



Todd Schmitz
Deputy Clerk

Carmella Sabaugh

Macomb County
Clerk/Register of Deeds

Betty A. Oleksik
Deputy Register of Deeds

January 8, 2008

Re: AV application forms

Dear Clerk:

I am writing to ask for your help to provide your municipality's seniors with an equal opportunity to get an absent voter application form, by seeking a resolution from your board authorizing you to mail AV application forms to all seniors in your municipality.

Where an election official got prior approval from the local governing body to mail absent voter applications to all seniors, the Macomb County Circuit Court ruled the mailing was ok. A copy of Fleming v Sabaugh is on my web site. The judge said if the governing body approves the mailing, then it cannot be challenged due to the Constitution's separation of powers doctrine. Where the governing body has not approved an AV application mailing, Taylor v. Currie (a court of appeals case), and the secretary of state said clerks may not mail AV applications.

Confusion over this issue has already reduced Macomb County absent voter turnout. As a result, AV application return rates are much lower for the upcoming January 15 presidential primary than they have been in the past because AV applications were not mailed to all seniors. I expect you municipality's voter turnout will also be lower than it could be this August and November, unless action is taken now to make sure your municipality's seniors have the same opportunity to get an AV application as seniors in other counties.

As a result of the court cases, the city councils of Auburn Hills, Birmingham, Farmington Hills, Oak Park, and Troy last November passed resolutions authorizing their local clerks to mail AV applications to all seniors. This means Oakland County seniors will have a voting advantage over your municipality's seniors, unless action is taken to provide an equal opportunity.

In past elections, all Oakland County senior citizens received an absent voter application, while all seniors in only 11 of Macomb County's 24 municipalities received AV applications.

Clerk's Office

40 N. Main St.
Mount Clemens, MI 48043
586-469-5120
Fax: 586-783-8184

<http://www.macombcountymi.gov/clerksoffice>
clerksoffice@macombcountymi.gov

Fax-on-Demand

Michigan: 1-888-99-CLERK
Out-of-State: 310-575-5035

Register of Deeds

10 N. Main St.
Mount Clemens, MI 48043
586-469-5175
Fax: 586-469-5130

<http://www.macombcountymi.gov/registerdeeds>
registerdeeds@macombcountymi.gov

The situation is even more confusing because a mailing to the “permanent” AV list is allowed, but there are no guidelines regarding the “permanent” AV list maintained by some local clerks. In some municipalities, all seniors are on the “permanent” list. In others, a senior has to know about this special list in order to be placed on it. I believe that including all seniors equally by mailing AV applications to all will make the system more fair and prevent the inconsistent use of what some may view as a secret permanent AV list.

Not only will mailing absent voter applications to all seniors in your municipality give our seniors the same opportunity Oakland County seniors have, but it could also reduce long lines at the polling places, making it easier for voters and election workers at the polls.

Providing all your municipality’s seniors an equal opportunity to get an AV application could also save money. As you know, an AV application mailing to all your municipality’s seniors qualifies for the non-profit bulk election postage rate of 15.8 cents per piece. But if you process the requests individually, then your municipality will pay a first-class postage rate of 41 cents per piece, more than twice the bulk rate cost.

I will again ask the Macomb County Board of Commissioners for authority to mail AV applications to seniors who would otherwise not receive one in August and November. But I believe it would be better to preserve local control over elections. This is why I am giving you the opportunity to seek your own local resolution, to provide the service that 11 of our communities provided in the past, and mail AV applications under your name this election year instead of mine.

Macomb County seniors should be given an equal opportunity to get an absent voter application and should have the same opportunity as Oakland County seniors. Regardless of party affiliation, we can all agree that our county will have more clout if more Macomb County voters participate. Many of our county’s seniors fought in wars to defend our Democracy and the right to vote or marched for civil rights to protect our right to vote. What message would be sent to our “Greatest Generation” if we have the chance to give all of our county’s seniors an equal opportunity to get an AV application but fail to do so?

Enclosed you will find a sample resolution. You may use this letter as a letter of support. If you have any questions, please feel free to call me at 586-469-7939.

Sincerely,



Carmella Sabaugh
Clerk / Register of Deeds

RESOLUTION NO. _____ MEETING DATE: _____
AGENDA ITEM: _____

_____, MICHIGAN

RESOLUTION TO:

PROTECT THE FUNDAMENTAL RIGHT OF VOTING,

MAKE THE ABSENT BALLOT APPLICATION PROCESS UNIFORM,

ADVANCE THE PUBLIC INTEREST OF INCREASING THIS MUNICIPALITY'S CLOUT,

AND PROVIDE SENIOR CITIZENS AN EQUAL OPPORTUNITY TO APPLY FOR AN
ABSENT BALLOT REGARDLESS OF WHERE THEY LIVE,

BY DIRECTING THE CLERK TO MAIL AN "APPLICATION FOR ABSENT VOTER'S
BALLOT FORM" TO ALL LOCAL REGISTERED VOTERS AGE 60 AND OVER FOR THE
2008 AUGUST AND NOVEMBER ELECTIONS.