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BILL ANALYSIS



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Senate Bills 8 and 9 (as introduced 1-13-21)
Sponsor: Senator Paul Wojno
Committee: Elections

Date Completed: 5-5-21

CONTENT

Senate Bill 9 would amend the Michigan Election Law to do the following:

- **Allow a member of a uniformed service on active duty or a member of the merchant marine, by reason of being on active duty, absent from the United States, and otherwise qualified to vote, to electronically return a voted ballot to the appropriate city or township clerk.**
- **Require the Secretary of State (SOS) to develop policies and procedures for the electronic return of voted ballots by eligible members.**
- **Require the SOS to require an eligible member to use a United States Department of Defense verified electronic signature in order to electronically return a voted ballot.**
- **Allow the SOS to develop and maintain a secure web portal on the Department's website to facilitate the electronic return of voted ballots.**

Senate Bill 8 would amend the Michigan Election Law to define "United States Department of Defense verified electronic signature" as the certificate-based digital identification code issued to qualified personnel by the US Department of Defense as part of the Common Access Card, or its successor.

The bills are tie-barred.

Senate Bill 9 is described in greater detail below.

Electronic Return of Voted Ballot; Eligible Member

The 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.

Also, the Law requires the clerk of a county, city, or village, upon the request of an absent uniformed services voter or overseas voter, to electronically transmit an absentee ballot to

the voter. The voter must print the absentee ballot and return it by mail to the appropriate clerk.

Under either of the above circumstances, an eligible member could electronically return a voted ballot to the appropriate city or township clerk to be counted under the policies and procedures established by the SOS, described below. "Eligible member" would mean 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 is absent from the United States and does not expect to return to the residence where the member is otherwise qualified to vote before an election.

Secretary of State; Policies & Procedures

The SOS would have to develop policies and procedures by which an eligible member could electronically return his or her voted ballot to the appropriate city or township clerk. The policies and procedures developed by the SOS would have to do all the following:

- Allow an eligible member to use a US Department of Defense verified electronic signature so that the identity of the eligible member could be verified.
- Provide that an eligible member who was unable or unwilling to provide a US Department of Defense verified electronic signature would not be eligible to electronically return a voted ballot.
- Include additional security features considered appropriate by the SOS to ensure and verify the integrity and secrecy of voted ballots returned electronically by eligible members.
- Ensure that an absent voter ballot voted by an eligible member would be considered received by election day if the absent voter ballot were received electronically by 8 PM on election day.
- Ensure that, in addition to all other election returns and records that were required by law to be provided to the county clerk, each city or township clerk provided the county clerk of the count in which the city or township was located a list of all absent voted ballots received electronically by 8PM on election day.

The SOS could develop and maintain a secure web portal on the SOS's website to facilitate the electronic return of voted ballots by eligible members.

Proposed MCL 168.18a (S.B. 8)
MCL 168.759a (S.B. 9)

Legislative Analyst: Dana Adams

FISCAL IMPACT

Senate Bill 8

The bill would have no fiscal impact on State or local units of government.

Senate Bill 9

The bill could have a negative fiscal impact in the form of additional costs for the Department of State to develop policies and procedures for the electronic return of voted ballots by eligible members. The bill also would authorize 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 develop policies and procedures 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 would make 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.