

HOUSE BILL No. 6066

November 29, 2016, Introduced by Rep. Lyons and referred to the Committee on Elections.

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 523, 523a, 813, and 829 (MCL 168.523, 168.523a, 168.813, and 168.829), sections 523, 813, and 829 as amended by 2012 PA 523 and section 523a as added by 2004 PA 92, and by adding sections 20 and 523b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 **SEC. 20. AS USED IN THIS ACT:**

2 **(A) "PHOTO IDENTIFICATION FOR VOTING PURPOSES" MEANS, IF**
3 **ISSUED TO THE INDIVIDUAL PRESENTING THE CARD OR DOCUMENT AND IF THE**
4 **NAME ON THE CARD OR DOCUMENT MATCHES THE INDIVIDUAL'S NAME IN HIS**
5 **OR HER VOTER REGISTRATION RECORD, ANY OF THE FOLLOWING:**

6 **(i) AN OPERATOR'S OR CHAUFFEUR'S LICENSE ISSUED UNDER THE**
7 **MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.1 TO 257.923.**

1 (ii) AN OFFICIAL STATE PERSONAL IDENTIFICATION CARD ISSUED
2 UNDER 1972 PA 222, MCL 28.291 TO 28.300.

3 (iii) A CURRENT OPERATOR'S OR CHAUFFEUR'S LICENSE ISSUED BY
4 ANOTHER STATE.

5 (iv) A CURRENT STATE PERSONAL IDENTIFICATION CARD ISSUED BY
6 ANOTHER STATE.

7 (v) A CURRENT FEDERAL GOVERNMENT OR STATE GOVERNMENT ISSUED
8 PHOTO IDENTIFICATION CARD.

9 (vi) A CURRENT UNITED STATES PASSPORT.

10 (vii) A MILITARY PHOTO IDENTIFICATION CARD.

11 (viii) A CURRENT TRIBAL PHOTO IDENTIFICATION CARD.

12 (ix) A CURRENT STUDENT PHOTO IDENTIFICATION CARD ISSUED BY A
13 HIGH SCHOOL OR AN ACCREDITED INSTITUTION OF HIGHER EDUCATION.

14 (B) "PROVISIONAL BALLOT" MEANS A SPECIAL BALLOT UTILIZED BY AN
15 INDIVIDUAL THAT IS TABULATED ONLY AFTER VERIFICATION OF THAT
16 INDIVIDUAL'S ELIGIBILITY TO VOTE.

17 Sec. 523. (1) At each election, before being given a ballot,
18 each registered elector offering to vote shall identify himself or
19 herself by presenting ~~an official state identification card issued~~
20 ~~to that individual under 1972 PA 222, MCL 28.291 to 28.300, an~~
21 ~~operator's or chauffeur's license issued to that individual under~~
22 ~~the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923, or~~
23 ~~other generally recognized picture identification card~~ **PHOTO**
24 **IDENTIFICATION FOR VOTING PURPOSES** and by executing an application,
25 on a form prescribed by the secretary of state, in the presence of
26 an election official which includes all of the following:

27 (a) The name of the elector.

1 (b) The elector's address of residence.

2 (c) The elector's date of birth.

3 (d) An affirmative statement by the elector that is included
4 in the signature statement indicating that he or she is a citizen
5 of the United States.

6 (e) The elector's signature or mark.

7 (2) If an elector's signature contained in the qualified voter
8 file is available in the polling place, the election official shall
9 compare the signature upon the application with the digitized
10 signature provided by the qualified voter file. If an elector's
11 signature is not contained in the qualified voter file, the
12 election official shall process the application in the same manner
13 as applications are processed when a voter registration list is
14 used in the polling place. If voter registration lists are used in
15 the precinct, the election inspector shall determine if the name on
16 the application to vote appears on the voter registration list. If
17 the name appears on the voter registration list, the elector shall
18 provide further identification or other information stated upon the
19 voter registration list. If the signature or an item of information
20 does not correspond, the vote of the person shall be challenged,
21 and the same procedure shall be followed as provided in this act
22 for the challenging of an elector. If the elector does not have an
23 ~~official state identification card, operator's or chauffeur's~~
24 ~~license, or other generally recognized picture identification card~~
25 **PHOTO IDENTIFICATION FOR VOTING PURPOSES** as required under this
26 subsection, the individual shall sign an affidavit to that effect
27 before an election inspector and be ~~allowed to vote as otherwise~~

