House Bill 4983 through 4986 (Substitute H-1 as passed by the House)
Sponsor:  Representative Penelope Tsernoglou (H.B. 4983)
                Representative Phil Skaggs (H.B. 4984)
                Representative Emily Dievendorf (H.B. 4985)
                Representative Jimmie Wilson (H.B. 4986)
House Committee:  Elections
Senate Committee:  Elections and Ethics

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## INTRODUCTION

The bills would modify the Secretary of State's (SOS) automatic voter registration process. Currently, the SOS automatically registers eligible individuals[1] who apply for driver licenses, official State personal identification cards, or enhanced versions of such, or who complete a change of address form. Under House Bill 4983 (H-1), for each eligible individual who was not registered to vote in the State and who submitted one of the above applications or who was issued a graduated licensing status, the SOS would have to add certain information to that individual's Qualified Voter File (QVF). Then, the SOS would have to forward electronically the individual's information to the appropriate clerk to have the clerk register that individual. The SOS would have to notify the individual of this registration and grant the individual an option to decline it. The SOS also could preregister 16-and 17-year-olds, in line with changes proposed by House Bill 4569.

Additionally, the bill would allow the SOS to designate a State agency as an automatic voter registration agency if that agency, in the regular course of business, collected sufficient information to confirm the eligibility for voter registration or the updating of information for an existing voter registration. The bills would require the Department of Heath and Human Services (DHHS) to transmit to the SOS for registration and preregistration certain information regarding eligible individuals who had applied for Medicaid. An Indian nation or tribe in the State also could submit certain information to the SOS for the purpose of registering and preregistering tribal members. The bills would require the SOS to work with the Department of Corrections (MDOC) to ensure eligible, qualified individuals were automatically registered to vote on release from incarceration.

## BRIEF FISCAL IMPACT

The bills would modify the automatic voter registration procedure and clarify an individual's ability to opt out of the State's automatic voter registration system and could have a negative fiscal impact on the Department of State (DOS), as well as other State departments and agencies including the MDOC, the Department of Transportation (MDOT), and the DHHS.

MCL 168.493a et al. (H.B. 4983)                    Legislative Analyst:  Abby Schneider
      257.307 (H.B. 4984)                    Fiscal Analyst:  Joe Carrasco, Jr.; Bobby Canell
      28.291 (H.B. 4985); 28.305 (H.B. 4986)                    Michael Siracuse; Ellyn Ackerman

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[1] Eligible individuals are individuals who are United States citizens, Michigan residents, and who are 17 and a half years of age.

**House Bill 4983 (H-1)** would amend the Michigan Election Law to clarify the automatic voter registration process as follows:

-- Allow the SOS to register to vote an unregistered, eligible individual who was issued a graduated licensing status, in addition to current requirements.
-- For each eligible individual who was not already registered, require the SOS to add certain information to that individual's QVF and electronically forward the individual's information to the clerk of the city or township in which the individual resided to have the clerk register that individual to vote.
-- Require the SOS to note in the QVF that an individual was registered under the above circumstances.
-- Require the SOS to send a notice and a preaddressed return form by which the individual could decline voter registration.
-- Prescribe requirements for this notice.
-- For each individual who was of age to vote but who had not provided documentation indicating U.S. citizenship, allow the SOS to offer to register the individual if the individual indicated on the individual's application that the individual was a U.S. citizen.
-- Prohibit the SOS from automatically registering an individual who declined to use the individual's license or official State personal identification card as an application for voter registration or who provided documentation demonstrating that the individual was not a U.S. citizen.
-- Allow the SOS to register to vote an individual who applied for a license or official State personal identification card, who submitted a change of address form, or who was issued a graduated licensing status, and who qualified to preregister to vote as a 16- or 17-year-old under House Bill 4569.
-- Specify that, if an individual who was not eligible to vote became registered to vote under these provisions and voted or attempted to vote, the individual would have a defense for a violation of the Law.
-- Prohibit an individual from knowingly or willfully taking voluntary action to register to vote or vote knowing that the individual was not entitled to vote.
-- Require the SOS to contact an individual for clarification if the individual had voted in an election after being registered but subsequently returned a notice declining the voter registration.
-- Require the SOS to publicly release monthly data reports concerning automatic voter registration and preregistration under the bill.
-- Allow the SOS to designate a State agency as an automatic voter registration agency if it verified that the agency, in the regular course of business, collected sufficient information to confirm the eligibility for voter registration or the updating of information for an existing voter registration.
-- Require the DHHS to transmit to the SOS certain information related to individuals eligible for voter registration who applied for Medicaid coverage.
-- Allow an Indian nation or tribe located in the State to submit a request to the SOS for approval to allow the governing body of the Indian nation or tribe, or an election board, election official, or other designated representative of the Indian nation or tribe, to electronically submit certain information to the SOS for the purpose of registering and preregistering tribal members.
-- Require the SOS and MDOC to coordinate to ensure that eligible individuals were automatically registered to vote on release from incarceration.

