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Senate Bill 281 (as introduced 3-24-21)  
Sponsor: Senator Kimberly A. LaSata  
Committee: Elections

Date Completed: 4-19-21

## **CONTENT**

**The bill would amend the Election Law to do the following:**

- **Require the Secretary of State (SOS), by no later than March 1 of each year, to request information from each recognized multistate program or service that the SOS was participating with to verify the current residence and voter registration status from electors.**
- **Require the SOS to follow specified procedures with respect to a minimum of 95% of elector who would be affected by information obtained through a multistate program or service.**
- **Require the SOS to provide a report to the House and Senate committees dealing with elections regarding compliance with the bill's requirements and results of any investigation concerning any possible improper votes that were cast at the preceding general November election.**
- **Require the SOS, by at least 120 days before each general November election, to request information from each recognized multistate program or service that the SOS was participating with to update data identifying any electors who could have cast improper votes at the preceding general November election.**
- **Require the SOS, within 30 days after receiving voter information, to commence an investigation into each possible improper voter at the preceding general November election.**
- **Specify certain information that the SOS would have to post on the Department of State's website by August 1 of each year.**

Under the law, the SOS must participate with other states in one or more recognized multistate programs or services, if available, to assist in the certification of the current residence and voter registration status of electors. The SOS may not participate in any recognized multistate program or service that requires Michigan to promote or adopt legislation as a condition of participation in that program or service. In addition, the SOS may not participate in any recognized multistate program or service if he or she determines that data of that program or service are not being adequately secured or protected. The SOS must follow the procedures under Section 509aa(5) with regard to any electors affect by the information obtained through any multistate program or service.

(Under Section 509aa(5), if the Department receives notice that a registered voter has moved out of state by receiving a surrendered Michigan driver license of that registered voter, the SOS must send to the voter a notice that the SOS has received information indicating that the voter has moved his or her residence to another state and a postage prepaid and preaddressed return card on which the voter may verify or correct the address information. The SOS also must mail a notice providing that if the address information is incorrect and the

voter has not moved and wishes to remain registered to vote, he or she should complete and return the card to the SOS with a postmark at least 30 days before the date of the next election. If the card is not completed and returned at least 30 days before the next election, the voter may be required to affirm his or her current address before being permitted to vote. If the voter does not vote in an election within the period beginning on the date of the notice and ending on the first business day immediately following the second November general election held after the date on the notice, the voter's registration will be canceled and his or her name will be removed from the qualified voter file.)

Under the bill, by March 1 of each year, the SOS would have to request information from each recognized multistate program or service that the SOS was participating with to verify the current residence and voter registration status of electors. Within 60 days after receiving information from a multistate program or service, the Secretary of State would have to follow the procedures under Section 509aa with regard to at least 95% of the electors who would be affected by information obtained through a multistate program or service.

No later than ten business days after the 60-day deadline, the Department would have to provide a written report to the House and Senate committees dealing with elections regarding its compliance with the bill's requirements. If the SOS had not complied with the requirements of the bill, the report would have to include the time frame in which the SOS would be in compliance with the bill.

In addition to the above requirements, at least 120 days before each general November election, the SOS would have to request information from each recognized multistate program or service that the SOS was participating with to update data identifying any electors who could have cast improper votes at the preceding general November election. Within 30 days after receiving that information, the SOS would have to commence an investigation into each possible improper vote at the preceding general November election.

No later than August 1 of each year, the SOS would be required to post on the Department of State's website all the following:

- The total number of electors who the SOS mailed a notice under Section 509aa.
- The total number of each of the following: electors who changed residence and moved out-of-state, electors who changed residence and moved in-state, in-state duplicate voter registration records, and electors who were determined to be deceased.
- The total number of electors who had corrected their voter registration records within 90 days after being mailed a notice by the SOS under Section 509aa
- The dates the SOS notified 95% and 100% of the electors who were affected by information obtained through any recognized multistate program or service.

The written report also would have to include the results of those investigations commenced by the Secretary of State concerning any possible improper votes cast by an elector at the preceding general November election. The results would have to include the total number of electors who initially were identified as having cast an improper vote and the total number of electors who were confirmed to have cast an improper vote. The results could not include the name of any elector or any personal identifying information for that elector.

MCL 168.509o

Legislative Analyst: Dana Adams

### **FISCAL IMPACT**

The bill could have a negative fiscal impact on the Department of State for costs associated with the verification of voter residency and registration status based on information received

from a recognized multistate program. Depending on the Department's resource capabilities, additional FTEs could be required. The average total cost for salary, benefits, and retirement for a State civil servant is an estimated \$121,600 Gross, \$65,900 General Fund/General Purpose.

Additionally, before each general November election, the Department would have to investigate any possible improper votes cast at the preceding general November election based on the requested data from recognized multistate programs. The cost is indeterminate and would depend on the actual number of investigations that would be conducted. Should the number of required investigations be substantial, costs for hiring additional staff would be the same as those noted above.

Fiscal Analyst: Joe Carrasco

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.