

## RETENTION OF RECORDS

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**House Bill 4840 (H-1) as reported from committee**  
**Sponsor: Rep. Ken Borton**  
**Committee: Elections and Ethics**  
**Complete to 8-17-21**

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

## SUMMARY:

House Bill 4840 would amend the Michigan Election Law to modify the time periods specified for retention of election-related documents.

Currently, certain voter applications must be retained for six years after the primary or election (if the voter's signature is not contained in the qualified voter file, if the voter has verified residency or identity using alternate means, or if it is a absent voter application), 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 retain the general 30-day requirement but add that all ballots used for any *state or federal* primary or election must all be retained for 22 months after the primary or election and may be destroyed after that time. Election returns, including poll lists, tally sheets, and absent voter records, which now must be retained for two years, also could be destroyed after 22 months following the applicable primary or election.

Additionally, the bill would allow electronic poll book flash drives used at a primary or an election to be destroyed after 30 days following certification of the election unless any of the following are true in that precinct:

- A petition for recount has been filed with the Board of State Canvassers.
- A petition for recount has been filed with the secretary of state that meets the other requirements of the act.
- A court of competent jurisdiction has issued an order restraining interference with electronic poll book flash drives.

MCL 168.811 and 168.847

## FISCAL IMPACT:

House Bill 4840 would not have a 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.

**POSITIONS:**

A representative of Freezing Fraud from Future Elections testified in support of the bill. (5-18-21)

Representatives of Pure Integrity for Michigan Elections testified in support of the bill, with changes. (5-18-21)

The Department of State indicated a neutral position on the bill. (6-22-21)

The Michigan Association of County Clerks indicated opposition to the bill. (5-18-21)

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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.