**House Bill 4984 (H-1)** would amend the Michigan Vehicle Code to specify that sections on an application for an operator's or chauffeur's license pertaining to

**United States citizenship and whether the applicant declined automatic voter registration could only be used for automatic voter registration transactions.**

**House Bill 4985 (H-1) would amend Public Act 222 of 1972, which provides for official State personal identification cards, to specify that sections on an application for an official State personal identification card pertaining to United States citizenship and whether the applicant declined automatic voter registration could only be used for automatic voter registration transactions.**

**House Bill 4986 (H-1) would amend the Enhanced Driver License and Enhanced Official State Personal Identification Card Act to delete a provision that an application for an enhanced driver license or enhanced official State personal identification card must allow the applicant to indicate that the applicant declines to use the application as a voter registration application.**

Each bill would take effect June 30, 2025. House Bills 4984 through 4986 are tie-barred to House Bill 4983. House Bill 4983 is tie-barred to House Bill 4569, which would amend the Michigan Election Law to allow eligible individuals who were at least 16 years of age to preregister to vote.

## House Bill 4983 (H-1)

Automatic Voter Registration

Currently, the SOS must automatically register each individual who meets the qualification of an elector and who submits an application for an operator's or chauffer's license, an official State personal identification card, or an enhanced driver license or enhanced official State personal identification card.[2] Additionally, the SOS automatically registers each individual who meets the qualification of an elector and who submits a change of address application for a license or State identification card. The bill would modify this process as described below.

Under the bill, for each eligible individual who was *not* registered to vote in the State and who submitted one of the applications outlined above or who was issued a graduated licensing status,[3] the SOS would have to add the following information to that individual's QVF and electronically forward the individual's information to the clerk of the city or township in which the individual resided to have the clerk register that individual to vote:

-- The name; residence address including house number and street name or rural route and box number, and the apartment number, if any; city; state; zip code; and date of birth.
-- The driver license number or State personal identification card number or similar number issued by a designated voter registration agency.
-- The most recent digitized signature of an elector.

An eligible individual would be someone who had provided documentation demonstrating United States citizenship and who was of sufficient age to register to vote.

If an individual were registered to vote under the above circumstances, the bill would require the QVF to note this. Additionally, the SOS would have to send to the individual's residence address, by nonforwardable mail, a notice that the individual had been registered to vote and

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[2] Generally, an individual qualifies as an elector in Michigan if the individual is a citizen of the United States, is not less than 17 and a half years of age, and is a resident of the State.
[3] Generally, graduated driver licenses are issued to individuals under the age of 16 who are participating in drivers' education courses. For more information, see MCL 257.310e.

a postage prepaid and preaddressed return form by which the individual could decline the voter registration. The SOS would have to prescribe the form of the notice. In addition, the SOS would have to develop procedures for processing a voter registration for an individual who had previously declined voter registration, as described below.

The notice mailed to an individual would have to include all the following:

-- An explanation of the eligibility requirements to register to vote, and a statement that if the individual were not eligible to vote, the individual would have to decline the voter registration by using the postage prepaid and preaddressed return form.
-- Information on how a registered elector could cast an absent voter ballot.
-- A statement that an individual could decline the voter registration.