1 ~~provided in this act. However, an elector being allowed to vote~~
2 ~~without the identification required under this subsection is~~
3 ~~subject to challenge as provided in section 727.~~ **ISSUED A**

4 **PROVISIONAL BALLOT THAT SHALL BE PROCESSED ACCORDING TO SECTIONS**
5 **523B AND 813.**

6 (3) If, upon a comparison of the signature or other
7 identification as required in this section, it is found that the
8 applicant is entitled to vote, the election officer having charge
9 of the registration list shall approve the application and write
10 his or her initials on the application, after which the number on
11 the ballot issued shall be noted on the application. The
12 application shall serve as 1 of the 2 poll lists required to be
13 kept as a record of a person who has voted. The application shall
14 be filed with the township, city, or village clerk. If voter
15 registration cards are used in the precinct, the date of the
16 election shall be noted by 1 of the election officials upon the
17 precinct registration card of each elector voting at an election.
18 If voter registration lists are used in the precinct, the election
19 official shall clearly indicate upon the list each elector voting
20 at that election. The clerk of a city, village, or township shall
21 maintain a record of voting participation for each registered
22 elector.

23 Sec. 523a. (1) If an individual who has applied to register to
24 vote on or before the close of registration appears at a polling
25 place on election day and completes an application under section
26 523 is not listed on the voter registration list, the election
27 inspector shall issue a ballot to the individual as follows:

1 (a) For an individual who presents a receipt issued by a
2 department of state office, a designated voter registration agency,
3 or the elector's county, city, or township clerk's office verifying
4 the acceptance of a voter registration application before the close
5 of registration and completes a new voter registration application,
6 the election inspector shall allow the individual to vote a ballot
7 in the same manner as an elector whose name is listed on the voter
8 registration list.

9 (b) For an individual who does not present a receipt verifying
10 the acceptance of a voter registration application under
11 subdivision (a), the election inspector shall determine whether the
12 individual is in the appropriate polling place based on residence
13 information provided by the individual. The election inspector
14 shall review any documents or maps in the polling place or
15 communicate with the city or township clerk to verify the
16 appropriate polling place for the individual. The election
17 inspector shall direct an individual who is not in the appropriate
18 polling place to the appropriate polling place. If the individual
19 refuses to go to the appropriate polling place, the election
20 inspector shall issue the individual a provisional ballot that
21 shall be processed according to ~~subsection (5)~~. **SECTIONS 523B AND**
22 **813.**

23 (2) Except for an individual who produces a receipt under
24 subsection (1)(a), the election inspector shall require an
25 individual who is not listed on the voter registration list to
26 execute a sworn statement affirming that the individual submitted a
27 voter registration application before the close of registration and

1 is eligible to vote in the election. An individual who provides
2 false information in a signed sworn statement under this subsection
3 is guilty of perjury. An individual signing a sworn statement shall
4 complete a new voter registration application. The individual shall
5 state the approximate date and in what manner the registration
6 application was submitted:

7 (a) To a department of state office.

8 (b) To a designated voter registration agency.

9 (c) To the office of his or her county, city, or township
10 clerk.

11 (d) By a mailed application.

12 (3) The election inspector shall contact the city or township
13 clerk to verify whether the individual who signed the sworn
14 statement **UNDER SUBSECTION (2)** is listed in the registration
15 records of the jurisdiction or whether there is any information
16 contrary to the content of the sworn statement.

17 (4) If the city or township clerk verifies the elector
18 information and finds no information contrary to the information
19 provided by the individual in the sworn statement and the
20 individual presents ~~a Michigan operator's or chauffeur's license,~~
21 ~~department of state issued personal identification card, other~~
22 ~~government issued photo identification card, or a photo~~
23 ~~identification card issued by an institution of higher education in~~
24 ~~this state described in section 6 of article VIII of the state~~
25 ~~constitution of 1963 or a junior college or community college~~
26 ~~established under section 7 of article VIII of the state~~
27 ~~constitution of 1963~~ **PHOTO IDENTIFICATION FOR VOTING PURPOSES** that

1 contains a current residence address to establish his or her
 2 identity and residence address, the individual shall be permitted
 3 to vote a provisional ballot ~~on election day. Before the~~
 4 ~~provisional ballot is tabulated on election day,~~ **THAT IS TABULATED**
 5 **ON ELECTION DAY IN THE SAME MANNER AS AN ELECTOR WHOSE NAME IS**
 6 **LISTED ON THE VOTER REGISTRATION LIST, EXCEPT THAT THE** election
 7 inspectors shall process the ballot as a challenged ballot under
 8 sections 745 and 746.

