

**STATE OF MICHIGAN
101ST LEGISLATURE
REGULAR SESSION OF 2021**

Introduced by Rep. Lightner

ENROLLED HOUSE BILL No. 4837

AN ACT to amend 1954 PA 116, entitled “An act to reorganize, consolidate, and add to the election laws; to provide for election officials and prescribe their powers and duties; to prescribe the powers and duties of certain state departments, state agencies, and state and local officials and employees; to provide for the nomination and election of candidates for public office; to provide for the resignation, removal, and recall of certain public officers; to provide for the filling of vacancies in public office; to provide for and regulate primaries and elections; to provide for the purity of elections; to guard against the abuse of the elective franchise; to define violations of this act; to provide appropriations; to prescribe penalties and provide remedies; and to repeal certain acts and all other acts inconsistent with this act,” by amending sections 509o and 509r (MCL 168.509o and 168.509r), section 509o as amended by 2018 PA 126 and section 509r as amended by 2018 PA 125.

The People of the State of Michigan enact:

Sec. 509o. (1) The secretary of state shall direct and supervise the establishment and maintenance of a statewide qualified voter file. The secretary of state shall establish the technology to implement the qualified voter file. The qualified voter file is the official file for the conduct of all elections held in this state. The secretary of state may direct that all or any part of the city or township voter registration files must be used in conjunction with the qualified voter file at the first state primary and election held after the creation of the qualified voter file.

(2) Notwithstanding any other provision of law to the contrary, an individual who appears to vote in an election and whose name appears in the qualified voter file for that city, township, or school district is considered a registered voter of that city, township, or school district under this act.

(3) The secretary of state or a county, city, or township clerk shall not place a name of an individual into the qualified voter file unless that individual signs an application as prescribed in section 509r(4). The secretary of state shall not allow an individual to indicate a different address than the address in either the secretary of state’s or a designated voter registration agency’s files to be placed in the qualified voter file.

(4) The secretary of state shall develop and utilize a process by which information obtained through the United States Social Security Administration’s death master file that is used to cancel an operator’s or chauffeur’s license issued under the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923, or an official state personal

identification card issued under 1972 PA 222, MCL 28.291 to 28.300, of a deceased resident of this state is also used at least once a month to update the qualified voter file to cancel the voter registration of any elector determined to be deceased. The secretary of state shall make the canceled voter registration information under this subsection available to the clerk of each county, city, or township to assist with the clerk's obligations under section 510.

(5) Subject to this subsection, the secretary of state shall participate with other states in 1 or more recognized multistate programs or services, if available, to assist in the verification of the current residence and voter registration status of electors. The secretary of state shall not participate in any recognized multistate program or service described in this subsection that requires this state to promote or adopt legislation as a condition of participation in that program or service. In addition, the secretary of state shall not participate in any recognized multistate program or service described in this subsection if the secretary of state determines that data of that program or service are not being adequately secured or protected. The secretary of state shall follow the procedures under section 509aa(5) with regard to any electors affected by information obtained through any multistate program or service.

Sec. 509r. (1) The secretary of state shall establish and maintain the computer system and programs necessary to the operation of the qualified voter file. The secretary of state shall allow each county, city, or township access to the qualified voter file. The county, city, and township clerks shall verify the accuracy of the names and addresses of registered electors in the qualified voter file. Only the following individuals can access the qualified voter file:

(a) The secretary of state, the director of elections, and the staff of the bureau of elections.

(b) Each county, city, and township clerk.

(c) Any election official who has been issued login credentials by the bureau of elections to access the qualified voter file.

(d) Any employee of the department of technology, management, and budget who performs system maintenance and security functions on the qualified voter file.

(e) Any employee of a vendor that is contracted to perform system maintenance and security functions on the qualified voter file.

(2) Nothing in subsection (1) affects an individual's ability to receive records under section 509ff.

(3) Subject to subsection (4), the secretary of state and county, city, and township clerks shall compile the qualified voter file that consists of all qualified electors from the following sources and in the following priority:

(a) A driver license or, if there is no driver license, a state personal identification card, including renewals and changes of address with the department of state.

(b) An application for benefits or services, including renewals and changes of address, taken by a designated voter registration agency.

(c) An application to register to vote taken by a county, city, or township clerk.

(4) An individual whose name does not otherwise appear in the qualified voter file must be placed in the qualified voter file only if the individual signs under penalty of perjury an application that contains an attestation that the applicant meets all of the following requirements:

(a) Is 17-1/2 years of age or older.

(b) Is a citizen of the United States and this state.

(c) Is a resident of the city or township where the individual's street address is located.

(5) A county, city, or township clerk shall not add to, delete from, or change any information contained in the qualified voter file during the period beginning on the seventh day before an election and ending on the day of the election.

(6) The secretary of state shall create an inactive voter file.

(7) If an elector is sent a notice under section 509aa to confirm the elector's residence information or if an elector does not vote for 6 consecutive years, the secretary of state shall place the registration record of that elector in the inactive voter file. The registration record of that elector must remain in the inactive voter file until 1 of the following occurs:

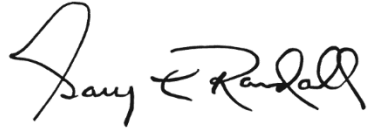
(a) The elector votes at an election.

(b) The elector responds to a notice sent under section 509aa.

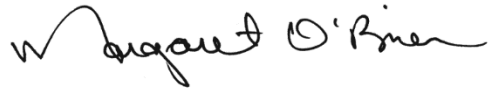
(c) Another voter registration transaction involving that elector occurs.

(8) While the registration record of an elector is in the inactive voter file, the elector remains eligible to vote and his or her name must appear on the precinct voter registration list.

(9) If the registration record of an elector is in the inactive voter file because the elector was sent a notice under section 509aa to confirm the elector's residence information and that elector votes at an election by absent voter ballot, that absent voter ballot must be marked in the same manner as a challenged ballot as provided in section 727.



Clerk of the House of Representatives



Secretary of the Senate

Approved _____

Governor