

MAINTENANCE OF QUALIFIED VOTER FILE (QVF) AND OTHER ELECTION ADMINISTRATION

Phone: (517) 373-8080
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House Bill 4671 (H-1) as reported from committee
Sponsor: Rep. Michael Webber
Committee: Elections & Ethics
Complete to 10-30-17

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

BRIEF SUMMARY:

House Bill 4671 would amend the Michigan Election Law to allow a city or township to engage its county clerk or the state Bureau of Elections (BOE) to handle Qualified Voter File (QVF) list maintenance beginning January 1, 2018. It would also allow the city or township to engage its county clerk or the clerk of another city or township to administer election-related administrative matters on its behalf.

FISCAL IMPACT:

The bill would have no direct fiscal impact on the Department of State, and an indeterminate but potentially significant fiscal impact to local units of government.

The fiscal impact to counties, cities, villages, and townships would depend on the extent to which these units enter into written agreements, the scope of the duties transferred through the agreements, and any agreed-upon payment arrangements. If written agreements are largely used to permit temporary gaps in administrative staffing to be filled, the bill would likely have only a limited fiscal impact on the units of government which enter into the agreements.

Municipalities could realize savings through agreements that transferred certain election-related duties to county clerks. With the approval of the governing body of the local units, the bill does not limit the scope of the duties that may be transferred in a written agreement. Assuming that a municipality would be willing to fully transfer its election duties to a county clerk's office, there could be substantial savings to the municipality related to staffing reductions and greater economies of scale associated with materials, supplies, postage rates, and so forth. Counties could also receive potential increases in revenue from the agreements. Any fiscal impact would be entirely dependent on details of the agreements.

THE APPARENT PROBLEM:

The Michigan Qualified Voter File (QVF) was mandated by Public Act 441 of 1994 and implemented January 1, 1998. It lists all individuals who are registered to vote in Michigan, including their names, current addresses, address histories, and other identifying information. The QVF is especially important in Michigan's highly decentralized election system, where voter records are managed by over 1,700 local officials. The bill would allow local units to contract with one another, potentially resulting in a more centralized and efficient system.

THE CONTENT OF THE BILL:

QVF list maintenance

Specifically, the bill would permit a city or township clerk to enter into a written agreement with the local county clerk or the BOE whereby the county clerk or BOE would handle the city or township's QVF list maintenance. (List maintenance duties include sending notices to a voter who has moved, with various instructions depending on whether the voter remained in or left the area, as well as instructing the BOE to challenge a voter at the next election if the voter's address becomes unverifiable.) The agreement would need to be agreed to by the elected clerk or clerks and approved by resolution of the applicable city or township's governing body in order to be effective.

Election administration duties

Additionally, the bill would allow a city or township clerk to enter into a written agreement with the local county clerk or another clerk of a city or township to conduct certain election administration duties on the initial city or township's behalf. Those duties may include, but are not limited to, the following:

- Distributing, receiving, and processing absent voter ballot applications and absent voter ballots.
- Processing voter registrations in the QVF.
- Conducting regular list maintenance of the QVF file, including maintaining the street index.
- Receiving affidavits of identity and nominating petitions or filing fees from candidates for public office.

If the city or township engages another city or township, it would also be able to have that municipality prepare for and conduct election day operations on its behalf.

In order to be effective, an agreement would need to be agreed to by the elected clerks and approved by resolution of the governing body of each participating county, city, or township. The bill would require the agreement to contain a provision that either participating party may terminate the agreement with 60 days' written notice to the other party. Finally, the bill would require any written agreement or notice of termination under this section to be filed with the BOE and the clerk of each county where a participating party is located.

The bill would require the BOE to develop model language to be used by a county, city, or township when entering into agreements under this section.

Finally, the bill would allow an outside county, city, or township clerk to supervise or administer an election in another county, city, or township when that municipality's clerk's office becomes vacant in close proximity to an election. The supervised municipality's governing body must approve this action.

MCL 168.509o and proposed 168.645a

ARGUMENTS:

For:

Proponents argued that the bill simply would present an option for local units to contract with each other to perform election-related activities. It is not known how many local units would utilize this option, but it is seen as a way of making the decentralized election process in Michigan somewhat more efficient. Small municipalities may choose to move operations to a county level to avoid duplication of effort and to streamline the process.

Against:

No one testified or voted against the bill in committee.

POSITIONS:

A representative of the Michigan Secretary of State testified in support of the bill. (10-5-17)

Representatives of the Michigan Association of Municipal Clerks and Council of Election Officials testified in support of the bill (10-5-17)

The Michigan Municipal League supports the bill. (10-5-17)

The Michigan Townships Association is neutral on the bill. (10-5-17)

Legislative Analyst: Jenny McInerney
Fiscal Analyst: Michael Cnossen

■ 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.