

GOP wants to halt ballot application mailings

Appeals court ruling sought ahead of May 6 county executive vote

By Jameson Cook
Macomb Daily Staff Writer

The state Republican Party has asked the state Court of Appeals to speed up its decision on whether to reverse a Macomb County court ruling that allows the county clerk to mass mail absentee ballot applications to senior citizens.

The state GOP is appealing a July 2007 decision by Judge David Viviano of Macomb County Circuit Court that lets Clerk Carmella Sabaugh send out absentee voter applications to all residents age 60 and older who do not receive them from their local community.

The appeal was filed in August, and GOP attorney Eric Doster said the officials are concerned the appeals court won't issue a decision in time for the upcoming May 6 election, in which county voters will cast ballots on a proposal to create a county executive form of government. School districts also will conduct elections.

Doster contends the appeals court must

The state GOP is appealing a July 2007 decision by Judge David Viviano of Macomb County Circuit Court that lets Clerk Carmella Sabaugh send out absentee voter applications to all residents age 60 and older who do not receive them from their local community.

rule soon because, based on past experience, a preliminary injunction request will fail.

"Absent a timely decision from this court on the merits of this case, these unlawful mailings will not be prevented by means of preliminary injunction," the motion says.

See **BALLOTS**, Page 4A

Macomb Daily 2/27/08 1A

BALLOTS: GOP says mailings disadvantage poorer counties in the state

Continued from Page 1A

Viviano said in his ruling that although the Michigan Election Code did not give Sabaugh the authority to mail the ballots in a

2006 election, the county Board of Commissioners' permission did in September 2006. That election was the first time Sabaugh had mailed the applications in an effort to increase voter turnout.

The county board gave approval Jan. 24 for this year's elections, also the Aug. 5 primary and Nov. 4 general election.

The GOP argues that Sabaugh must follow the Election Code, which doesn't allow it but also doesn't prevent it.

The GOP accuses Sabaugh of trying to gain unfair clout for the county. Not every county in Michigan can afford the thousands of dollars to mail the applications. Macomb officials have allocated \$60,000 to mail the bal-

lots this year.

"If this court were to allow Macomb County to exercise its financial clout to skew the election process, the residents of Michigan's poorer counties would be severely disadvantaged," the GOP argues, "since not all of Michigan's counties could afford to mail unsolicited absent voter ballot applications or to conduct any other activity prohibited by the Michigan Election Code."

But Sabaugh contends she is merely seeking to advance the Democratic process.

"I am fighting to give all seniors an equal opportunity to get an absent voter application form, no matter where they live or their party affiliation," she said in a written statement.

"It seems like they (Republicans) are trying to make it harder to vote," she told The Macomb Daily. "I don't see how this hurts the Republican Party. I could see if it was Detroit," where seniors traditionally vote more Democratic.

Sabaugh said in the Jan. 15 presidential primary, turnout was down partially because the ballot applications were not mailed.

Local communities already send applications to people who have requested them. Meanwhile, Sabaugh's mailing is more extensive because all seniors over 60 receive them.

Those who receive an application must complete it and return it to receive a ballot by mail.

Doster said Sabaugh also is

trying to gain political exposure for herself by mailing the applications. He said Sabaugh in the past only mailed the applications for an election in which she was running.

"I think he's grasping," Sabaugh said of Doster's remark about Sabaugh seeking exposure, noting that she will not be on the May 6 ballot. Sabaugh will be on the August and November ballots, seeking a renewed 4-year term.

Doster also notes in the motion that three Macomb communities - Shelby, Chesterfield and Harrison townships - requested the county not mail the ballots "but these local decisions were ignored and overruled" by the county board.

On the other hand, Sabaugh said, several municipalities in Macomb County - Clinton, Lenox and Lake townships, and Romeo, New Baltimore, Roseville and Richmond - have given authority to their clerks to mail the applications.

Doster said an urgent decision on the issue is required because the appeals court would likely have to schedule oral arguments. The county must also have time to respond to the motion for the panel to expedite its decision.

On top of that, he said, the losing party likely will appeal to the state Supreme Court.

Jill Smith, assistant corporation counsel who is representing the clerk, could not be reached for comment Tuesday.