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House Bill 4127 (Substitute H-2 as passed by the House)
House Bill 4128 (Substitute H-2 as passed by the House)
Sponsor: Representative Matt Hall (H.B. 4127)
Representative Julie Calley (H.B. 4128)
House Committee: Elections and Ethics
Senate Committee: Elections

Date Completed: 4-16-21

CONTENT

House Bill 4127 (H-2) would amend the Election Law to do the following:

- **Require the Secretary of State (SOS) to send a return card to a city or township clerk on which an elector with an unknown date of birth on the qualified voter file could verify his or her date of birth.**
- **Require the SOS to include with the return card a notice with the statement specified in the bill.**
- **Require a city or township clerk to identify as challenged the registration record of electors who had not completed the return card and provided proof of his or her birth date.**
- **Require the clerk of a city or township, after receiving a return card, to compare the signature of an elector on the card to the signature for that elector on the qualified voter file and identify that registration record as challenged if the signatures did not match.**
- **Require the clerk of a city or township to notify an elector if his or her signature on the return card did not match the signature on the qualified voter file.**
- **Require the notice concerning signatures that did not match to include the steps the elector would have to take to have his or her registration record no longer considered challenged.**
- **Require the SOS to identify the registration record of an elector as challenged if that elector's return card were returned to the SOS as undeliverable.**
- **Require the SOS to cancel the registration of an elector if he or she did not vote or engage in voting-related activity by the first business day after the second general November election that was held after a notice was sent to that elector.**

House Bill 4128 (H-2) would amend the Election law to do the following:

- **Require the SOS to send a return card to a city or township clerk on which a registered elector who had not voted since the 2000 general November election could verify his or her current address information.**
- **Require the Secretary of State to send a specified notice to applicable electors.**
- **Require a city or township clerk to compare the signature on a return card with the signature for that elector on the qualified voter file and notify the elector if the signatures did not match.**
- **Require the notice to an elector with a signature that did not match the qualified voter file to include steps the elector would have to take to have his or her registration record no longer considered to be challenged.**

- **Require the Secretary of State to cancel the registration of an elector who had not voted or engaged in voting-related activity by the first business day after the second general November election that was held after the date on the notice.**

House Bill 4127 (H-2)

Under the Law, at least once a month, the county clerk must forward a list of the last known address and birth date of all individuals over the age of 18 who have died in the county to the clerk of each city or township within that county. The city or township clerk must compare this list with the registration records and cancel the registration of all deceased electors.

Under the bill, for each registered elector who had been assigned a placeholder date of birth on the qualified voter file because his or her actual date of birth was unknown, the SOS, within 90 days after the bill's effective date, would have to send by forwardable mail a postage prepaid and preaddressed return card to the appropriate city or township clerk on which the elector could verify his or her date of birth and on which the elector would have to do both of the following:

- Sign his or her name.
- If returning the return card by mail, attach to the return card a copy of his or her original birth certificate, current driver license, or current State personal identification (ID) card as proof of his or her date of birth.

Additionally, the Secretary of State also would have to send, by forwardable mail, a notice that contained the following statement:

Secretary of State records indicate that your date of birth is not on the qualified voter file. To confirm your status as a registered voter, please complete, sign, and return the enclosed card providing your date of birth and proof of date of birth to the appropriate city or township clerk at least 15 days before the next election. If you do not complete, sign, and return the enclosed card and provide proof of date of birth to the appropriate city or township clerk at least 15 days before the next election, you will be required to affirm your date of birth at the polls before you are permitted to vote. To keep your status as a registered voter, you must respond to this notice, vote, or engage in voting-related activity, including, but not limited to, requesting an absent voter ballot application or updating your voter registration, by the first business day after the second general November election that is held after the date on this notice.

If an elector returned his or her completed and signed return card in person to the appropriate city or township clerk, the elector could provide proof of his or her birth date by showing the clerk his or her original birth certificate or his or her current driver license or current State personal ID card. Until an elector returned a completed and signed return card and provided proof of his or her birth date to the appropriate city or township clerk, that clerk would have to identify the registration record of that elector as challenged.

