

## ABSENTEE BALLOT TRACKING SYSTEM

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<http://www.house.mi.gov/hfa>

### House Bill 4594 (H-1) as reported from committee

**Sponsor: Rep. Dylan Wegela**

**Committee: Elections**

**Complete to 6-12-23**

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

### SUMMARY:

House Bill 4594 would amend the Michigan Election Law to provide for an online tracking system that notifies absentee voters of the status of their absent voter ballot application or absent voter ballot.

Michigan currently has an absentee ballot tracking system that voters can use to check their registration status, the date an absentee ballot application was received by a clerk, the date a ballot was sent by the clerk, and the date the ballot was received by the clerk.<sup>1</sup> The Michigan Election Law requires city and township clerks to use this ballot tracker system when possible.

Ballot Proposal 22-2 amended the state constitution to require the state to establish and fund a system to track submitted absent voter ballot applications and absent voter ballots.<sup>2</sup> Voters must also be able to opt in to electronic notifications that provide updates on the status of a voter's submitted application or ballot, notifications of any deficiency with a voter's submitted application or ballot, and instructions for addressing any such deficiencies.

House Bill 4594 would amend the Michigan Election Law to reflect these changes.

Specifically, the bill would remove provisions pertaining to the current ballot tracking system and would instead require the secretary of state to establish, acquire, or approve an electronic tracking system that allows each elector who casts an absentee ballot to track their absentee ballot application and absentee ballot on a website or a mobile application.

For each elector who applied for or cast an absentee ballot, the electronic tracking system would have to indicate each of the following, as applicable:

- The date the elector's absentee ballot application was received by their local clerk.
- If the application was accepted, the date of acceptance.
- If the application was rejected, a brief statement of the reason for the rejection, instructions for curing the issue, and the deadline for curing the issue.
- If an issue with a rejected application is cured, an update that the application was accepted and the date of acceptance.
- The date the clerk mailed or delivered the absentee ballot to the elector.
- If a clerk electronically transmitted an absentee ballot to a military or overseas voter, the date of the electronic transmission.
- If the absentee ballot was returned to the city or township as undeliverable.

<sup>1</sup> The online ballot tracker, accessible by any registered voter, is here: <https://mvic.sos.state.mi.us/Voter/Index>.

<sup>2</sup> For a summary of Proposal 22-2, see [https://www.house.mi.gov/hfa/PDF/Alpha/Ballot\\_Proposal\\_2\\_of\\_2022.pdf](https://www.house.mi.gov/hfa/PDF/Alpha/Ballot_Proposal_2_of_2022.pdf).

- The date the city or township clerk received an absentee ballot return envelope or a military or overseas voter's electronic ballot.
- If an absent voter ballot return envelope was accepted, the date of acceptance.
- If a return envelope was rejected, a brief statement of the reason for the rejection, instructions for curing the issue, and the deadline for curing the issue.
- If an issue with a rejected return envelope is cured, an update that the envelope was accepted, the date of acceptance, and a statement that the ballot is eligible for tabulation.

An elector would have to be able to opt in to email or text notifications, or both, from the tracking system. If an elector requested to receive notifications, they would have to be immediately notified by their preferred method of any of the events described above. An elector's provided email address or phone number would be confidential and exempt from disclosure under the Freedom of Information Act (FOIA).

MCL 168.764c

### **FISCAL IMPACT:**

The bill would result in additional costs to the Department of State to comply with the notification requirements provided in the bill. The department currently administers an absent voter application and tracking system through the Michigan Voter Information System. According to the department, however, additional resources and staffing would be required for the system to implement the capability for and administer notifications by email or text directly to electors. An estimate for additional staffing and equipment was not available at the time of this analysis.

Costs for an absent voter ballot tracking system were one of several eligible expenses covered under federal Help American Vote Act (HAVA) election security grants. Any potential costs for modifying the tracking system would be eligible to be covered by these federal grants if HAVA funding is available.

### **POSITIONS:**

Representatives of the following entities testified in support of the bill (5-23-23):

- City of Ann Arbor
- City of Lansing
- Promote the Vote
- Voters Not Politicians

The following entities indicated support for the bill (5-23-23):

- Michigan Department of State
- American Civil Liberties Union of Michigan
- Campaign Legal Center
- Common Cause Michigan
- League of Women Voters of Michigan
- Southeast Michigan Council of Governments Metropolitan Affairs Coalition
- Michigan Association of County Clerks

- Michigan Association of Municipal Clerks
- Michigan League of Conservation Voters
- Michigan Townships Association
- Next Gen America
- Protect Democracy
- Secure Democracy

Pure Integrity for Michigan Elections indicated opposition to the bill. (5-23-23)

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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.