

Act No. 268
Public Acts of 2023
Approved by the Governor
November 30, 2023
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**STATE OF MICHIGAN
102ND LEGISLATURE
REGULAR SESSION OF 2023**

Introduced by Reps. Tsernoglou, McFall, Wegela, Wilson, Conlin, Glanville, Brixie, Skaggs, Morgan, Haadsma, Brabec, MacDonell, Martus, Grant, Weiss, Stone, Rheingans, Andrews, Price, Breen, Coffia and Hill

ENROLLED HOUSE BILL No. 4983

AN ACT to amend 1954 PA 116, entitled “An act to reorganize, consolidate, and add to the election laws; to provide for election officials and prescribe their powers and duties; to prescribe the powers and duties of certain state departments, state agencies, and state and local officials and employees; to provide for the nomination and election of candidates for public office; to provide for the resignation, removal, and recall of certain public officers; to provide for the filling of vacancies in public office; to provide for and regulate primaries and elections; to provide for the purity of elections; to guard against the abuse of the elective franchise; to define violations of this act; to provide appropriations; to prescribe penalties and provide remedies; and to repeal certain acts and all other acts inconsistent with this act,” by amending sections 493a, 500a, and 501 (MCL 168.493a, 168.500a, and 168.501), section 493a as added by 2018 PA 603 and sections 500a and 501 as amended by 2018 PA 125, and by adding section 493b.

The People of the State of Michigan enact:

Sec. 493a. (1) Subject to this section, the secretary of state shall automatically register to vote each individual who meets the qualifications of an elector under section 492 and who submits an application for an operator’s or chauffeur’s license issued under the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923, an official state personal identification card issued under 1972 PA 222, MCL 28.291 to 28.300, or an enhanced driver license or enhanced official state personal identification card issued under the enhanced driver license and enhanced official state personal identification card act, 2008 PA 23, MCL 28.301 to 28.308. In addition, subject to this section, the secretary of state shall automatically register to vote each individual who meets the qualifications of an elector under section 492 and who submits a change of address application for an operator’s or chauffeur’s license issued under the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923, an official state personal identification card issued under 1972 PA 222, MCL 28.291 to 28.300, or an enhanced driver license or enhanced official state personal identification card issued under the enhanced driver license and enhanced official state personal identification card act, 2008 PA 23, MCL 28.301 to 28.308.

(2) Subject to this subsection, for each individual who submits an application under subsection (1) or who is issued a graduated licensing status under section 310e of the Michigan vehicle code, 1949 PA 300, MCL 257.310e, who provides or has provided documentation demonstrating United States citizenship, and who is of sufficient age to register to vote, the secretary of state shall, if the individual is not already registered to vote in this state, add the information required under section 509q(1)(a), (b), and (g) to the qualified voter file for that individual and electronically forward the individual’s information to the clerk of the city or township in which the individual resides to have the clerk register that individual to vote. For an individual registered to vote under this subsection,

the qualified voter file must include an indication that the individual was registered to vote under this section. Subject to this subsection, the secretary of state shall send to the individual's residence address, by nonforwardable mail, a notice that the individual has been registered to vote and a postage prepaid and preaddressed return form by which the individual may decline the voter registration. The secretary of state shall prescribe the form of the notice described in this subsection. In addition, the secretary of state shall develop procedures for processing a voter registration under this subsection for an individual who has previously declined voter registration under subsection (4).

(3) The notice mailed to an individual under subsection (2) must include all of the following:

(a) An explanation of the eligibility requirements to register to vote, and a statement that if the individual is not eligible to vote, the individual must decline the voter registration by using the postage prepaid and preaddressed return form.

(b) A statement that an individual may decline the voter registration. The statement must also indicate that if the individual declines the voter registration, the fact that the individual declined the voter registration remains confidential and can be used only for purposes of voter registration statistics. The statement must also indicate that if the individual remains registered to vote, the office at which the individual was registered to vote remains confidential and can be used only for voter registration purposes.

(c) Information on how a registered elector may cast an absent voter ballot.

(4) If an individual returns a notice mailed under subsection (2) and declines the voter registration, that individual is considered to never have been registered to vote and any information added to the qualified voter file for that individual must be removed. However, if an individual has voted in an election and then returns a notice mailed under subsection (2) that declines the voter registration, the secretary of state's office shall contact that individual to determine whether the individual wishes to decline the voter registration or remain registered to vote.