The latter statement also would have to inform the individual that, if the individual declined the voter registration, this fact would remain confidential and could be used only for purposes of voter registration statistics. If the individual remained registered to vote, the office at which the individual was registered to vote would remain confidential and only would be used for voter registration purposes.

For each individual who applied for a license or official State personal identification card, or who submitted a change of address form, and who was of sufficient age to vote, but who had not provided documentation indicating United States citizenship, the SOS could offer to register that individual if the individual indicated on the individual's application that the individual was a United States citizen. The SOS would have to follow the process outlined above to register such an individual. The SOS could not automatically register an individual who indicated on the individual's application that the individual declined to use the application as an automatic voter registration application. Nor could the SOS provide the opportunity to register to vote or automatically register to vote an individual who, when applying, provided documentation demonstrating that the individual was *not* a United States citizen.

Additionally, the SOS also could register to vote an individual who applied for a license or official State personal identification card, who submitted a change of address form, or who was issued a graduated licensing status, and who qualified to preregister to vote under Senate Bill 4569. The SOS would have to follow the process outlined above to register such individuals; however, the procedures and required notice would have to be modified to inform an individual that the individual was *pre*registered to vote.

If an individual who was not eligible to vote became registered to vote under these provisions and voted or attempted to vote in an election held after the effective date of the individual's voter registration, that individual would be presumed to have a defense for a violation of the Law; however, this would not apply to an individual who knowingly and willfully made a false statement to effectuate voter registration or who intentionally took voluntary action to register to vote or vote knowing that the individual was not entitled to vote.

Nothing in these provisions could be construed to amend the substantive qualifications for voter registration in the State, or to require documentary proof of United States citizenship for voter registration.

Registration Applications

Currently, an individual who appears in person at a Department of State branch office or an individual who applied for a renewal of an operator's or chauffer's license must be given the opportunity to complete an application to register to vote or to change the individual's voting registration name or address, if the applicant possesses the qualifications of an elector on the

date of application or will possess the qualifications at the next election. The bill would delete reference to this application.

Declining Voter Registration

If an individual returned a notice of registration and declined the voter registration, that individual would be considered to never have been registered to vote and any information added to the QVF of that individual would have to be removed; however, if an individual had voted in an election and then returned a notice declining the voter registration, the SOS's office would have to contact that individual to determine whether the individual wished to decline the voter registration or remain registered to vote.

If a mailed notice of registration was returned to the SOS by the post office as undeliverable, the QVF would have to generate a notification to the clerk of the city or township in which that individual resided to have the clerk mail the individual a notice asking the individual to verify or correct address information.[4]

If an individual returned a notice without selecting the option to decline the voter registration, the individual would remain registered to vote.

Date and Reporting

The SOS would have to publicly release data reports monthly. The data reports could not include any personally identifying information and would have to be subcategorized by sex and age of the individuals included. These reports would have to include the following information:

-- The number of individuals registered to vote or preregistered to vote by the SOS under the procedures proposed by the bill.
-- The number of individuals who declined voter registration or voter preregistration under the procedures proposed by the bill.
-- The number of individuals who registered to vote or preregistered to vote after indicating on their applications that they were United States citizens.
-- The number of individuals who declined to use their applications as voter registration or voter preregistration applications under the procedures proposed by the bill.
-- The number of individuals whose voter registration or voter preregistration was updated due to the requirement that the SOS use the residence address provided on a driver license or State personal identification card application as the applicant's residence address in the QVF.

Automatic Voter Registration Agencies

If the SOS verified that a State agency in the regular course of business collected sufficient information, including through documents or database verification, to confirm the eligibility for voter registration or the updating of information for an existing voter registration, the SOS could designate that State agency as an automatic voter registration agency. Once a State agency was designated as an automatic voter registration agency, that State agency could not be removed as an automatic voter registration agency unless it was shown that the agency no longer collected sufficient information to confirm the eligibility for voter registration or the updating of information for an existing voter registration.

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[4] For more information on the requirements of this notice, see MCL 168.509aa(3).

