

Legislative Analysis



ELECTRONIC SUBMISSION OF VOTER REGISTRATION APPLICATION

Mitchell Bean, Director
Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bills 4539 and 4540
Sponsor: Rep. Lesia Liss
Committee: Ethics and Elections

Complete to 12-7-09

A SUMMARY OF HOUSE BILLS 4539 & 4540 AS INTRODUCED 3-10-09

The bills would amend the Michigan Election Law to allow citizens to submit electronically their voter registration applications to the Secretary of State and local clerks. The bills are tie-barred so that neither could go into effect without the enactment of the other. A more detailed description of each bill follows.

House Bill 4539 requires that not later than December 31, 2009, the Secretary of State develop and implement a system to allow an applicant to submit a voter registration application electronically on the Secretary of State's website.

Then, beginning January 1, 2010, a person who was not registered to vote at the address where he or she was residing could submit a voter registration application electronically on the website. A person who submitted an application electronically would have to do all of the following:

- Attest to the truth of the information provided on the voter registration application by affirmatively accepting the information as true.
- Affirmatively assent to the use of his or her most recent digitized signature if captured or reproduced by the Secretary of State under section 307 of the Michigan Vehicle Code, or the Personal Identification Card Act.
- Sign the voter registration application with an electronic signature. (As used in this provision, "electronic signature" means that term as defined in Section 2 of the uniform Electronic Transactions Act, MCL 450.832. There, the term is defined to mean an electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign a record.)

The bill specifies that if a person who submitted a voter registration application electronically did not have an official state identification card or an operator's or chauffeur's license, then the voter registration application submitted electronically would be considered a registration by mail, and the voter would have to comply with the requirements of Section 509t of the law. (That section of the Michigan Election Law requires that a person who registers to vote in a jurisdiction in Michigan by mail must vote in person and provide identification as required under the federal Help America Vote Act, if that person has not previously voted in person in Michigan. However, this section of the law also specifies that this requirement does not apply to any of the following registered voters: a person entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act; a person who has a disability as defined in the Persons With Disabilities Civil Rights Act; and, for purposes of

voting in person only, a person who is 60 years of age or older; and a person who is entitled to vote other than in person under any other federal law.)

Finally, the bill authorizes the Secretary of State to implement additional security measures to ensure the accuracy and integrity of the voter registrations submitted electronically, and to promulgate rules under the Administrative Procedures Act to implement these provisions.

House Bill 4540 requires that a person processing an application submitted electronically validate the application and issue a receipt to the applicant in a manner prescribed by the Secretary of State. (These requirements are identical to those a person follows who processes applications submitted in person at a Department of State office, a designated voter registration agency, or the office of a county clerk.)

Currently the law specifies that an application for registration is considered received on or before the close of registration, if one of the following requirements is met:

- An application is received at a Department of State office, a designated voter registration agency, or the office of a county, city, or township clerk on or before the close of registration.
- An application is received through the mail that is postmarked on or before the close of registration.
- An application is received through the mail on or before the seventh day immediately following the close of registration, if the postmark is missing or is unclear and the application, on its face, is dated by the applicant on or before the close of registration.

House Bill 4540 would retain these provisions and add a fourth:

- ***An application is received electronically pursuant to Section 509v on or before the close of registration.*** (Section 509v is addressed in House Bill 4539.)

MCL 168.509v, 168.509w, and 168.509x

FISCAL IMPACT:

House Bills 4539 and 4540 would have an indeterminate fiscal impact on the Secretary of State. The Secretary of State would face increased costs in developing and implementing a system that would allow a person to submit a voter registration application electronically on the Secretary of State's website. However, those costs would be offset, to some degree, by the savings realized from electronically processing the applications.

Legislative Analyst: J. Hunault
Fiscal Analyst: Ben Gielczyk

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.