

Some voters could be put out by court case

A well-intentioned court case may have ruined, at least for the time being, the public service practice of having absentee ballots or application forms automatically mailed to voters.

Many communities in Macomb County, as a routine matter of business, have been doing this.

The action is a godsend to many residents, particularly senior citizens, people with disabilities and other shut-ins who cannot get to the polls.

However, in a lawsuit in Wayne County Circuit Court, it was found that former Detroit City Clerk Jackie Currie's practice of mailing unsolicited absentee voter ballots was improper. Currie appealed the case, but Michigan's Court of Appeals upheld the ruling in late October.

The appellate court's decision, unfortunately, sets a statewide precedent.

The appellate court based its decision off of Michigan Compiled Law 168.759(5), which states only that clerks shall have absentee voter ballot application forms available in the office at all times and must give them to anyone who makes a verbal or written request for one. The appellate court found that any actions beyond that are illegal, and included the statement in their opinion that, "public officers have and can exercise only such powers as are conferred by law."

Mailing unsolicited absentee ballots or applications forms isn't the only action being stopped. Many clerks keep permanent absentee voter lists and are being warned against using them, because, depending on how the list was compiled, it could now be illegal.

Sending postcards to let people know they need to call or write to receive an absentee ballot or application could also be illegal.

The ruling will affect all future elections going forward. The next election, a presidential primary set for Jan. 15, will be the first affected.

We understand the need to be sure there is no voting fraud and that ballots are not sent to fictitious or deceased voters.

But the blanket precedent affects all legitimate actions taken by local communities to help people cast their ballots.

There's nothing wrong with having a clerk inform residents that they need to call or write or come in for an absentee ballot.

In this day and age of apathetic voters, when a turnout of a mere 20 percent or 30 percent is considered huge, we need to do things that will make it easier for some of our residents who would like to vote but can't get to the polls.

It's only right.

There is a solution but it will require some state legislative action.

Michigan's House of Representatives passed Bill 4553 in July would allow clerks to mail unsolicited applications to voters age 60 and older. The bill is currently in the Senate's Committee on Campaign and Election Oversight.

Consequently, we urge our state senators to review the bill, make whatever necessary adjustments need to be made, if any, and then pass it so that many of our citizens are not disenfranchised from voting, which is not just their right but their duty.

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