maintain their own boards of canvassers. Under Michigan law, county boards of canvassers already oversee many of the responsibilities for certifying local elections, such as conducting recounts. Giving the same entity conducting the recount the responsibility for balancing the precincts and canvassing the elections will streamline and add consistency to the canvass and recount process. Secretary Land proposes transferring all power remaining with city boards to the county boards of canvassers.

18 - Reform the Recount Process

Update Fees and Standardize Rules. Recounts are a necessary part of a democracy and function as the ultimate audit of the election process. While current laws and procedures already describe how recounts are conducted, Secretary Land believes the process can be improved and proposes to:

- Reduce frivolous recounts by updating recount fees. Adjust the recount fee from \$10 for each precinct to \$25, when the vote differential is less than one percent or 30 votes. Recounts for elections with greater vote differentials would cost candidates more per precinct.

- Standardize recount rules. Many local and county boards of canvassers operate under their own rules for local recounts. Given that Michigan now has a uniform voting system, the time has come to implement consistent rules for the recounting of elections. This will help both candidates and election officials better understand and follow election laws and procedures.
- Include provisional ballots in recounts. Provisional ballots are placed in envelopes and verified after the election to determine whether they will be counted. They are kept separate from the ballots in the precinct ballot box, which is sealed and may not be opened. However, current law is not clear regarding the recount process on whether the envelope provisional ballots should be included in the number of ballots that must balance with the names in the poll book for the purposes of determining whether the precinct may be recounted. Legislation is needed to clarify how provisional ballots should be accounted for when determining if a precinct may be recounted.

19 - Ensure the Integrity of the Ballot

Conduct Random Audits. To promote accountability by election officials and voting equipment vendors, Secretary Land would like the Secretary of State's Office to be granted the authority to randomly audit precincts after elections. This would include a review of ballots. Election officials would be placed on notice that an audit may be conducted, encouraging them to pay close attention to correctly meet all legal requirements and administrative processes.

20 - Improve the Process for Amending the State Constitution

Create a More Deliberative Process for Amending the State Constitution. Michigan has seen a growing number of groups seeking to change the state constitution. While the right of initiative to amend the Constitution is fundamental and has a long history in Michigan, recent experience has shown that it may be time to provide a more thoughtful process that allows voters to become better informed of the purpose of the proposed amendments. To that end, Secretary Land calls for the following:

- Supporters must file proposed amendments to the constitution with the Secretary of State before any petitions may be circulated.
- The House Fiscal Agency, Senate Fiscal Agency and State Treasurer -- using the revenue estimating conference approach -- complete an independent analysis of the proposal's fiscal impact within 45 days of filing. While they may issue a longer report, a 100-word impact statement is required. This should include how current law is changed.
- The Director of Elections would prepare and the Board of State Canvassers would approve the suggested language for a 100-word statement of purpose within 45 days after the fiscal impact statement is completed and approved.
- Both the approved 100-word statement of purpose and the 100-word fiscal impact statement must be printed at the top of the petition in the manner specified by law.
- The Board of State Canvassers approves the initiative petition as to form before it can be circulated.
- Petition gatherers must wear a badge that identifies whether they are being paid or volunteering to gather signatures.

- Payment on a per-signature basis would be banned.
- Petitions must be signed by at least 1,000 registered electors in each of at least half of the congressional districts of the state.
- Petition signatures would be due on Oct. 31 in the year before the election. This deadline would be extended to Dec. 31 if an electronic file of signatures accompanies the petitions.
- The treasurer of a committee, as noted on the Statement of Organization, would have the authority to withdraw petitions up to 65 days before the election.

