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BILL ANALYSIS



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Senate Bill 117 (Substitute S-1)
Senate Bill 297 (as introduced 5-7-19)
Sponsor: Senator Ruth Johnson (S.B. 117)
Senator Paul Wojno (S.B. 297)
Committee: Elections

Date Completed: 5-8-19

CONTENT**Senate Bill 117 (S-1) would amend Michigan Election Law to do the following:**

- **Allow a member of a uniformed service or the Merchant Marine who, by reason of his or her service, was absent on the date of an election from the place of residence where he or she otherwise was qualified to vote to return a voted ballot electronically.**
- **Require the Secretary of State (SOS) to promulgate rules that established policies and procedures for the electronic return of voted ballots by eligible members.**

Senate Bill 297 would define "United States Department of Defense verified electronic signature" as the certificate-based digital identification code issued to qualified personnel by the U.S. Department of Defense as part of the common access card, or its successor.

Senate Bill 117 and Senate Bill 297 are tie-barred.

Senate Bill 117 (S-1) is described below.

Electronic Return of Voted Ballot; Uniformed Services Voter

The Michigan Election Law allows an absent uniformed services voter or an overseas voter to use the Federal write-in absentee ballot, in accordance with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act, at a regular election or special election to vote for a local, State, or Federal office or on a ballot question. An absent uniformed services voter or an overseas voter who uses the Federal write-in absentee ballot must return his or her voted Federal write-in absentee ballot by mail to the appropriate clerk.

"Uniformed services" means the Army, Navy, Air Force, Marine Corps, or Coast Guard, the Commissioned Corps of the Public Health Services, the Commissioned Corps of the National Oceanic and Atmospheric Administration, a reserve component of a uniformed service, or the Michigan National Guard.

The Law also requires the clerk of a county, city, township, or village, upon the request of an absent uniformed services voter or overseas voter, to electronically transmit an absent voter ballot to the voter. The voter must print the absent voter ballot and return the voted ballot by mail to the appropriate clerk.

The bill would allow a member of a uniformed service on active duty, by reason of being on active duty, or a member of the Merchant Marine, by reason of service in the Merchant Marine, who was absent from the United States and did not expect to return to the residence where the member was otherwise qualified to vote before an election could electronically return a voted ballot to the appropriate city or township clerk to be counted under the policies and procedure established by the SOS.

Promulgation of Rules

The Secretary of State would have to promulgate rules that established policies and procedures for the electronic return of voted ballots by eligible members. In doing so, the SOS would have to require an eligible member to use a U.S. Department of Defense verified electronic signature, so that the identity of the eligible member could be verified using those policies and procedures. A member who was unable or unwilling to provide a U.S. Department of Defense verified electronic signature would not be eligible to return a voted ballot electronically. "Eligible Member" would mean a member of a uniformed service on active duty or a member of the Merchant Marine.

The Secretary of State would have to take reasonable steps to ensure the integrity and secrecy of voted ballots returned electronically. The Secretary of State could develop and maintain a secure web portal on the SOS website to facilitate the electronic return of voted ballots by eligible members. The Secretary of State would have to promulgate the rules to implement the bill by January 1, 2020, and would have to allow for the electronic return of voted ballots by eligible members no later than the 2020 August primary election.

MCL 168.759a (S.B. 117)
Proposed MCL 168.18a (S.B. 297)

Legislative Analyst: Nathan Leaman

FISCAL IMPACT

There could be additional costs for the Department of State to promulgate rules to establish policies and procedures for the electronic return of voted ballots by eligible members. The bill also authorizes the Department to develop and maintain a secure web portal on its website to facilitate the electronic return of voted ballots by eligible members. The Department's costs to promulgate rules should be minimal and would be absorbed within its annual appropriations. The costs for developing a web portal could require additional appropriations, however, the bill makes this optional for the Department. The Department's ability to absorb the cost within current appropriations would depend on the actual costs of developing the web portal and on its capabilities to add this portal to its current website.

Fiscal Analyst: Joe Carrasco

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.