9 (5) ~~IF~~ **FOR AN INDIVIDUAL DESCRIBED IN SUBSECTION (2), IF** the
 10 election inspector is not able to contact the city or township
 11 clerk, the individual is not in the correct precinct, the
 12 individual presents identification other than ~~a Michigan operator's~~
 13 ~~or chauffeur's license, department of state issued personal~~
 14 ~~identification card, other government issued photo identification~~
 15 ~~card, or a photo identification card issued by an institution of~~
 16 ~~higher education in this state described in section 6 of article~~
 17 ~~VIII of the state constitution of 1963 or a junior college or~~
 18 ~~community college established under section 7 of article VIII of~~
 19 ~~the state constitution of 1963~~ **PHOTO IDENTIFICATION FOR VOTING**
 20 **PURPOSES** that contains a current residence address, or the
 21 individual is unable to present any **PHOTO** identification **FOR VOTING**
 22 **PURPOSES**, the individual shall be issued a provisional ballot that
 23 ~~is not tabulated on election day but is secured for verification~~
 24 ~~after the election.~~ **SHALL BE PROCESSED ACCORDING TO SECTIONS 523B**
 25 **AND 813.** A provisional ballot shall also be issued under this
 26 subsection to a voter who presents ~~a Michigan operator's license,~~
 27 ~~chauffeur's license, department of state personal identification~~

1 ~~card, other government issued photo identification card, or a photo~~
2 ~~identification card issued by an institution of higher education in~~
3 ~~this state described in section 6 of article VIII of the state~~
4 ~~constitution of 1963 or a junior college or community college~~
5 ~~established under section 7 of article VIII of the state~~
6 ~~constitution of 1963~~ **PHOTO IDENTIFICATION FOR VOTING PURPOSES** that
7 does not bear the voter's current residence address, if the voter
8 also presents a document to establish the voter's current residence
9 address. The election inspector shall accept a document containing
10 the name and current residence address of the voter as sufficient
11 documentation to issue a provisional ballot if it is 1 of the
12 following documents:

- 13 (a) A current utility bill.
14 (b) A current bank statement.
15 (c) A current paycheck, government check, or other government
16 document.

17 ~~—— (6) A provisional ballot shall be placed in a provisional~~
18 ~~ballot return envelope prescribed by the secretary of state and~~
19 ~~delivered to the city or township clerk after the polls close in a~~
20 ~~manner as prescribed by the secretary of state.~~

21 ~~—— (7) For a provisional ballot voted under subsection (4), the~~
22 ~~election inspector shall provide the voter with a notice that his~~
23 ~~or her ballot has been tabulated. For a provisional ballot voted~~
24 ~~under subsection (5), the election inspector shall provide the~~
25 ~~voter with a notice that the voter's information will be verified~~
26 ~~by the clerk of the jurisdiction within 6 days after the election~~
27 ~~to determine whether the ballot will be tabulated and, if the~~

~~1 ballot is not tabulated, to determine the reason it was not
2 tabulated. A clerk of a jurisdiction shall provide a free access
3 system for the voter to determine whether the ballot was tabulated.
4 The free access system may include a telephone number that does not
5 require a toll charge, a toll-free telephone number, an internet
6 website, or a mailed notice.~~

~~7 (8) As used in this section and sections 813 and 829,
8 "provisional ballot" means a special ballot utilized for an
9 individual who is not listed on the voter registration list at the
10 polling place that is tabulated only after verification of the
11 individual's eligibility to vote.~~

