

UNIFORMED SERVICE MEMBER ABSENTEE BALLOT

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Senate Bill 117 (proposed substitute H-2)
Sponsor: Sen. Ruth Johnson

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

Senate Bill 297 as passed by the Senate
Sponsor: Sen. Paul Wojno

House Committee: Elections and Ethics
Senate Committee: Elections
Complete to 3-3-20

SUMMARY:

Senate Bill 117 would amend the Michigan Election Law to require the Michigan Secretary of State (SOS) to create a process to allow *eligible members* to return ballots to their local clerks electronically.

Eligible member would mean a member of a uniformed service on active duty or member of the merchant marine who, because of active duty or service, is absent from the U.S. and does not expect to return to the residence where the member is otherwise qualified to vote before an election.

Currently, federal¹ and state² law require that ballots must be electronically transmitted or mailed to active duty members of the military at least 45 days before an election.

The bill would require the SOS to develop policies and procedures for the electronic return of voted ballots by eligible members of the military that do all of the following:

- Allow use of a *U.S. Department of Defense verified electronic signature* for verification purposes.
- Provide that a member who is unwilling or unable to provide such a signature is ineligible for electronic return.
- Include additional security features considered appropriate by the SOS to ensure and verify the integrity and secrecy of those ballots.
- Ensure that an eligible member's absentee ballot is considered received on Election Day as long as it is received electronically by 8 p.m. on that day.
- Ensure that, in addition to all other election returns and records required to be provided to the county clerk, each city or township clerk provides the respective county clerk with a list of eligible members' absentee ballots received on time electronically.

¹ The Uniformed and Overseas Citizens Absentee Voting Act, as amended in 2010 by the Military and Overseas Voter Act, <https://www.justice.gov/crt/uniformed-and-overseas-citizens-absentee-voting-act>

² MCL 168.759a; codified into Article II, Section 4 of the Michigan Constitution by Proposal 3 of 2018. HFA summary of Proposal 3: http://www.house.mi.gov/hfa/PDF/Alpha/Ballot_Proposal_2018-3_Promote_The_Vote.pdf

The SOS would also have the option of developing and maintaining a secure web portal on its website to facilitate the return of ballots by eligible members. Electronic return by those individuals would have to be available no later than the 2020 August primary election.

MCL 168.759a

Senate Bill 297 would amend the Michigan Election Law to define *U.S. Department of Defense verified electronic signature*, for purposes of the Law, as a certificate-based digital identification code issued to qualified personnel by the U.S. Department of Defense (DoD) as part of the Common Access Card, or its successor.

[Note: The Common Access Card is a “smart” card, about the size of a credit card, that serves as the standard identification for active duty uniformed Service personnel, Selected Reserve, DoD civilian employees, and eligible contractor personnel. It also provides access to buildings and controlled spaces as well as DoD computer networks and systems.]

Proposed MCL 168.18a

The bills are tie-barred together, meaning that neither could take effect unless both were enacted.

FISCAL IMPACT:

The bills could create additional costs for the Department of State (DOS), depending on implementation, but would have no fiscal impact on local units of government. The bills would permit DOS to develop and maintain a secure web portal on the department’s website to facilitate receiving ballots. DOS would incur indeterminate programming costs if it chooses to develop the portal system. It is not yet known if those costs could be supported with the department’s ongoing appropriations.

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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.