

**Michigan Office of Administrative Hearings and Rules**

**Administrative Rules Division (ARD)**

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**REGULATORY IMPACT STATEMENT  
and COST-BENEFIT ANALYSIS (RIS)**

**Agency Information:**

**Department name:**

State

**Bureau name:**

Elections & Campaign Finance

**Name of person filling out RIS:**

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**Rule Set Information:**

**ARD assigned rule set number:**

2025-14 ST

**Title of proposed rule set:**

Use of Electronic Pollbook

**Comparison of Rule(s) to Federal/State/Association Standard**

**1. Compare the proposed rules to parallel federal rules or standards set by a state or national licensing agency or accreditation association, if any exist.**

There are no parallel federal rules or standards.

**A. Are these rules required by state law or federal mandate?**

MCL 168.31(1)(a) says the secretary of state shall “issue instructions and promulgate rules pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, for the conduct of elections and registrations in accordance with the laws of this state.”

**B. If these rules exceed a federal standard, please identify the federal standard or citation, describe why it is necessary that the proposed rules exceed the federal standard or law, and specify the costs and benefits arising out of the deviation.**

The rules do not exceed a federal standard.

**2. Compare the proposed rules to standards in similarly situated states, based on geographic location, topography, natural resources, commonalities, or economic similarities.**

Minnesota prohibits the connection of electronic pollbooks (EPBs) to the internet. Indiana, Maryland, and New Mexico EPBs are networked and receive immediate updates on who has voted at other voting locations. Michigan currently uses a live-connected electronic pollbook for early voting and Election Day vote centers, and this would expand their use to Election Day polling places. Similarly to Indiana, Maryland, and New Mexico, Michigan’s EPBs would be connected to the QVF and would receive immediate live updates on voting activity.

**A. If the rules exceed standards in those states, please explain why and specify the costs and benefits arising out of the deviation.**

The rules do not exceed standards in other states.

**3. Identify any laws, rules, and other legal requirements that may duplicate, overlap, or conflict with the proposed rules.**

There are no laws, rules, or other legal requirements that duplicate, overlap, or conflict with the proposed rules.

**A. Explain how the rules have been coordinated, to the extent practicable, with other federal, state, and local laws applicable to the same activity or subject matter. This section should include a discussion of the efforts undertaken by the agency to avoid or minimize duplication.**

The rules provide additional context for MCL 168.668b of the Michigan Election Law. Section 668b requires jurisdictions to download the electronic pollbook beginning at 4pm on the day before Election Day (or beginning at 2pm on the Saturday preceding Election Day, for populous jurisdictions). The rules would clarify that the download must be completed as provided in statute and that it serves as a backup to a live connected electronic pollbook. There is nothing that needs to be coordinated with the rules.

**Purpose and Objectives of the Rule(s)**

**4. Identify the behavior and frequency of behavior that the proposed rules are designed to alter.**

Historically, clerks have downloaded the voting list to the electronic pollbook pursuant to MCL 168.668b, and the electronic pollbook has been offline on Election Day. Following the adoption of Proposal 2022-2 and the inclusion of its provisions in the Michigan Constitution, early voting was offered to voters for 9 days ahead of statewide and federal elections. Because of the many voter activities that occur during the early voting period (registration, the return of absent voter ballots, etc.) the early voting electronic pollbook was connected to the internet via a secure live connection during the early voting period. Similarly, the Vote Center electronic pollbook was connected to the internet via a secure live connection, as it concerns voters who are registered on Election Day (and those voters are immediately added to the Qualified Voter File.) However, the Election Day electronic pollbook was still not connected to the internet following the download provided in section 668b. As they do currently, under the rules clerks would still download the electronic pollbook at 4pm or 2pm, as applicable, but that would serve as a backup if they did not have internet connectivity for any reason. Unlike current practice, on Election Day, election inspectors would use the live-connected electronic pollbook rather than the downloaded copy.

Moving the Election Day electronic pollbook to a secure live connection (to mirror the early voting pollbook and Vote Center pollbook) would alter the behavior of clerks for all elections—generally three elections per year (May, August, and November), but four elections in presidential election years (February in addition to the aforementioned elections), and special elections, when applicable.

**A. Estimate the change in the frequency of the targeted behavior expected from the proposed rules.**

Because secure live connection is not currently used on Election Day, but would be used for all elections going forward, the frequency would increase from zero times per year to approximately three or four times per year.