**12 SEC. 523B. (1) EXCEPT FOR A PROVISIONAL BALLOT THAT IS VOTED
13 AS PROVIDED IN SECTION 523A(4), A PROVISIONAL BALLOT ISSUED AND
14 VOTED UNDER SECTION 523 OR 523A SHALL BE PLACED IN A PROVISIONAL
15 BALLOT RETURN ENVELOPE PRESCRIBED BY THE SECRETARY OF STATE AND
16 DELIVERED TO THE CITY OR TOWNSHIP CLERK AFTER THE POLLS CLOSE IN A
17 MANNER AS PRESCRIBED BY THE SECRETARY OF STATE.**

**18 (2) EXCEPT FOR A PROVISIONAL BALLOT THAT IS VOTED AS PROVIDED
19 IN SECTION 523A(4), FOR A PROVISIONAL BALLOT VOTED UNDER SECTION
20 523 OR 523A, THE ELECTION INSPECTOR SHALL PROVIDE THE VOTER WITH A
21 NOTICE THAT THE VOTER'S INFORMATION WILL BE VERIFIED BY THE CLERK
22 OF THE JURISDICTION WITHIN 10 DAYS AFTER THE ELECTION AND A
23 DETERMINATION MADE ON WHETHER THE PROVISIONAL BALLOT WILL BE
24 TABULATED, AS PROVIDED IN SECTION 813. A CLERK OF A JURISDICTION
25 SHALL PROVIDE A FREE ACCESS SYSTEM FOR THE VOTER TO DETERMINE
26 WHETHER THE PROVISIONAL BALLOT WAS TABULATED. THE FREE ACCESS
27 SYSTEM MAY INCLUDE A TELEPHONE NUMBER THAT DOES NOT REQUIRE A TOLL**

1 **CHARGE, A TOLL-FREE TELEPHONE NUMBER, AN INTERNET WEBSITE, OR A**
 2 **MAILED NOTICE.**

3 Sec. 813. (1) Within ~~6~~**10** days after an election, for each
 4 provisional ballot that was placed in a provisional ballot return
 5 envelope **AS PROVIDED UNDER SECTION 523B(1)**, the city or township
 6 clerk shall determine whether the individual voting the provisional
 7 ballot was eligible to vote a ballot and whether to tabulate the
 8 provisional ballot. In making this determination, the city or
 9 township clerk shall not open the provisional ballot return
 10 envelope. A provisional ballot shall only be tabulated if a valid
 11 voter registration record for the elector is located ~~or if~~**AND** the
 12 identity and residence of the elector is established. ~~using a~~
 13 ~~Michigan operator's license, chauffeur's license, personal~~
 14 ~~identification card, other government issued photo identification~~
 15 ~~card, or a photo identification card issued by an institution of~~
 16 ~~higher education in this state described in section 6 of article~~
 17 ~~VIII of the state constitution of 1963 or a junior college or~~
 18 ~~community college established under section 7 of article VIII of~~
 19 ~~the state constitution of 1963 along with a document to establish~~
 20 ~~the voter's current residence address as provided in section~~
 21 ~~523a(5).~~**THE ELECTOR'S IDENTITY AND RESIDENCY CAN BE ESTABLISHED BY**
 22 **THE ELECTOR PERSONALLY APPEARING BEFORE THE CLERK OF THE**
 23 **JURISDICTION NOT LATER THAN 12 NOON ON THE TENTH DAY AFTER THE**
 24 **ELECTION AND DOING ANY OF THE FOLLOWING:**
 25 **(A) PRESENTING PHOTO IDENTIFICATION FOR VOTING PURPOSES THAT**
 26 **CONTAINS A CURRENT RESIDENCE ADDRESS AND EXECUTING AN AFFIDAVIT, ON**
 27 **A FORM PRESCRIBED BY THE SECRETARY OF STATE, AFFIRMING UNDER**

1 PENALTY OF PERJURY THAT THE ELECTOR IS THE SAME INDIVIDUAL WHO CAST
2 THE PROVISIONAL BALLOT ON ELECTION DAY.

3 (B) PRESENTING PHOTO IDENTIFICATION FOR VOTING PURPOSES ALONG
4 WITH A DOCUMENT TO ESTABLISH THE ELECTOR'S CURRENT RESIDENCE
5 ADDRESS AS PROVIDED IN SECTION 523A(5) AND EXECUTING AN AFFIDAVIT,
6 ON A FORM PRESCRIBED BY THE SECRETARY OF STATE, AFFIRMING UNDER
7 PENALTY OF PERJURY THAT THE ELECTOR IS THE SAME INDIVIDUAL WHO CAST
8 THE PROVISIONAL BALLOT ON ELECTION DAY.

