



**House
Legislative
Analysis
Section**

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THE APPARENT PROBLEM:

For several years, a group of legislators, county and local election clerks, representatives of voter registration organizations, and officials from the secretary of state's office have been working to reach agreement on changes to the state's voter registration system. While conceding that Michigan's record on voter registration issues is not a bad one, reformers have advocated improvements that would remove barriers that still exist to a fully open voter registration system maximizing opportunities for voters to participate in elections. A special task force convened by the secretary of state has, at the same time, proposed a modernization of voter registration procedures that would standardize and computerize the state's decentralized voter registration system.

THE CONTENT OF THE BILL:

The bill would amend the voter registration sections of the Michigan Election Law. In brief, the bill would do the following:

- Require county, city, and township clerks to appoint all qualified applicants as deputy registrars for their jurisdictions and, when necessary, to train them to take voter registrations.
- Create a statewide computerized voter registration network, to be established and maintained under the direction of the secretary of state, that would consist of a computerized state file of all registered voters, as well as county files, and locally maintained files.
- Permit clerks to begin cancellation proceedings against registrations after five years of inactivity rather than the current ten years and abolish the inactive voter file as of December 1, 1990. A challenged ballot could, however, be cast by anyone whose registration had been canceled within the past ten years if he or she could demonstrate that their residence in the community had been continuous. (As now, the cancellation process would provide the opportunity for a person to return a form indicating a desire to remain on the voter rolls.) Local clerks would be required to examine their records for potential cancellations each December.
- Allow county, township, and city clerks to accept voter registration applications for any jurisdiction and forward them to the appropriate clerks.
- Require the secretary of state to develop a uniform registration form.
- Permit late voter registrations for people who have moved from one community to another within a county. As of January 1, 1994 (or later if a county had not yet implemented its official county file), a person would be allowed to vote in the new community if he or she had moved there after the sixtieth day before an election and

VOTER REGISTRATION/STATEWIDE NETWORK

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House Bill 4160 as enrolled
Second Analysis (7-27-89)

Mich. State Law Library

Sponsor: Rep. Maxine Berman
House Committee: Elections
Senate Committee: Government Operations

was registered elsewhere. Such a voter might have to vote at the local clerk's office by absentee ballot.

● Make lists of the names and addresses of registered voters available to the public at cost from county clerks, as well as from some local clerks and from the secretary of state, in the form of computer tapes or disks (if available) or other listing, as requested. County clerks would have to provide lists of voters in any township, city, village, school district, ward, or precinct; local clerks in computerized jurisdictions would have to provide lists of voters in wards and precincts; and the secretary of state would have to provide county lists. (Local clerks in noncomputerized jurisdictions would have to provide lists but not on tape or disks.) A list could include, upon request, the year of birth of a voter but not the month and day of birth, and could not include a person's driver license or state personal identification card number. (The secretary of state could provide a person's month and day of birth if the person or organization making the request certifies the information will not be reproduced and distributed. To then do so would be a misdemeanor. Political parties, however, could print the information for use by party challengers.)

● Require that villages and school districts be provided with precinct lists either by the county clerk or the local clerk, and provide that a person who registers to vote in a township would automatically be registered in the village in which he or she resides and vice versa.

● Create an ongoing advisory committee to be convened early in each odd-numbered year by the secretary of state to review the state's voter registration system. The committee would be composed of representatives of the major political parties, local election officials, and organizations involved in registering voters, as appointed by the secretary of state. The four legislative leaders could also each appoint two people.

Deputy Registrars

Under the bill, county, city, and township clerks would appoint all qualified applicants as deputy registrars. Anyone who requested a deputy registrar application form in writing or in person would be sent one. City and township clerks, however, could limit deputy registrar appointments to residents of their jurisdictions. Deputy registrars would function in the jurisdiction for which they were appointed, although a township or city clerk could enter an agreement with another clerk to permit each other's deputy registrars to take registrations in both jurisdictions. Clerks would have to keep a record of the deputy registrars they had appointed, and issue them identification cards. The term of an appointment would be determined by the clerk but an appointment could not expire earlier than January 1 of the first even-numbered year following appointment. (A person could, of course, resign an appointment.) An appointment could be terminated earlier for good cause based on any of several reasons specified in the bill,

