

Legislative Analysis



RETENTION OF RECORDS

Phone: (517) 373-8080
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House Bill 4840 (proposed substitute H-1)

Sponsor: Rep. Ken Borton

Committee: Elections and Ethics

Complete to 6-21-21

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

SUMMARY:

House Bill 4840 would amend the Michigan Election Law to modify the periods of time specified for document retention of election-related documents.

Currently, certain voter applications (if the voter's signature is not contained in the QVF, if the voter has verified residency or identity using alternate means, or if it is a absent voter application) must be retained for six years after the primary or election, and ballots used at primaries and elections must be retained for 30 days following the final determination of the board of canvassers. After that time, they may be destroyed.

The bill would retain the general 30-day requirement but add that all ballots used for any state or federal primary or election must all be retained for 22 months after the primary or election and may be destroyed after that time. Election returns, including poll lists, tally sheets, and absent voter records, which now must be retained for two years, could also be destroyed after 22 months following the applicable primary or election.

Additionally, the bill would allow electronic poll book flash drives used at a primary or an election to be destroyed after 30 days following certification of the election as long as none of the following is true in that precinct:

- A petition for recount has been filed with the Board of State Canvassers.
- A petition for recount has been filed with the secretary of state and the petition meets the other requirements under the act.
- A court of competent jurisdiction has issued an order restraining interference with electronic poll book flash drives.

MCL 168.811 and 168.847

FISCAL IMPACT:

House Bill 4840 would not have a substantial fiscal impact on the state or on local units of government. The secretary of state and local clerks may incur marginal additional costs should the bill's document and software retention requirements lead to increased storage costs related to additional records storage and software retention. It is not yet clear if retaining election system software would entail additional costs for city and township clerks.

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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.