If a State agency was designated as an automatic voter registration agency, that agency and the SOS would have to jointly establish a procedure and schedule for automatically and electronically transmitting voter registration information from the agency to the SOS for those individuals who were eligible to register to vote or preregister to vote, or to update information in the QVF for those individuals who were already registered to vote or preregistered to vote. Each designated State agency, the SOS, and the clerk of each city and township would have to comply with the procedures outlined above for automatically registering and preregistering individuals to vote, subject to any instructions issued and determined necessary by the SOS to conform with a designated State agency transaction.

If information were received by a State agency and transmitted to the SOS for an individual who was already registered or preregistered to vote, the SOS would have to use the most recent information for the residence address or name of the individual to update the individual's information in the QVF. The SOS would have to send to the individual's new residence address, by forwardable mail, notice of the change and a postage prepaid and preaddressed return form by which the individual could verify or correct the information. If the individual returned the notice and indicated that the change to the individual's record was in error, the SOS would have to immediately revert the individual's updated information in the QVF to the information as it existed before the update.

Subject to compliance with all applicable Federal laws and regulations, as part of an application for Medicaid coverage to the DHHS, the DHHS would have to automatically and electronically transmit to the SOS the name; residence address including house number and street name or rural route and box number, and the apartment number, if any; city; state; zip code; and date of birth for each applicant who was of sufficient age to register or preregister to vote and who was a verified United States citizen. Additionally, the DHHS would have to transmit to the SOS each qualified individual's driver license number or State personal identification card number or similar number issued by a designated voter registration agency, or the last four digits of the individual's Social Security number.

Subject to any instructions issued and determined necessary by the SOS to conform with the structure of a DHHS application, in processing the information received from the DHHS, the SOS and each city or township clerk would have to comply with the requirements established above for automatically registering and preregistering individuals to vote and for updating information for individuals who were already registered or preregistered to vote.

Additionally, subject to compliance with all applicable Federal laws and regulations, an Indian nation or tribe located in the State could, at its discretion, submit a request to the SOS for approval to allow the governing body of the Indian nation or tribe, or an election board, election official, or other designated representative of the Indian nation or tribe, to electronically submit the required personal and address information; either an individual's driver license number, State personal identification card number, similar number, or the last four digits of the individual's Social Security number; and the individual's digitized signature, if available, for any tribal member to the SOS for the purpose of registering and preregistering tribal members to vote or for updating the registration or preregistration information of tribal members.

If an Indian nation or tribe submitted such a request and the Indian nation's or tribe's governing body, election board, election official, or other designated representative collected sufficient information, including through documents or database verification, to confirm the eligibility for registration or for updating the information for an existing voter registration, the SOS would have to enter into a memorandum of understanding with the Indian nation or tribe regarding transmission and processing of information for purposes of voter registration. Subject to any instructions issued and determined necessary by the SOS to conform with

Indian nation or tribal procedures, in processing information received under the bill, the SOS and each city or township clerk would have to comply with the requirements established above for automatically registering and preregistering individuals to vote and for updating information for individuals who were already registered or preregistered to vote.

The SOS and the MDOC would have to coordinate to ensure that eligible individuals were automatically registered to vote, with the opportunity to decline the voter registration, on release from incarceration imposed as a sentence for a crime. For individuals scheduled to be released on parole, or discharged on completion of the individual's maximum sentence, and who would be issued an operator's or chauffeur's license, an official State personal identification card, or an enhanced driver license or enhanced official State personal identification card, the SOS and the MDOC would have to use the procedures established above to comply with this requirement; however, the SOS and the MDOC would have to ensure that an individual was not registered to vote until the individual was released on parole or discharged on completion of the individual's maximum sentence. The procedures and notice requirements outlined above would have to be modified to reflect that the individual would not be registered to vote until released on parole or discharged on completion of the individual's maximum sentence. For any individual who was released from incarceration imposed as a sentence for a crime and who was otherwise qualified, the MDOC and the SOS would have to jointly establish a procedure and schedule for automatically and electronically transmitting voter registration information from the MDOC to the SOS for those individuals who were eligible to register or preregister to vote.