**B. Describe the difference between current behavior/practice and desired behavior/practice.**

Secure live connection is not currently used on Election Day but would be used for all elections going forward.

**C. What is the desired outcome?**

The desired outcome is a secure live connection between the electronic pollbook and Michigan's Qualified Voter File. This would provide real-time updates of information to election inspectors and clerks, to show if a voter has already submitted a ballot and prevent the issuance of more than one ballot to a voter.

**5. Identify the harm resulting from the behavior that the proposed rules are designed to alter and the likelihood that the harm will occur in the absence of the rule.**

When the electronic pollbook is offline, election inspectors must call a clerk when a voter appears to vote and the electronic pollbook (last updated at 4pm on the day before Election Day) indicates that the voter was sent an absentee ballot and the ballot has not been returned. The clerk then has to check if the ballot was returned after the time of the download. Because the voter may not vote twice, either (a) the clerk must cancel the issued absentee ballot in QVF so that the voter may vote in person (and the absentee ballot, even if it is later returned, is not counted) or (b) the clerk tells the election inspector that the voter has returned their absentee ballot and may not be issued an Election Day ballot.

A live electronic pollbook would eliminate this process. Because it would update QVF in real time, election inspectors would be able to see if the absentee ballot has been returned at the moment a voter requests an Election Day ballot. If it had not, they could issue an Election Day ballot, thereby cancelling the absentee ballot. If it had, they would allow the absentee ballot to be tabulated and refuse to issue an Election Day ballot.

Additionally, a single type of electronic pollbook would create greater efficiency for the Bureau of Elections in making updates and more clarity for clerks in using a single system.

**A. What is the rationale for changing the rules instead of leaving them as currently written?**

There are no pre-existing rules to modify.

**6. Describe how the proposed rules protect the health, safety, and welfare of Michigan citizens while promoting a regulatory environment in Michigan that is the least burdensome alternative for those required to comply.**

The proposed rules would simplify the system for Michigan voters but generally would not have an impact on the health, safety, or welfare of Michigan citizens.

**7. Describe any rules in the affected rule set that are obsolete or unnecessary and can be rescinded.**

There are no obsolete or unnecessary rules in the rule set that can be rescinded because these rules create a new rule set and there is no existing rule set.

## **Fiscal Impact on the Agency**

Fiscal impact is an increase or decrease in expenditures from the current level of expenditures, i.e. hiring additional staff, higher contract costs, programming costs, changes in reimbursements rates, etc. over and above what is currently expended for that function. It does not include more intangible costs for benefits, such as opportunity costs, the value of time saved or lost, etc., unless those issues result in a measurable impact on expenditures.

**8. Please provide the fiscal impact on the agency (an estimate of the cost of rule imposition or potential savings for the agency promulgating the rule).**

The savings would be at the state and local level. The creation and maintenance of a single type of electronic pollbook would create greater efficiency at the state level because staff would not need to make duplicative updates and fixes across multiple system. Additionally, the state would field fewer questions from clerks about the electronic pollbook with a streamlined single system.

At the local level, clerks would spend less time training election inspectors on the differences between the two systems.

**9. Describe whether or not an agency appropriation has been made or a funding source provided for any expenditures associated with the proposed rules.**

No specific agency appropriation has been made for these proposed rules.

**10. Describe how the proposed rules are necessary and suitable to accomplish their purpose, in relationship to the burden(s) the rules place on individuals. Burdens may include fiscal or administrative burdens, or duplicative acts.**

The rules are not anticipated to place a burden on individuals and will instead alleviate current burdens. The rules would extend the popular improvements in the early voting electronic pollbook and the Vote Center electronic pollbook to the Election Day electronic pollbook.

**A. Despite the identified burden(s), identify how the requirements in the rules are still needed and reasonable compared to the burdens.**

There are no expected burdens on individuals.

## **Impact on Other State or Local Governmental Units**

**11. Estimate any increase or decrease in revenues to other state or local governmental units (i.e. cities, counties, school districts) as a result of the rule. Estimate the cost increases or reductions for other state or local governmental units (i.e. cities, counties, school districts) as a result of the rule. Include the cost of equipment, supplies, labor, and increased administrative costs in both the initial imposition of the rule and any ongoing monitoring.**

There are no estimated increases or decreases in revenue to other state or local governmental units. There are no estimated increases or reductions in cost to other state or local governmental units.

