SUBSTITUTE FOR

SENATE BILL NO. 402

A bill to create a voting and elections database and institute; to provide for the powers and duties of certain state and local governmental officers and entities; and to provide remedies.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act may be cited as the "voting and elections
2 database and institute act".

3 Sec. 3. As used in this act:

4 (a) "Database and institute" means the Michigan voting and
5 elections database and institute created in section 5(1).

6 (b) "Local government" means any of the following:

7 (*i*) A county.

8 (*ii*) A city, township, or any other political subdivision of

1   this state that conducts an election.

2   Sec. 5. (1) No later than November 5, 2025, the secretary of

3   state shall enter into an agreement with 1 or more public research

4   universities in this state to create the Michigan voting and

5   elections database and institute to maintain and administer a

6   central repository of elections and voting data available to the

7   public from all local governments in this state and to foster,

8   pursue, and sponsor research on existing laws and best practices in

9   voting and elections.

10   (2) The database and institute shall provide a center for

11   research, training, and information on voting systems and election

12   administration. The database and institute may do any of the

13   following:

14   (a) Conduct classes both for credit and noncredit.

15   (b) Organize interdisciplinary groups of scholars to research

16   voting and elections in this state.

17   (c) Conduct seminars involving voting and elections.

18   (d) Establish a nonpartisan centralized database in order to

19   collect, archive, and make publicly available at no cost an

20   accessible database pertaining to elections, voter registration,

21   and ballot access in this state.

22   (e) Assist in the dissemination of election data to the

23   public.

24   (f) Publish books and periodicals as the database and

25   institute considers appropriate on voting and elections in this

26   state.

27   (g) Provide nonpartisan technical assistance to local

28   governments, scholars, and the general public seeking to use the

29   resources of the database and institute.

1   (3) If the secretary of state enters into an agreement with 1

2 or more public research universities as provided under subsection

3 (1), the parties to that agreement shall enter into a memorandum of

4 understanding that includes, but is not limited to, all of the

5 following:

6   (a) The initial term of the memorandum of understanding is for

7 not less than 25 years.

8   (b) The university or universities select the director of the

9 database and institute.

10   (c) The secretary of state is responsible only for the costs

11 of entering into the memorandum of understanding with the

12 university or universities to create the database and institute and

13 for the transfer of election and voting data and records, and the

14 university or universities are responsible for any other costs

15 associated with operating the database and institute.

16   (4) The database and institute shall maintain in an electronic

17 format, and make publicly available as described in this

18 subsection, all relevant election and voting data and records for

19 at least the previous 12-year period. Except for any data,

20 information, or estimates that identify individual electors, the

21 data, information, and estimates, as described in this subsection,

22 must be posted on the institute's website and made available to the

23 public at no cost. Maps, election day polling places, early voting

24 sites, and absent voter ballot drop box locations must be made

25 available in a geospatial file format. The database and institute

26 shall prepare any estimates made under this section by applying the

27 most advanced, peer-reviewed, and validated methodologies

28 available. The data and records that must be maintained include,

29 but are not limited to, all of the following:

1   (a) Estimates of the total population, voting age population,
2 and citizen voting age population by racial, color, or language
3 minority group and disability status, broken down to the precinct
4 level, on a year-by-year basis, for every local government in this
5 state, based on data from the United States Census Bureau,
6 including the American Community Survey, collected by a public
7 office.

8   (b) Election results at the precinct level for every federal,
9 state, and local election held in every local government in this
10 state.

11   (c) The most recent general election voter registration lists,
12 voter history files, election day polling places, early voting
13 sites, and absent voter ballot drop box locations for every
14 election in every local government in this state.

15   (d) The most recent general election maps or other
16 documentation of the configuration of precincts.

17   (e) Election day polling places and early voting sites,
18 including, but not limited to, lists of precincts assigned to each
19 election day polling place and early voting site, if applicable.

