

# Legislative Analysis



## ELECTION PROCESSES

Phone: (517) 373-8080  
<http://www.house.mi.gov/hfa>

**House Bill 4837 as introduced**  
**Sponsor: Rep. Sarah L. Lightner**

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

**House Bill 4838 as introduced**  
**Sponsor: Rep. Phil Green**

**House Bill 4839 as introduced**  
**Sponsor: Rep. Brad Paquette**

**House Bill 4840 as introduced**  
**Sponsor: Rep. Ken Borton**

**Committee: Elections and Ethics**  
**Revised 5-19-21**

## SUMMARY:

House Bills 4837 to 4840 would each amend sections of the Michigan Election Law to revise or specify rules for the conduct of elections.

**House Bill 4837** would provide that the secretary of state (SOS) and county, city, and township clerks could not allow an organization, an individual employed by, contracted by, or associated with an organization, or a nonaccredited election official to access the qualified voter file (QVF). It would also strike “designated voter registration agency” from the entities allowed to enter names of individuals into the QVF.

MCL 168.509o and 168.509r

**House Bill 4838** would prohibit the electronic poll book at each election precinct from being connected to the internet after the polls open on election day and until the results have been tabulated for that precinct. It would also specify that an electronic voting system could not be connected to or operated on the internet until after results have been tabulated and only in order to upload those results to the appropriate clerk.

MCL 168.668b and 168.795

**House Bill 4839** would allow a city or township clerk to offer an annual absentee ballot application that could be used for any or all of the elections held during a calendar year. If the SOS provided an absentee ballot application that contained more election options than a city or township application and was otherwise in compliance, the city or township clerk would have to honor the election options requested by the voter on the SOS application.

Currently, an elector can apply for an absentee ballot at any time during the 75 days before a primary, special primary, election, or special election, until 8 p.m. on the day of the election or primary. A clerk is prohibited from sending an absentee ballot to an elector by first-class mail any later than 5 p.m. on the Friday before the primary, special primary, election, or special election.

The bill would additionally provide that, in addition to applying for an absentee ballot by a signed written request, on the city or township’s application form, or on a federal postcard

application, a voter could apply on an absentee ballot application form provided for that purpose by the SOS.

MCL 168.759

**House Bill 4840** would amend the periods of time specified for document retention of election-related documents.

Currently, certain voter applications (if the voter's signature is not contained in the QVF, if the voter has verified residency or identity using alternate means, or if it is a absent voter application) must be retained for six years after the primary or election, and ballots used at primaries and elections must be retained for 30 days following the final determination of the board of canvassers. After that time, they may be destroyed.

The bill would provide that applications, ballots, and electronic poll book software must all be retained for 22 months after the primary or election and may be destroyed after that time.

MCL 168.811 and 168.847

## **BACKGROUND:**

In March 2019, the SOS appointed an Election Security Advisory Commission composed of local officials, election specialists and national experts in technology and data security. Following an assessment of Michigan's existing voter registration system, the process of voting, and transmission of election results, as well as public hearings, the commission produced its report and a set of recommendations in October 2020.<sup>1</sup>

## **FISCAL IMPACT:**

House Bills 4837 and 4838 would have no fiscal impact on the state or on local units of government.

House Bill 4389 would have no substantial fiscal impact on the state or on local units of government. The secretary of state and local clerks may realize marginal cost savings if the bill's provision to allow for applying for absentee ballots for multiple elections reduces the need and expenses related to printing and mailing absent voter ballot applications.

House Bill 4840 would have no substantial fiscal impact on the state or on local units of government. The secretary of state and local clerks may incur marginal additional costs should the bill's document and software retention requirements lead to increased storage costs related to additional records storage and software retention. It is not yet clear if retaining election system software would entail additional costs for city and township clerks.

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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.

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<sup>1</sup> Available here: [https://www.michigan.gov/documents/sos/ESAC\\_Report\\_Recommendations\\_706522\\_7.pdf](https://www.michigan.gov/documents/sos/ESAC_Report_Recommendations_706522_7.pdf)