

ACCESS TO VOTER FILE

House Bill 5404

Sponsor: Rep. Nick Ciaramitaro

Committee: Local Government

Complete to 1-26-98

A SUMMARY OF HOUSE BILL 5404 AS INTRODUCED 12-3-97

The bill would amend the Michigan Election Law to provide a procedure for dealing with requests for information contained in the qualified voter file and to authorize fees and additional charges. (The qualified voter file is the statewide system of maintaining records of voters and voter activity that is being established under Public Act 441 of 1994. That act provides that the qualified voter file is to be the official file for conducting all elections held in the state as of January 1, 1998.) The secretary of state or a clerk of a county, city, or township with direct access to the qualified voter file would have to provide information relative to his or her jurisdiction in a manner prescribed by the bill. Information could be provided as a paper listing or in an electronic format such as a computer tape or disk. (Some information in the file is exempt from the Freedom of Information Act and would be exempt from disclosure under this bill.)

The bill would divide people making requests for information into two categories: 1) those who would use the information exclusively for election, scholarly, journalistic, or political research purposes, or for governmental purposes; and 2) those who could use the information for other purposes. The secretary of state would be required to establish annually a market-based additional fee for information provided to those in the second category. (For the first year that the bill's provisions were in effect, the additional fee would be \$64 per 1,000 files provided.) This would be in addition to the fees the secretary of state could establish to cover the cost of reproducing information and any additional amount for any related service provided. The secretary of state would publish a list of fees and additional amounts and make it available to municipal clerks and school district secretaries, and to any other interested person upon request.

A person seeking information contained in the qualified voter file would apply to the secretary of state or the appropriate local clerk. The bill specifies what information would have to be contained in the application, which would include the person's name, address, telephone number, and driver license number or state identification card number (or other acceptable identification when a person did not have one of the others), and whether the information was to be used for a specific purpose cited above or for any purpose. Upon receipt of the application and the required fees, the secretary of state or clerk would have to respond to the request in no more than five business days, unless otherwise agreed to by the applicant. However, under extenuating circumstances, the secretary of state or clerk could issue a notice extending the period for not more than an additional ten business days. There could not be more than one notice of extension.

A county, city, or township that collected fees and additional amounts would retain them. The fees could be used to cover the costs of providing qualified voter file information, and the

additional amounts would have to be dedicated to the maintenance and upgrading of equipment needed to provide the information at the local level and would not revert to the local jurisdiction's general fund. Fees and additional amounts collected by the secretary of state would have to be deposited with the state treasurer to be dedicated to expenditures necessary to provide qualified voter file information at the state level. Such expenditures would include maintenance and upgrading of equipment, as well as research and development, training, additional hardware, software, and facilities, and acquisition of necessary support services.

The bill would specify that a city, township, village, or school district that did not have direct access to the qualified voter file and that received a list of registered voters from a local unit that did have direct access or from the secretary of state could provide information relative to its own jurisdiction in the manner prescribed by the bill.

The secretary of state or a local clerk would require the execution of a standard memorandum of understanding or sales agreement in connection with a transaction undertaken under the bill. The secretary of state would be required to prescribe the form and content of the memorandum or agreement and could insert any safeguard considered reasonable.

The secretary of state or county clerk would be required to provide reasonable access to the qualified voter file to school districts for the purposes of conducting school elections.

MCL 168.509hh

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.