9 (C) PRESENTING A DOCUMENT TO ESTABLISH THE ELECTOR'S CURRENT
10 RESIDENCE ADDRESS AS PROVIDED IN SECTION 523A(5) AND EXECUTING AN
11 AFFIDAVIT, ON A FORM PRESCRIBED BY THE SECRETARY OF STATE,
12 AFFIRMING UNDER PENALTY OF PERJURY THAT THE ELECTOR IS THE SAME
13 INDIVIDUAL WHO CAST THE PROVISIONAL BALLOT ON ELECTION DAY AND IS
14 OR HAS EITHER OF THE FOLLOWING:

15 (i) INDIGENT AND ATTEMPTED BUT WAS UNABLE TO OBTAIN PHOTO
16 IDENTIFICATION FOR VOTING PURPOSES WITHOUT PAYMENT OF A FEE.

17 (ii) A BONA FIDE RELIGIOUS OBJECTION TO BEING PHOTOGRAPHED AND
18 DOES NOT POSSESS A PHOTO IDENTIFICATION FOR VOTING PURPOSES.

19 (2) Before the provisional ballot is tabulated, election
20 officials shall process the ballot as a challenged ballot under
21 sections 745 and 746.

22 (3) ~~(2) Within 7~~ **NOT EARLIER THAN 11** days after an election ~~7~~
23 ~~but sooner if practicable,~~ **AND NOT LATER THAN 13 DAYS AFTER AN**
24 **ELECTION**, the city or township clerk shall transmit the results of
25 provisional ballots tabulated after the election to the board of
26 county canvassers. The results shall be transmitted in a form
27 prescribed by the secretary of state.

1 (4) ~~(3) Within 7~~ **NOT EARLIER THAN 11** days after an election
2 **AND NOT LATER THAN 13 DAYS AFTER AN ELECTION**, the city or township
3 clerk shall transmit to the county clerk a provisional ballot
4 report for each precinct in the jurisdiction. The report shall
5 include for each precinct the number of provisional ballots issued,
6 the number of provisional ballots tabulated on election day, the
7 number of provisional ballots forwarded to the clerk to be
8 determined after the election, the number of provisional ballots
9 tabulated by the clerk after election day, and any additional
10 information concerning provisional ballots as required by the
11 secretary of state.

12 (5) ~~(4) Within 7~~ **NOT EARLIER THAN 11** days after an election
13 **AND NOT LATER THAN 13 DAYS AFTER AN ELECTION**, the city or township
14 clerk shall transmit to the county clerk an affidavit report that
15 includes **BOTH** the number of affidavits signed by voters under
16 section 523(2) **AND THE NUMBER OF AFFIDAVITS EXECUTED BY ELECTORS**
17 **UNDER SUBSECTION (1) (C)**. The affidavit report shall be transmitted
18 to the county clerk in a form prescribed by the secretary of state.

19 Sec. 829. (1) The board of county canvassers shall include the
20 results of the tabulated provisional ballots in the canvass of the
21 election following procedures prescribed by the secretary of state
22 designed to maintain the secrecy of the ballot.

23 (2) Within 14 days after a primary or election, the county
24 clerk shall transmit a county provisional ballot report to the
25 secretary of state. The county provisional ballot report shall be
26 in a manner prescribed by the secretary of state. After the
27 secretary of state receives a county provisional ballot report, the

1 county provisional ballot report shall be immediately available for
2 public inspection.

3 (3) Within 14 days after an election, the county clerk shall
4 transmit a county affidavit report to the secretary of state. The
5 county affidavit report shall include the number of affidavits
6 signed by voters under section 523(2) **AND THE NUMBER OF AFFIDAVITS**
7 **EXECUTED BY ELECTORS UNDER SECTION 813(1)(C)**. The county affidavit
8 report shall be transmitted in a form prescribed by the secretary
9 of state. After the secretary of state receives the county
10 affidavit report from the county clerk, the county affidavit report
11 shall immediately be available for public inspection.

12 Enacting section 1. This amendatory act takes effect February
13 1, 2018.