**12. Discuss any program, service, duty, or responsibility imposed upon any city, county, town, village, or school district by the rules.**

Michigan election officials with internet access will be required to use a secure live connection to access the online version of the electronic pollbook.

**A. Describe any actions that governmental units must take to be in compliance with the rules. This section should include items such as record keeping and reporting requirements or changing operational practices.**

To be in compliance with the proposed rules, Michigan election officials with internet access will be required to use the online/live connected version of the electronic pollbook. This version is already used for early voting and Vote Centers, so the change in operational practices is minimal and will minimize operational requirements, as live connectivity will allow certain data to update in real time rather than via an upload in the days following an election.

**13. Describe whether or not an appropriation to state or local governmental units has been made or a funding source provided for any additional expenditures associated with the proposed rules.**

There will not be any increase or decrease to funding to other state or local government units.

## **Rural Impact**

**14. In general, what impact will the rules have on rural areas?**

The proposed rules are not expected to impact rural areas.

**A. Describe the types of public or private interests in rural areas that will be affected by the rules.**

The proposed rules should have no impact on public or private interests in rural areas.

## **Environmental Impact**

**15. Do the proposed rules have any impact on the environment? If yes, please explain.**

The proposed rules will not have an impact on the environment.

## **Small Business Impact Statement**

**16. Describe whether and how the agency considered exempting small businesses from the proposed rules.**

Small businesses will not be governed or impacted by the proposed rules, so the agency did not consider small businesses.

**17. If small businesses are not exempt, describe (a) the manner in which the agency reduced the economic impact of the proposed rules on small businesses, including a detailed recitation of the efforts of the agency to comply with the mandate to reduce the disproportionate impact of the rules upon small businesses as described below (in accordance with MCL 24.240(1)(a-d)), or (b) the reasons such a reduction was not lawful or feasible.**

The proposed rules do not apply to small businesses.

**A. Identify and estimate the number of small businesses affected by the proposed rules and the probable effect on small businesses.**

The proposed rules do not apply to small businesses.

**B. Describe how the agency established differing compliance or reporting requirements or timetables for small businesses under the rules after projecting the required reporting, record-keeping, and other administrative costs.**

The proposed rules do not apply to small businesses and will not have an impact on their reporting requirements.

**C. Describe how the agency consolidated or simplified the compliance and reporting requirements for small businesses and identify the skills necessary to comply with the reporting requirements.**

The agency did not consolidate or simplify the compliance and reporting requirements for small businesses as the proposed rules do not apply to small businesses.

**D. Describe how the agency established performance standards to replace design or operation standards required by the proposed rules.**

The proposed rules do not apply to performance, design, or operation standards in relation to small businesses.

**18. Identify any disproportionate impact the proposed rules may have on small businesses because of their size or geographic location.**

The proposed rule set will have no disproportionate impact on small businesses.

**19. Identify the nature of any report and the estimated cost of its preparation by small businesses required to comply with the proposed rules.**

There are no estimated costs for small businesses as the proposed rules do not apply to small businesses.

**20. Analyze the costs of compliance for all small businesses affected by the proposed rules, including costs of equipment, supplies, labor, and increased administrative costs.**

The proposed rule set will have no impact on small businesses and require no compliance from small businesses.

**21. Identify the nature and estimated cost of any legal, consulting, or accounting services that small businesses would incur in complying with the proposed rules.**

The proposed rule set will have no impact on small businesses and require no legal, consulting, or accounting services on behalf of small businesses.

**22. Estimate the ability of small businesses to absorb the costs without suffering economic harm and without adversely affecting competition in the marketplace.**

There are no costs for small businesses to absorb.

**23. Estimate the cost, if any, to the agency of administering or enforcing a rule that exempts or sets lesser standards for compliance by small businesses.**

There will be no costs to the agency of administering or enforcing a rule that exempts or sets lesser standards for compliance for small businesses.

**24. Identify the impact on the public interest of exempting or setting lesser standards of compliance for small businesses.**

There is no impact on the public interest by exempting or setting lesser standards of compliance for small business.

**25. Describe whether and how the agency has involved small businesses in the development of the proposed rules.**

The agency has not involved small businesses in the development of the proposed rules.

**A. If small businesses were involved in the development of the rules, please identify the business(es).**

Small businesses were not involved in the development of the proposed rules.

**Cost-Benefit Analysis of Rules (independent of statutory impact)**

**26. Estimate the actual statewide compliance costs of the rule amendments on businesses or groups.**

There will be no compliance costs on businesses or groups.