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including inability to do the job, political activities (including becoming a candidate for office), intoxication or abusiveness, refusal to register a person qualified to be a voter, conducting registration activities where liquor is sold for consumption on the premises, providing information from a voter application to a for-profit business or using the information in a for-profit business, and accepting money or other compensation for registering a person. A person whose appointment was terminated for good cause could not be appointed a deputy registrar in any other jurisdiction for two years. The bill would put in place a process that clerks would have to follow to terminate an appointment for good cause. As part of the process, deputy registrars would be able to respond in writing to a written notification of the reasons for termination. County clerks could, if they chose, follow an alternative procedure that would involve sending a report to the Department of State's elections bureau. Upon review of the report, which would include the basis of the complaint, the deputy registrar's response, and the clerk's recommendation, the state director of elections would decide whether to terminate the appointment for good cause. Clerks would maintain termination records for two years.

Before a deputy registrar's appointment would take effect, he or she would have to take the oath of office found in the state constitution, certify that he or she was a registered elector and not a candidate for elective public office, and receive instruction, if needed, in how to take a voter registration application. Training should take place as soon as possible after an application is received. The secretary of state would be required to develop and supply necessary training materials. Local clerks within a county could agree to hold joint training sessions. County clerks would be required to conduct deputy registrar training in even-numbered years from February 1-15, May 10-25, and August 15-30, and could conduct training at any time, including in joint sessions with local clerks.

The state would directly reimburse each county clerk for the cost of training deputy registrars and for the cost of transmitting registration applications to the proper local clerks. Payment would be made upon presentation and approval of a verified account of actual costs to the Department of Treasury after agreement with the secretary of state as to what constitutes valid costs. Among other things, costs would include salaries of employees while they are training deputy registrars and postage for required mailings. The legislature would have to appropriate from the general fund an amount necessary to implement the reimbursement provisions. County clerks would have to submit their reimbursement claims four times per year, by January 10, April 10, July 10, and October 10.

Statewide Voter Registration Network

The bill would create a statewide voter registration network and specify the duties of the secretary of state and of county, township, and city clerks in establishing and maintaining the network, including the conversion of existing computerized files to a standard format prescribed by the secretary of state. State officials and county clerks would have different responsibilities as regards computerized and non-computerized local jurisdictions. The network would involve the creation of a state voter registration file and of county files, in addition to local files. The secretary of state would be required to create a file for each county (and a state file from those) by May 1, 1992, from information provided by city and township clerks. (Once created, the files would be maintained by

county clerks, who would update them based on information local clerks would be required to provide and information from branch offices of the secretary of state. However, the secretary of state would perform many of the duties for a county with a population of 1.5 million or more; that is, for Wayne County.) Non-official test files would have to be developed for use at the August primary and November general elections in 1992, and the official files would be used at all elections after January 1, 1994. (The secretary of state would have to report to the legislature if the deadlines could not be met for a particular county, explaining why, and establishing a new schedule for compliance.) In creating the county files, the secretary of state would have to match voter registration records against driver's license and state personal identification card files, and assign the appropriate license or card number to the corresponding voter registration record. The file would also contain for each registered voter the date of the last registration transaction, a voting history for a five-year period, and any political party preference (for use in presidential primaries), in addition to the usual information. The secretary of state would have to check for people registered in more than one county; county clerks would have to check for people registered in more than one community within the county.

(After carrying out their December 1989 review of registration records, local clerks would be required to forward to county clerks by January 1, 1990, the name, address, and birthdate of each registered voter, along with information to identify the voter's post office, zip code, city or township, and, if applicable, ward and precinct. If the county clerk maintained a countywide computer file of voters containing that information, the information provided by local clerks to update the county file would have to be submitted in a form prescribed by the county clerk. If not, the information could be provided on a computer tape or disk, along with a computer file layout description, or on a typed list. The county clerk would be required to forward the information not later than February 20, 1990, to the secretary of state. The secretary of state would file the information by county and make it available to interested parties. The state would reimburse county and local clerks for the cost of providing the information.)

A county clerk would be required to provide computer-generated precinct lists for school districts, villages, and non-computerized municipalities. (By non-computerized, the bill would include communities whose computer systems are not compatible with the statewide network.) City and township clerks in computerized jurisdictions would provide precinct lists to school districts and for their own elections. For primary elections after May 1, 1992, precinct registration lists would be used along with existing precinct files. As of January 1, 1994, the lists would replace the files, except that noncomputerized jurisdictions could opt to use the files with the computerized lists.

