

Legislative Analysis



ELECTION PROCESSES

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

House Bill 4838 (proposed substitute H-1)
Sponsor: Rep. Phil Green

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

House Bill 4839 (proposed substitute H-1)
Sponsor: Rep. Brad Paquette

Committee: Elections and Ethics
Complete to 6-8-21

SUMMARY:

House Bills 4838 and 4839 would each amend sections of the Michigan Election Law to revise or specify rules for the conduct of elections.

House Bill 4838 would prohibit the electronic poll book at each election precinct or absent voter (AV) counting board from being connected to the internet after the polls open on election day and until the results have been tabulated for that precinct and transmitted to the appropriate clerk. It would also specify that an electronic voting system could not be connected to or operated on the internet after the polls open and until after results have been tabulated for that precinct 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. An annual application could not be sent out more than 75 days before the first regular election of the 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

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 2020.¹

FISCAL IMPACT:

House Bill 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.

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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.

¹ Available here: https://www.michigan.gov/documents/sos/ESAC_Report_Recommendations_706522_7.pdf