**A. Identify the businesses or groups who will be directly affected by, bear the cost of, or directly benefit from the proposed rules.**

The rules do not affect businesses. The rules will directly benefit the 1604 county, city, and township clerks and several thousand election inspectors, all of whom use electronic pollbooks in administering elections in Michigan.

There may also be a benefit to Michigan voters, as a streamlined, consistent, real-time system may provide minimal time savings when voting.

**B. What additional costs will be imposed on businesses and other groups as a result of these proposed rules (i.e. new equipment, supplies, labor, accounting, or recordkeeping)? Please identify the types and number of businesses and groups. Be sure to quantify how each entity will be affected.**

There will be no costs imposed on businesses and other groups as a result of these proposed rules.

**27. Estimate the actual statewide compliance costs of the proposed rules on individuals (regulated individuals or the public). Include the costs of education, training, application fees, examination fees, license fees, new equipment, supplies, labor, accounting, or recordkeeping.**

There will be no additional statewide compliance cost. The Bureau is making updates to the early voting electronic pollbook in response to user feedback following its first year of use in 2024; those updates will be extended to the Election Day electronic pollbook.

**A. How many and what category of individuals will be affected by the rules?**

Michigan's 1,604 county and local clerks, thousands of election inspectors, and BOE staff who maintain the electronic pollbook will be positively affected. Additionally, it is anticipated that under the rules all of Michigan's 7.3 million registered voters will be issued ballots using the single electronic pollbook (whereas now early voters and those voting at Vote Centers are issued ballots using the online version and those voting at their Election Day polling place are issued ballots using the offline version); it is unlikely that voters will notice any difference.

**B. What qualitative and quantitative impact do the proposed changes in rules have on these individuals?**

Qualitatively, clerks, election inspectors, and BOE staff will maintain and use a single system rather than two parallel systems, which will lead to greater efficiency. There is no anticipated qualitative impact on registered voters, except for possible minimal time savings.

Quantitatively, there is no anticipated impact.

**28. Quantify any cost reductions to businesses, individuals, groups of individuals, or governmental units as a result of the proposed rules.**

The rules are expected to result in a cost reduction to governmental units charged with administering elections because a single system rather than two parallel systems would have to be maintained, but the amount of the expected savings is unknown. The rules are not expected to have any cost impact to businesses, individuals, or groups or individuals outside of individuals that are part of governmental units charged with administering elections.

**29. Estimate the primary and direct benefits and any secondary or indirect benefits of the proposed rules. Please provide both quantitative and qualitative information, as well as your assumptions.**

In primary or direct benefits, the proposed rules will allow for greater efficiency because clerks, election inspectors, and BOE staff will be using, maintaining, and accessing a single system. Additionally, the single system will be simplified and streamlined to incorporate feedback from the first year the online electronic pollbook was used (for early voting, in 2024). In secondary or indirect benefits, BOE staff and contractors will be freed up from performing duplicative tasks and will be able to perform needed work on other projects. The department assumes that a simplified and streamlined single system provides a qualitative benefit to clerks, election inspectors, and BOE staff who need to use, maintain, and access that system. There is no relevant quantitative information or assumptions related to quantities as no quantities are being affected by these rules.

**30. Explain how the proposed rules will impact business growth and job creation (or elimination) in Michigan.**

The proposed rules will not impact business growth and job creation in Michigan. The rules are not anticipated to result in job creation or elimination.

**31. Identify any individuals or businesses who will be disproportionately affected by the rules as a result of their industrial sector, segment of the public, business size, or geographic location.**

There are no individuals or businesses who will be disproportionately affected by the rules.

**32. Identify the sources the agency relied upon in compiling the regulatory impact statement, including the methodology utilized in determining the existence and extent of the impact of the proposed rules and a cost-benefit analysis of the proposed rules.**

The agency relied upon the Department's current practice and comments provided by county, city, and township clerks, especially those submitted during a Lean Process Improvement workshop completed in January regarding potential improvements to the electronic pollbook. By far the most common request was making the Election Day electronic pollbook as similar as possible to the early voting electronic pollbook.

