

ELECTRONIC VOTER REGISTRATION

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

Senate Bill 425 (H-1) as reported from House committee
Sponsor: Sen. Judy K. Emmons

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

Senate Bill 426 as reported w/o amendment
Sponsor: Sen. Mike Nofs

Senate Bill 428 as reported w/o amendment
Sponsor: Sen. Goeff Hansen

Senate Bill 427 as reported w/o amendment
Sponsor: Sen. Jim Stamas

Senate Bill 429 as reported w/o amendment
Sponsor: Sen. Dave Hildenbrand

(Enacted as Public Acts 350 to 354 of 2018)

House Committee: Elections and Ethics

Senate Committee: Elections and Government Relations

Complete to 7-8-18

BRIEF SUMMARY: Senate Bill 425 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)

Then, voters could use the interface to submit an electronic voter application under Senate Bill 427. (MCL 168.509v)

Senate Bills 426, 428, and 429 would update additional sections of the Michigan Election Law to account for these changes. (MCL 168.509m, 168.509t, and 168.509x)

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 SB 425 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.¹

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

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 SB 425 would be required to do all of the following:

- Transmit the application to the qualified voter file.
- Interact with the files for driver's licenses, enhanced driver's licenses, official state personal ID cards, and enhanced state personal ID cards for authentication purposes.
- 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 (or enhanced driver's license or enhanced 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 (or enhanced driver's license or enhanced personal ID card).
- Issue a receipt to the applicant.
- Utilize additional security measures deemed appropriate by the SOS or the Department of Technology, Management, and Budget to prevent unauthorized access.

SB 425 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 or an enhanced version of either.

An individual could not use the interface to submit a voter application if he or she ordered a duplicate driver's license, state personal ID card, enhanced driver's license, or enhanced 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 license or ID card could not use the interface.

SB 426 would update citations in the Michigan Election Law.

SB 427 would allow a voter who is not registered to vote at the address where he or she resides to apply by submitting an electronic application.

SB 428 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.

SB 429 would deem an electronic application timely if it is submitted by the close of registration.

The bills are tie-barred together, meaning that none could take effect unless all were enacted. They would each take effect 90 days after enactment.

HOUSE COMMITTEE ACTION:

The House Elections and Ethics committee adopted an H-1 substitute to SB 425, which accounted for enhanced driver's licenses and enhanced state personal ID cards in addition to traditional driver's licenses and state personal ID cards.

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,² 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.

Against:

No one testified or voted against the bills in the House Elections and Ethics committee.

POSITIONS:

Representatives of the following organizations testified in support of the bill (3-22-18):

- Michigan Secretary of State
- Oakland County Clerk's Office

The following organizations indicated support for the bills (3-22-18):

- Center for Secure and Modern Elections
- League of Women Voters of Michigan
- ACLU of Michigan

Legislative Analyst: Jenny McInerney
Fiscal Analyst: Michael Cossen

■ 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.

²http://www.pewtrusts.org/-/media/legacy/uploadedfiles/pcs_assets/2010/onlinevoterregpdf.pdf