

Administrative Rule Analysis



ELECTRONIC RETURN OF ABSENT VOTER BALLOTS BY ELIGIBLE VOTERS

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Rule Set No.: 2022-064 ST
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Analysis available at
<http://www.legislature.mi.gov>

Department: State
Agency: Elections & Campaign Finance
Enabling Statute: Michigan Election Law, 1954 PA 116, MCL 168.759a et seq.

Analysis Complete to: 06/10/2025

BACKGROUND AND SUMMARY OF PROPOSED RULES

2022 PA 197 amended Michigan Election Law to require the secretary of state (SOS) to create a process to allow certain uniformed service members and members of the merchant marine to return ballots to their local clerks electronically, to create an online portal to facilitate electronic return of ballots, and to require the SOS to promulgate rules to implement these processes. Rule set number 2022-064 ST aims to provide those rules. The rules provide local clerks guidance on various aspects of the secure sending and return of electronic ballots. The rules provide guidance on:

- Eligible participants and the processes for them to participate.
- Clerks' responsibilities regarding delivering ballots to participants, verifying identities of returned ballots, and processing those ballots.
- Establishing limits to who can access and inspect the online portal and its data.
- Identity verification of electronically returned ballots.
- Data and information security and retention.
- Absent voter procedures.
- Administration of the online portal.
- How the rules must be construed in the event additional voters are authorized by law.

FISCAL IMPACT OF PROPOSED RULES

The rules would have no direct fiscal impact to the SOS or to local clerks and governments. The costs to establish and maintain an online portal resulted from the enactment of statute which the rules only implement and clarify.

The SOS reports that annual vendor contract costs to maintain the portal are \$290,000 and are supported by federal Help America Vote Act (HAVA) grant funding. HAVA grant funding has been provided intermittently as appropriated by Congress in recent years but may not be a consistent revenue source for the life of the online portal. The SOS also plans to use HAVA funds for other costly election administration purposes. If existing HAVA funds are depleted and future allocations are not provided, the annual costs of the online system would likely need to be supported from state sources.

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