**A. How were estimates made, and what were your assumptions? Include internal and external sources, published reports, information provided by associations or organizations, etc., that demonstrate a need for the proposed rules.**

The Lean Process Improvement's report on identified improvements relied on survey feedback from over 350 stakeholders, of whom 66% were city and township clerks, 4% were county clerks, 12% were deputy clerks, 6%

were election directors, and 12% were other parties. The following are a sample of the feedback received:

1. Making the switch the online version (like Early Voting EPB) for Election Day EPB
2. Election Day Poll Book should be the same as the Early Voting poll book. Election Day Poll book especially the ballot summary is a nightmare after a 16-hour day. The entire platform needs to be revamped and easier to use for all including the elderly which consists of almost all my election workers.
3. I would like to see the EV poll book implemented on election day. It makes sense, easier to navigate and less training for workers that only work a few times a year.
4. It would be nice if the Election Day poll book was live like during the early voting. It is cumbersome with voters that have been sent a ballot but not returned them. Early voting EPB runs so much more efficient and simplified.
5. Now that we have had the year 2024 under our belt with LIVE PB. It would be nice to allow Election Day EPB to be LIVE too.
6. Please think about EV and Election Day being the same Poll Book.
7. Make it live.
8. I would strongly advise a legislative push/policy change to allow the EPB to be online/live, similar to the EV EPB. Not only would this allow for greater protection from error (for example, someone voting, then registering to vote and voting in another place on election day, OR someone voting in person, then dropping off an AV ballot). While I understand there are procedural things in place to help with this, it would take significant work (on the day of the election) off the clerk if the EPB was live online and could cross check for these items. And it would add protection in case these steps were missed.
9. Having the election day poll book online (like the Early Voting Poll Book) would save my office from receiving hundreds of election worker phone calls on election day about spoiling/invalidating av ballots.
10. If the EPB could be set up to be live like the Early Voting computer is, Election Day would run faster and smoother. It is extremely helpful having the information in real time with the number of people who register to vote on Election Day and the people who turn in their absentee ballot on Election Day.
11. It would be nice for the Election day poll book to be online like the EV Poll book and still have the downloaded Poll book as a back up option going forward.
12. There is just enough difference between the EVEPB and the ED EPB to make it confusing for our EPB workers. I love the live update capability of the EVEPB. It would be nice if they were combined into one improved system.
13. I would support a live EPB as used in Early Voting for Election Day. This would be consistent for election workers, provide a live database to eliminate typing in newly registered voters, and reduce errors.
14. The election inspectors that work both election day and early voting prefer the format of the early voting EPB.
15. I would like it to be more like the Early Voting EPB.
16. It would be a great feature if the pollbook was live on election day as it is during early voting.
17. It would be nice if the ED poll book could be in real time.
18. Live QVF, Setup like the Early Voting EPB. Seems silly that the Election Day EPB would be different than EV

EPB, especially the livetime function.

19. Come up with a system like the Early Voting Poll Book for jurisdictions with internet to use. The "real-time" data is more efficient and would help reduce fraud.

## **Alternative to Regulation**

### **33. Identify any reasonable alternatives to the proposed rules that would achieve the same or similar goals.**

The only reasonable alternative to the proposed rules that would achieve the same or similar goals is amendment of the Michigan Election Law to explicitly require live connectivity to be used on Election Day. However, the Department cannot amend the law, so there is no reasonable alternative that is within the Department's control.

#### **A. Please include any statutory amendments that may be necessary to achieve such alternatives.**

The alternative would likely provide for an explicit allowance for live connectivity to be added to the Michigan Election Law in MCL 168.668b.

### **34. Discuss the feasibility of establishing a regulatory program similar to that proposed in the rules that would operate through private market-based mechanisms. Please include a discussion of private market-based systems utilized by other states.**

There are no private market-based mechanisms available to address the needs covered by the proposed rules.

### **35. Discuss all significant alternatives the agency considered during rule development and why they were not incorporated into the rules. This section should include ideas considered both during internal discussions and discussions with stakeholders, affected parties, or advisory groups.**

The proposed rules represent the only reasonable procedure going forward. The Bureau has sent the rules out to the county and municipal clerk associations for initial feedback and the only additional suggestion was that the rules include specific procedures for when and how electronic pollbooks should be switched between online and offline functionality (in the case of an internet outage, etc). However, the Bureau determined that specific procedures were more appropriate for instructions issued periodically as needed, as the procedure may change slightly from year to year to address technological changes and potential future efficiencies.

## **Additional Information**

### **36. As required by MCL 24.245b(1)(c), please describe any instructions regarding the method of complying with the rules, if applicable.**

The rules explicitly inform persons of requirements and methods of compliance.