The secretary of state would be responsible for determining which county and local computerized systems meet the needs of the registration network and for overseeing the conversion or adoption of computer systems by counties, cities, and townships. The responsibilities would include developing standard formats, training clerks, and reviewing proposals of cities and townships to purchase or develop software.

A special joint legislative committee, composed of three members from each house, would be created to receive periodic reports from the secretary of state on the implementation of the statewide voter registration network.

MCL 168.29 et al.

FISCAL IMPLICATIONS:

The Department of State estimates that the voter information network will involve initial costs totaling \$2,798,000. (Those could be spread over two fiscal years.) The highest estimates of the annual cost of maintaining the system are \$1,009,513 in even-numbered years and \$781,693 in odd-numbered years. The deputy registrar provisions are estimated to involve initial costs of from \$12,250 to \$26,000. Annual costs are estimated at from \$23,400 to \$37,200 in even-numbered years, and at from \$12,400 to \$20,700 in odd-numbered years.

ARGUMENTS:

For:

The bill will help eliminate barriers to voter registration in several key ways, probably the most important of which is the countywide deputy registrar program. Groups engaged in voter registration efforts, such as the League of Women Voters, have complained of the difficulties presented by the current requirement to have separate registrar appointments in many jurisdictions at once in order to register people in central locations, such as shopping centers and office buildings. The bill will allow a person to be appointed a deputy registrar by a county clerk and accept registration applications from residents of all the communities in the county (with the county clerk directing the applications to the appropriate local clerk). According to the Department of State, open deputy registrar programs are one of the most effective ways of increasing the number of registered voters. The bill requires clerks to appoint qualified people as deputy registrars to overcome the problem of clerks refusing to allow interested groups to engage in voter registration drives in their jurisdictions.

The bill will also increase the efficiency of the voter registration system in several ways. For example, it would permit the cancellation of registrations after five years of inactivity rather than the current ten years and do away with the inactive voter files. Clerks have complained for years about the cost and inconvenience of maintaining lists of people who never vote and who have probably moved away. A form would have to be sent notifying the registrant of the impending cancellation so that he or she could ask to have the registration continued.

For:

The statewide voter registration network that this bill would create is the product of a special task force convened by the secretary of state. It would bring Michigan's voter registration record-keeping procedures up to date by applying new computer technologies. The aim is to produce a more efficient, more accurate, more standardized, and more centralized voter registration system and overcome the weaknesses of the current decentralized and, in some areas, backward system. Among the many benefits of this proposal are the production of more accurate voter registration lists through the cooperation of local, county, and state election officials and the wider availability of voter information to the public. Original records would remain at the local levels. The state would provide the needed supervision to implement a computerized voter registration network.

Against:

While this bill is a step forward, it does not go as far as some advocates of reform would like. For example, it contains no provision allowing for registration by mail,

which would be of great assistance in increasing voter registration and voter participation in elections. Many people advocate election day registration as well. Since voter participation is at the heart of our democratic form of government, every means of opening up the process (while protecting against fraud) should be embraced. Reforms should be evaluated on the basis of the public good, not on the basis of the administrative preferences of clerks. Another proposal has been advanced to allow the automatic registration of people when they obtain driver's licenses (unless they object). That would be a superior system.

Against:

Some clerks have complained that since voter registration is so high in Michigan, there is no need to add the burdens of an open deputy registrar program and countywide registration. This will mean additional costs and responsibilities for county clerks in order to marginally improve voter registration numbers. Clerks could also face problems trying to dismiss deputy registrars for improper behavior, perhaps even involving legal costs. Other clerks are insistent that the new requirements be accompanied with the necessary financial assistance from the state.

Response: The bill requires the state to reimburse county clerks for their actual costs of conducting training of deputy registrars and of transmitting to local clerks the registration applications gathered by deputy registrars. The reimbursement would go directly to clerks, not to commissioners or other county officials. Further, the bill now allows county clerks to follow a procedure that requires the state elections director to make the final decision on whether a deputy registrar's appointment should be terminated, based on a report from the county clerk.