

# Legislative Analysis

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## **ELECTRONIC VOTER REGISTRATION INTERFACE AND APPLICATION**

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<http://www.house.mi.gov/hfa>

**House Bill 5548 (H-1) as reported from committee**  
**Sponsor: Rep. Julie Calley**

Analysis available at  
<http://www.legislature.mi.gov>

**House Bill 5549 (H-1) as reported from committee**  
**Sponsor: Rep. Michael Webber**

**Committee: Elections and Ethics**  
**Complete to 7-18-18**

***BRIEF SUMMARY:*** House Bill 5548 would add Section 509ii to the Michigan Election Law to require the Michigan Secretary of State (SOS) to develop and maintain an electronic voter registration interface. (Proposed MCL 168.509ii)

Voters could use the interface to submit an electronic voter application under House Bill 5549. (MCL 168.509m et al.)

***FISCAL IMPACT:*** The bills would result in little or no cost to the Department of State and would have no fiscal impact on local units of government. According to the Department of State, the requirement proposed by HB 5548 for the Secretary of State to develop an electronic voter registration interface can largely be fulfilled through the existing customer-facing ExpressSOS system. Additional costs from modifications necessary to fulfill the requirements in the bills should be able to be included as a part of ongoing information system modernization efforts within the Department of State.

### ***THE APPARENT PROBLEM:***

Online voter registration is an initiative intended to increase voter access and participation, promote accuracy, and result in cost savings to states. Since Arizona began offering online voter registration in 2002, the measure has quickly grown in popularity. As of December 6, 2017, according to the National Conference of State Legislatures, 37 states and the District of Columbia offered online voter registration, and one (Oklahoma) was working to implement it.<sup>1</sup>

### ***THE CONTENT OF THE BILLS:***

The bills would require the SOS to develop and implement an interface allowing voters to register to vote online. The interface required under HB 5548 would do all of the following:

- Transmit the application to the qualified voter file.
- Interact with the driver's license and official personal ID card files for authentication purposes.

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<sup>1</sup> <http://www.ncsl.org/research/elections-and-campaigns/electronic-or-online-voter-registration.aspx>

- Authenticate the identity of an applicant under a process developed by the SOS that includes verifying the applicant's date of birth, the last 4 digits of the applicant's Social Security number, the applicant's driver's license or personal ID card number, and the name and eye color on the license or ID card.
- Require the applicant's assent to submit an application electronically and to use his or her most recent digitized signature from an application for a driver's license or personal ID card.
- Issue a receipt to the applicant.

HB 5548 would also require the SOS to develop an electronic voter registration application, which may be used by those qualifying as electors who possess a state personal ID card or driver's license.

An individual could not use the interface to submit a voter application if he or she ordered a duplicate driver's license or state personal ID card on the same day or submitted a change of address for one of those cards in the previous 10 days. Additionally, an individual with an expired driver's license or state personal ID card could not use the interface.

HB 5549 would require a voter who had registered to vote using the electronic application to vote in person and provide identification if that person had not previously voted in person in Michigan.

The bills are tie-barred together, meaning that neither could take effect unless both were enacted. They would each take effect 90 days after enactment.

### ***ARGUMENTS:***

#### ***For:***

Supporters argue that the bills would allow more voters greater access to the electoral system. Currently, people wishing to register to vote must fill out a form by hand and mail or deliver it to their local clerk. Especially for 18-year-olds newly qualified to vote, an electronic registration alternative is more accessible, easier to navigate and submit, and more in keeping with the way most business is conducted today.

Additionally, states that have implemented online voter registration report lower costs per registration. In a 2010 Pew Charitable Trusts report on online voter registration in Arizona and Washington,<sup>2</sup> Maricopa County (AZ) reported that a traditional paper registration cost at least \$.83 of staff time to process, while an online registration cost an average of \$.03. Maricopa County reported that the online registrations saved about \$206,779 in 2006, based on processing time, and also allowed the county to hire fewer temporary workers, saving an additional \$70,400.

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<sup>2</sup>[http://www.pewtrusts.org/-/media/legacy/uploadedfiles/pcs\\_assets/2010/onlinevoterregpdf.pdf](http://www.pewtrusts.org/-/media/legacy/uploadedfiles/pcs_assets/2010/onlinevoterregpdf.pdf)

*Against:*

Opponents of the bills raised concerns about whether online registration of first-time voters would compromise the security of elections by allowing individuals to vote who do not have on file a written signature given before a sworn election official.

*POSITIONS:*

The following organizations support the bills:

- ACLU of Michigan (3-8-18)
- Michigan Association of County Clerks (3-8-18)
- Michigan Association of Municipal Clerks (3-8-18)
- Sierra Club (3-8-18)
- Michigan League of Conservation Voters (3-8-18)
- Pew Charitable Trusts (3-15-18)
- Center for Secure and Modern Elections (3-15-18)

A representative of the Michigan Election Reform Alliance testified in opposition to the bills. (3-8-18)

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.