After receiving a return card from an elector, the appropriate city or township clerk would have to compare the signature on the return card to the signature for that elector on the qualified voter file. If the signatures did not match, the clerk would have to identify the registration record of that elector as challenged. The clerk would have to notify the elector that his or her signature on the return card did not match the signature for that elector on the qualified voter file and that his or her registration record would be considered challenged. The notice to the elector would have to include the steps the elector would have to take in order to have his or her registration record no longer considered challenged.

If a return card were returned to the SOS by the post office as undeliverable, the SOS would have to identify the registration record of that elector as challenged. If the elector did not vote or engage in voting-related activity by the first business day after the second general November election that was held after the date on the notice, the Secretary of State would have to cancel the registration of the elector and notify the appropriate city or township clerk of the cancellation.

House Bill 4128 (H-2)

Currently, the Law prohibits a clerk from canceling or causing the cancellation of the registration of a voter from the registration record of the city or township based solely on that registered elector's failure to vote. Under the bill, this would apply except as otherwise provided by the bill.

Under the bill, for each registered elector who had not voted since the 2000 general November election, the SOS, within 90 days after the bill's effective date, would have to send by forwardable mail a postage prepaid and preaddressed return card to the appropriate city or township clerk on which the elector could verify his or her current address information and on which the elector would have to sign his or her name. Additionally, the SOS would have to send a notice that contained the following statement:

Secretary of State records indicate that you have not voted since the 2000 general November election. To confirm your status as a registered voter, please complete, sign, and return the enclosed card providing your current address to the appropriate city or township clerk at least 15 days before the next election. If you do not complete, sign, and return the enclosed card to the appropriate city or township clerk at least 15 days before the next election, you will be required to affirm your current address at the polls before you are permitted to vote. To keep your status as a registered voter, you must respond to this notice, vote, or engage in voting-related activity, including, but not limited to, requesting an absent voter ballot application or updating your voter registration, by the first business day after the second general November election that is held after the date on this notice.

After receiving a return card from an elector, the appropriate city or township clerk would have to compare the signature on the return card to the signature for that elector on the qualified voter file. If the signatures did not match, the clerk would have to identify the registration record of that elector as challenged. The clerk would have to notify the elector that his or her signature on the return card did not match the signature on the qualified voter file and that his or her registration record was considered challenged. The notice to the elector would have to include the steps the elector would have to take in order to have his or her registration record no longer be considered challenged.

If a notice were returned to the SOS by the post office as undeliverable, the SOS would have to identify the registration record of that elector as challenged. If the elector did not vote or engage in voting-related activity by the first business day after the second general November election that was held after the date on the notice, the SOS would have to cancel the elector's registration and notify the appropriate city or township clerk of the cancellation.

MCL 168.510 (H.B. 4127)
168.509bb (H.B. 4128)

Legislative Analyst: Dana Adams

FISCAL IMPACT

The bills would result in additional administrative costs for the Department of State associated with the mailings that would be required under the bills. The bills would amend the Michigan Election Law to require the SOS to remove from the qualified voter file voters who did not respond to a mailing notifying them that they have "placeholder" birthdates in the qualified voter file (House Bill (HB) 4127), or that they have not voted since the 2000 general November election (HB 4128), and that failure to respond will result in their removal.

The Department would have to mail prepaid and preaddressed return cards to registered electors in the qualified voter file who have placeholder birthdates or who have not voted since the 2000 general election. According to the Department, the qualified voter file currently contains an estimated 600 registered electors with placeholder birthdays and an additional 304,300 registered electors who have not voted since the 2000 general November election. The estimated cost per mailing based on available data is \$0.32 per parcel, which would add an additional \$100,000 in mailing costs for the Department. These costs could be higher depending on the actual postage rate.

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.