

SENATE BILL NO. 402

June 22, 2023, Introduced by Senators MOSS, CAMILLERI, CHANG and GEISS and referred to the Committee on Elections and Ethics.

A bill to create a voting and elections database and institute; to provide for the powers and duties of certain state and local governmental officers and entities; and to provide remedies.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act may be cited as the "voting and elections
2 database and institute act".

3 Sec. 3. As used in this act:

4 (a) "Database and institute" means the Michigan voting and

1 elections database and institute created in section 5(1).

2 (b) "Local government" means a county, city, township, or any
3 other political subdivision of this state that conducts an
4 election.

5 Sec. 5. (1) Except as otherwise provided in this subsection,
6 no later than November 5, 2025, the secretary of state shall enter
7 into an agreement with 1 or more universities in this state to
8 create the Michigan voting and elections database and institute to
9 maintain and administer a central repository of elections and
10 voting data available to the public from all local governments in
11 this state and to foster, pursue, and sponsor research on existing
12 laws and best practices in voting and elections. If the secretary
13 of state fails to enter into an agreement as required under this
14 subsection by November 5, 2025, the secretary of state shall be
15 solely responsible for creating, maintaining, and administering the
16 Michigan voting and elections database and institute.

17 (2) The database and institute shall provide a center for
18 research, training, and information on voting systems and election
19 administration. The database and institute may do any of the
20 following:

21 (a) Conduct classes both for credit and noncredit.

22 (b) Organize interdisciplinary groups of scholars to research
23 voting and elections in this state.

24 (c) Conduct seminars involving voting and elections.

25 (d) Establish a nonpartisan centralized database in order to
26 collect, archive, and make publicly available at no cost an
27 accessible database pertaining to elections, voter registration,
28 and ballot access in this state.

29 (e) Assist in the dissemination of election data to the

1 public.

2 (f) Publish books and periodicals as the database and
3 institute considers appropriate on voting and elections in this
4 state.

5 (g) Provide nonpartisan technical assistance to local
6 governments, scholars, and the general public seeking to use the
7 resources of the database and institute.

8 (3) If the secretary of state enters into an agreement with 1
9 or more universities as provided under subsection (1), the parties
10 to that agreement shall enter into a memorandum of understanding
11 that includes the process for selecting the director of the
12 database and institute. If the secretary of state fails to enter
13 into an agreement as provided under subsection (1), the secretary
14 of state shall appoint the director of the database and institute.

15 (4) The database and institute shall maintain in an electronic
16 format and make available all relevant election and voting data and
17 records for at least the previous 12-year period. Except for any
18 data, information, or estimates that identify individual electors,
19 the data, information, and estimates maintained by the database and
20 institute must be posted on the department of state's website and
21 made available to the public at no cost. Maps, election day polling
22 places, and absent voter ballot drop box locations must be made
23 available in a geospatial file format. The database and institute
24 shall prepare any estimates made under this section by applying the
25 most advanced, peer-reviewed, and validated methodologies
26 available. The data and records that must be maintained include,
27 but are not limited to, all of the following:

28 (a) Estimates of the total population, voting age population,
29 and citizen voting age population by racial, color, or language

1 minority group and disability status, broken down to the precinct
2 level, on a year-by-year basis, for every local government in this
3 state, based on data from the United States Census Bureau, American
4 Community Survey, or data of comparable quality collected by a
5 public office.

6 (b) Election results at the precinct level for every federal,
7 state, and local election held in every local government in this
8 state.

9 (c) Contemporaneous voter registration lists, voter history
10 files, election day polling places, and absent voter ballot drop
11 box locations for every election in every local government in this
12 state.

13 (d) Contemporaneous maps or other documentation of the
14 configuration of precincts.

15 (e) Election day polling places, including, but not limited
16 to, lists of precincts assigned to each polling place, if
17 applicable.

18 (f) Adopted districting or redistricting plans for every
19 election in every local government in this state.

20 (g) Any other data that the director of the database and
21 institute considers necessary to maintain in furtherance of the
22 purposes of the database and institute.

23 (5) The data, information, and estimates maintained by the
24 database and institute may be relied on as evidence.

25 (6) All state agencies and local governments shall timely
26 provide the director of the database and institute with any
27 information requested by the director of the database and
28 institute. No later than 90 days after an election, each local
29 government shall transmit to the database and institute copies of

1 all of the following:

2 (a) Election results at the precinct level.

3 (b) Contemporaneous voter registration lists.

4 (c) Voter history files.

5 (d) Maps, descriptions, and shapefiles for election districts.

6 (e) Lists of election day polling places, shapefiles, or
7 descriptions of the precincts assigned to each election day polling
8 place.

9 (f) Any other publicly available data as requested by the
10 database and institute.

11 (7) The attorney general, the director of the database and
12 institute, or a designee of the attorney general or director may
13 file an action to enforce compliance with this section.

14 (8) No later than 90 days following the end of each state
15 fiscal year, the database and institute shall publish a report on
16 the priorities and finances of the database and institute.

17 (9) Subsections (2) to (8) take effect May 5, 2026.

18 Enacting section 1. This act does not take effect unless
19 Senate Bill No. 401 of the 102nd Legislature is enacted into law.

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