The SOS would have to develop procedures for processing electronic records received from a State agency designated as an automatic voter registration agency, or from an Indian nation or tribe, that did not include a digitized image of the applicant's signature.

Additional Provisions

The bill would specify that the SOS, a designated voter registration agency, or a county, city, or township clerk could not place a name of an individual into the QVF unless the individual was registered or preregistered to vote by the SOS, among other requirements.

Currently, an individual whose name does not otherwise appear in the QVF could be placed in only if the individual placing the individual signed, under penalty of perjury, an application that contained an attestation that the applicant was an eligible voter. Under the bill, this would apply to individuals whose names had *not* been added to the QVF under the provisions of the bill.

## **House Bill 4984 (H-1)**

Among other things, the Michigan Vehicle Code prescribes requirements for license applications. Currently, an application for an operator's or chauffeur's license must include a space for the applicant to indicate on the application or change of address application whether the applicant is a citizen of the United States and a space to allow the applicant to indicate that the applicant declines to use the application as a voter registration application, among other things. The bill would specify that these requirements only would be used for automatic voter registration transactions under section 493a(6) of the Michigan Election Law, which House Bill 4983 (H-1) would amend.

Additionally, the bill would require any printed notice provided to an applicant at the conclusion of a transaction, if the individual's information were to be used for voter registration or voter preregistration, to include a notice of that use and that the individual

would receive a mailed notice. The printed notice provided to the applicant would serve as a receipt verifying the voter registration application.

## House Bill 4985 (H-1)

Public Act 222 of 1972 prescribes the requirements for an official State personal identification card. An applicant for an official State personal identification card must, among other things, indicate on the application or change of address application whether the applicant is a citizen of the United States. The application also must allow the applicant to indicate whether the applicant declines to the use the application as a voter registration application. The bill would specify that the responses only could be used for automatic voter registration transactions under section 493a(6) of the Michigan Election Law, which House Bill 4983 (H-1) would amend.

## House Bill 4986 (H-1)

Among other things, the Enhanced Driver License and Enhanced Official State Personal Identification Card Act requires an application for an enhanced driver license or enhanced official State personal identification card to allow the applicant to indicate that the applicant declines to use the application as a voter registration application. The bill would delete this provision.

## FISCAL IMPACT

The DOS would incur additional IT programming costs to implement the proposed changes in House Bill 4983 (H-1), primarily changes to the QVF information system to allow for information sharing as required under the bill. Those costs have not been determined by the DOS; however, based on the State average cost of an IT project, those costs could run between $300,000 to $500,000, or more. If IT costs exceeded this estimate, DOS likely would need additional appropriations to complete the reprogramming.

Additionally, the bill would allow the DOS to verify that a State department or agency collected sufficient information to confirm the eligibility for voter registration and thus be designated by the SOS as an automatic voter registration agency. This could increase costs for eligible departments, as they would have to establish a procedure and schedule for automatically and electronically transmitting voter registration information from the State agency to the SOS for those individuals who were eligible to register to vote or preregister to vote. Those costs are indeterminate and would depend on the existing capabilities for departments to comply with this provision.

The DOS also likely would incur additional ongoing administrative costs to implement the requirements of the bill. Those costs would include confirming information in the QVF to ensure an individual's voter registration preference, compiling the required monthly reports, and other duties related to data management. Those costs are indeterminate and could require the hiring of additional staff to comply with the requirements. The average annual costs for salary and benefits for one classified civil service employee for Fiscal Year 2023-24 is $140,000.

Finally, the bills would result in additional costs for the DOS associated with the mailings required under the bills.  The bills would require the SOS to mail qualifying individuals who apply for an operator's or chauffeur's license information explaining the eligibility requirements to vote and the choice to decline the voter registration. The estimated cost per mailing based on available data is an estimated 66 cents per parcel. The costs are indeterminate and would depend on how many parcels were mailed.

<u>House Bill 4983 (H-1)</u> would have an indeterminate negative fiscal impact on the DHHS resulting from the potential need for information technology modifications to connect existing DHHS IT systems to the QVF.