



Senate Fiscal Agency
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BILL ANALYSIS



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Senate Bill 470 (as passed by the Senate)
Sponsor: Senator Paul Wojno
Committee: Elections and Ethics

(Enacted version)

Date Completed: 10-16-23

RATIONALE

Public Act (PA) 197 of 2022 required the Secretary of State (SOS) to promulgate rules for counting ballots submitted electronically by members of the uniformed services on active duty and members of the merchant marine who are absent from the United States. The Act authorized the SOS to develop a secure web portal to this end. According to testimony before the Senate Committee on Elections and Ethics, portal development and rules promulgation have been time-consuming. For example, in late 2022, the SOS sought clarification from the Office of the Attorney General on whether the Federal Uniformed and Overseas Citizens Absentee Voting Act and the Americans with Disabilities Act would require military spouses and families living overseas, as well as disabled voters, to be able to access the system.¹ According to the SOS, the Office did not receive a response until May 2023.² Accordingly, it has been suggested that the SOS be given more time to implement the requirements of PA 197.

CONTENT

The bill would amend the Michigan Election Law to extend, from January 1, 2024, to September 1, 2025, the date after which uniformed service voters on active duty and members of the merchant marine may electronically return voted ballots. It also would extend the date accordingly for the SOS's implementation of the electronic ballot return system.

Among other things, the Michigan Election Law prescribes the rights of voters residing overseas to participate in United States elections. Currently, overseas voters may mail a voted absent voter ballot or Federal write-in absentee ballot to the appropriate city or township clerk to be counted.

Beginning January 1, 2024, a member of a uniformed service on active duty or a member of the merchant marine who is absent from the United States and does not expect to return to the residence where the member is qualified to vote may *electronically* return a voted absent voter ballot or Federal write-in absentee ballot to the appropriate city or township clerk to be counted. The Law requires the SOS to implement these and associated provisions and rules by January 1, 2024. The bill would extend these dates to September 1, 2025. Additionally, it would delete a provision specifying that the SOS must allow for the electronic return of voted ballots by eligible members starting no later than the 2024 Statewide presidential primary election.

("Uniformed services" means the Army, Navy, Air Force, Marine Corps, Space Force, or Coast Guard, the Commissioned Corps of the Public Health Service, the Commissioned Corps of the

¹ LeBlanc, Beth, "Benson seeks Nessel's opinion on electronic voting for overseas military families", *The Detroit News*, December 10, 2022.

² Senate Committee on Elections and Ethics, 9-13-23.

National Oceanic and Atmospheric Administration, a reserve component of a uniformed service, or the Michigan Army National Guard or Air National Guard.

"Member of the merchant marine" means an individual, other than a member of a uniformed service or an individual employed, enrolled, or maintained on the Great Lakes or the inland waterways, who is either of the following:

- Employed as an officer or crew member of a vessel documented under the laws of the United States, a vessel owned by the United States, or a vessel of foreign-flag registry under charter to or control of the United States.
- Enrolled with the United States for employment or training for employment or maintained by the United States for emergency relief service as an officer or crew member of a vessel documented under the laws of the United States, a vessel owned by the United States, or a vessel of foreign-flag registry under charter to or control of the United States.)

MCL 168.759a

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

The SOS needs more time for proper implementation. Due to delays, the Office has been unable to implement the bill's electronic ballot return system. The demands of Proposal 22-2, which expanded voting rights within the State's Constitution after succeeding on the November 2022 ballot, may further push the system's implementation. Even if the Office were to contract for the electronic ballot return system, it would take time to request and review applications. The SOS should be granted more time to serve military voters in the system's implementation.

Response: The SOS was given more than a year to implement the electronic ballot return system.³ The Office should have made better use of its time to serve military voters and should not be given more time now.

Opposing Argument

Delaying the implementation of the electronic ballot return system would unreasonably disenfranchise military voters during the 2024 presidential election. The system will allow military voters to submit their absent voter ballots securely and quickly to their appropriate clerks, ensuring their votes are counted in every election. Delaying implementation to 2025 would prevent military voters from accessing this resource during the 2024 presidential election, which is still a year away. Instead of delaying the system's implementation to September 1, 2025, the bill should be amended to require the SOS to implement the electronic ballot return system by fall of 2024, which would give the SOS more time and allow military voters to fully participate in the election.

Legislative Analyst: Abby Schneider

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Joe Carrasco, Jr.

³ Public Act 197 took effect October 7, 2022. Its deadline for implementation was January 1, 2024.

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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.