20   (f) Adopted districting or redistricting plans for every
21 election in every local government in this state.

22   (g) Any other data that the director of the database and
23 institute considers necessary to maintain in furtherance of the
24 purposes of the database and institute.

25   (5) The database and institute shall implement rigorous
26 cybersecurity standards for the election and voting data and
27 records maintained by the database and institute that are
28 comparable to the cybersecurity standards implemented by the
29 department of technology, management, and budget.

1   (6) After the required 12-year period for making data,
2 information, and estimates publicly available, as described in
3 subsection (4), all relevant election and voting data and records
4 must be permanently maintained in an electronic format by the
5 database and institute for archival purposes.
6   (7) The data, information, and estimates maintained by the
7 database and institute may, in the discretion of a court, be relied
8 on as evidence.
9   (8) No later than 180 days after an election, the secretary of
10 state shall transmit to the database and institute copies of all of
11 the following:
12   (a) Election results at the precinct level.
13   (b) The most recent general election voter registration lists.
14   (c) Voter history files.
15   (d) Maps, descriptions, and shapefiles for election districts.
16   (e) Lists of election day polling places and early voting
17 sites, shapefiles, or descriptions of the precincts assigned to
18 each election day polling place and early voting site.
19   (9) Subject to this subsection, all state agencies and local
20 governments shall timely provide the secretary of state with any
21 publicly available election and voting data and records that are
22 reasonably requested by the secretary of state. Before the
23 secretary of state requests any publicly available election and
24 voting data and records from state agencies and local governments
25 under this subsection, the secretary of state must consult with the
26 director of the database and institute, the Michigan Association of
27 County Clerks, and the Michigan Association of Municipal Clerks.
28 Upon receiving any publicly available election and voting data and
29 records from state agencies and local governments under this

1 subsection, the secretary of state shall transfer those publicly

2 available election and voting data and records in a timely manner

3 to the database and institute.

4   (10) Subject to this subsection, the secretary of state shall

5 reimburse each local government for the cost of providing any

6 requested election and voting data and records to the secretary of

7 state as required under subsection (9). The reimbursement of a

8 local government must not exceed the allowable costs to the local

9 government as described in section 4 of the freedom of information

10 act, 1976 PA 442, MCL 15.234. To qualify for reimbursement, a local

11 government must submit a verified account of its allowable costs to

12 the secretary of state no later than 90 days after the requested

13 election and voting data and records are provided to the secretary

14 of state. No later than 90 days after the secretary of state

15 receives a verified account of allowable costs from a local

16 government as provided under this subsection, the secretary of

17 state shall pay or disapprove the verified account.

18   (11) Notwithstanding any other provision of law to the

19 contrary, after a local government has provided any requested

20 election and voting data and records to the secretary of state as

21 required under subsection (9), and those election and voting data

22 and records have been posted on the institute's website as provided

23 under subsection (4), that local government is no longer obligated

24 to provide those election and voting data and records in response

25 to a written request under the freedom of information act, 1976 PA

26 442, MCL 15.231 to 15.246. If that local government receives a

27 written request from a person under the freedom of information act,

28 1976 PA 442, MCL 15.231 to 15.246, for election and voting data and

29 records as described in this subsection, the local government

1 shall, within 10 business days after receiving the written request,

2 give written notice to the requesting person that the request for

3 the election and voting data and records must be submitted to the

4 database and institute.

5   (12) The attorney general, the director of the database and

6 institute, or a designee of the attorney general or director may

7 file an action to enforce compliance with this section.

8   (13) No later than 90 days following the end of each state

9 fiscal year, the database and institute shall publish a report on

10 the priorities and finances of the database and institute.

11   (14) Subsections (2) to (13) take effect May 5, 2026.

12   Enacting section 1. This act does not take effect unless all

13 of the following bills of the 102nd Legislature are enacted into

14 law:

15   (a) Senate Bill No. 401.

16   (b) Senate Bill No. 403.