

ABSENT VOTER BALLOT TRACKING

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<http://www.house.mi.gov/hfa>

Senate Bill 339 (S-2) as reported from House committee

Sponsor: Sen. Mallory McMorrow

House Committee: Elections

Senate Committee: Elections and Ethics

Complete to 6-21-23

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

(Enacted as Public Act 84 of 2023)

SUMMARY:

Senate Bill 339 would amend the Michigan Election Law to provide for an online tracking system that notifies absentee voters of the status of their absent voter ballot application or absent voter ballot.

Michigan currently has an absentee ballot tracking system that voters can use to check their registration status, the date an absentee ballot application was received by a clerk, the date a ballot was sent by the clerk, and the date the ballot was received by the clerk.¹ The Michigan Election Law requires city and township clerks to use this ballot tracker system when possible.

Ballot Proposal 22-2 amended the state constitution to require the state to establish and fund a system to track submitted absent voter ballot applications and absent voter ballots.² Voters must also be able to opt in to electronic notifications that provide updates on the status of a voter's submitted application or ballot, notifications of any deficiency with a voter's submitted application or ballot, and instructions for addressing any such deficiencies.

Senate Bill 339 would amend the Michigan Election Law to reflect these changes.

Specifically, the bill would remove provisions pertaining to the current ballot tracking system and would instead require the secretary of state to establish, acquire, or approve an electronic tracking system that allows each elector who applies to vote by absentee ballot to track their absentee ballot application and absentee ballot on a website or a mobile application.

For each elector who applied for or cast an absentee ballot, the electronic tracking system would have to indicate each of the following, as applicable:

- The date the elector's absentee ballot application was received by their local clerk.
- If the application was accepted, the date of acceptance.
- If the application was rejected, a brief statement of the reason for the rejection, instructions for curing the issue, and the deadline for curing the issue.
- If an issue with a rejected application is cured, an update that the application was accepted and the date of acceptance.
- The date the clerk mailed or delivered the absentee ballot to the elector.
- If a clerk electronically transmitted an absentee ballot to a military or overseas voter, the date of the electronic transmission.
- If the absentee ballot was returned to the city or township as undeliverable.

¹ The online ballot tracker, accessible by any registered voter, is here: <https://mVIC.sos.state.mi.us/Voter/Index>.

² For a summary of Proposal 22-2, see https://www.house.mi.gov/hfa/PDF/Alpha/Ballot_Proposal_2_of_2022.pdf.

- The date the city or township clerk received an absentee ballot return envelope or a military or overseas voter's electronic ballot.
- If an absent voter ballot return envelope was accepted, the date of acceptance.
- If a return envelope was rejected, a brief statement of the reason for the rejection, instructions for curing the issue, and the deadline for curing the issue.
- If an issue with a rejected return envelope is cured, an update that the envelope was accepted, the date of acceptance, and a statement that the ballot is eligible for tabulation.

An elector would have to be able to opt in to email or text notifications, or both, from the tracking system. If an elector requested to receive notifications, they would have to be immediately notified by their preferred method of any of the events described above.

An email address or telephone number provided by an elector to get notifications from the tracking system could be used only by authorized individuals who have access to the Qualified Voter File or by individuals authorized by the secretary of state to maintain the tracking system. It would be confidential and exempt from disclosure under the Freedom of Information Act.

MCL 168.764c

BACKGROUND:

The bill is similar to House Bill 4594 of the current legislative session, which was reported from the House Elections committee.

FISCAL IMPACT:

The bill would result in additional costs to the Department of State (DOS) to comply with the notification requirements provided in the bill. DOS currently administers an absent voter application and tracking system through the Michigan Voter Information System available on michigan.gov/vote. According to DOS, however, additional resources and staffing would be required for the system to implement the capability for and administer notifications by email or text directly to electors. The Department of State estimates initial implementation costs to develop the tracking system to be \$451,900 for IT staffing costs and annual ongoing costs to be \$138,500 for one FTE position.

Costs for an absent voter ballot tracking system were one of several eligible expenses covered under federal Help American Vote Act (HAVA) election security grants. Any potential costs for modifying the tracking system would be eligible to be covered by these federal grants if HAVA funding is available.

POSITIONS:

The following entities indicated support for the bill (6-20-23):

- American Association of University Women Michigan
- American Civil Liberties Union of Michigan
- Common Cause Michigan
- Institute for Responsive Government

- Michigan Association of Municipal Clerks
- Michigan League of Conservation Voters
- Michigan Townships Association
- Promote the Vote
- Voters Not Politicians

Pure Integrity for Michigan Elections indicated opposition to the bill. (6-20-23)

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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.