(5) If a notice mailed under subsection (2) is returned to the secretary of state by the post office as undeliverable, the qualified voter file must generate a notification to the clerk of the city or township in which that individual resides to have the clerk mail the individual a notice required under section 509aa(3). If an individual returns a notice mailed under subsection (2) without selecting the option to decline the voter registration, the individual remains registered to vote.

(6) The secretary of state shall not provide an opportunity to register to vote or automatically register to vote any individual who, when submitting an application under subsection (1), provides documentation demonstrating that the individual is not a United States citizen. Subject to this subsection, for any other individual who submits an application under subsection (1) who has not provided documentation demonstrating United States citizenship, but who is of sufficient age to register to vote, the secretary of state shall offer to register to vote that individual if the individual indicates on the individual's operator's or chauffeur's license application, official state personal identification card application, or change of address application that the individual is a citizen of the United States. The secretary of state shall add the information required under section 509q(1)(a), (b), and (g) to the qualified voter file for each elector registered under this subsection and shall electronically forward the name of each elector registered under this subsection to the clerk of the city or township in which each elector resides to have the clerk register that individual to vote. For an individual registered under this subsection, the qualified voter file must include an indication that the individual was registered to vote under this section. For purposes of this subsection only, the secretary of state shall not register to vote an individual under this subsection who indicates on the individual's operator's or chauffeur's license application, official state personal identification card application, or change of address application that the individual declines to use the application as a voter registration application. The secretary of state shall not transmit any information to the qualified voter file regarding any individual who declines under this subsection to use an application described in this section as a voter registration application.

(7) The secretary of state shall use the procedures in subsections (2) to (6) to preregister any individual who meets the qualifications to preregister to vote under section 496a and who submits an application under subsection (1). The procedures in subsections (2) to (5) must be used for each individual who submits an application under subsection (1), or who is issued a graduated licensing status under section 310e of the Michigan vehicle code, 1949 PA 300, MCL 257.310e, who provides or has provided documentation demonstrating United States citizenship, and who is of sufficient age to preregister to vote. The notice and procedures required in subsections (2) to (5) must be modified to reflect that the individual has been preregistered to vote, not registered to vote. The procedures in subsection (6) must be used for each individual who submits an application under subsection (1) and who has not provided documentation demonstrating United States citizenship, but is of sufficient age to preregister to vote, except that the secretary of state shall not provide an opportunity to preregister to vote or automatically preregister to vote any individual who, at the time of submitting an application under subsection (1), provides documentation demonstrating that the individual is not a United States citizen.

(8) An individual who is not eligible to vote and who, without intending to register to vote, becomes registered to vote through human or mechanical error is not considered to have knowingly intended to register to vote in violation of section 519.

(9) If an individual who is not eligible to vote becomes registered to vote under subsection (2) or section 493b and votes or attempts to vote in an election held after the effective date of the individual's voter registration, that individual is presumed to have a defense for a violation under section 932a(c). This subsection does not apply to an individual who knowingly and willfully makes a false statement to effectuate voter registration or who intentionally takes voluntary action to register to vote or vote knowing that the individual is not entitled to vote.

(10) Nothing in this section shall be construed to amend the substantive qualifications for voter registration in this state, or to require documentary proof of United States citizenship for voter registration.

(11) The secretary of state shall publicly release data reports, as described in this subsection, on a monthly basis. The data reports must not include any personally identifying information, must be subcategorized by sex and age of the individuals included, and must include all of the following information:

(a) The number of individuals registered to vote or preregistered to vote under the procedures in subsections (2) to (5).

(b) The number of individuals who declined voter registration or voter preregistration under the procedures in subsections (2) to (5).

(c) The number of individuals registered to vote or preregistered to vote under the procedures in subsection (6).

(d) The number of individuals who declined voter registration or voter preregistration under the procedures in subsection (6).

(e) The number of individuals whose voter registration or voter preregistration was updated pursuant to the requirement under sections 509o and 509r that the secretary of state use the residence address provided on a driver license or state personal identification card application as the applicant's residence address in the qualified voter file.

Sec. 493b. (1) If the secretary of state verifies that a state agency in the regular course of business collects 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 secretary of state may designate that state agency as an automatic voter registration agency. Once a state agency is designated as an automatic voter registration agency, that state agency must not be removed as an automatic voter registration agency unless it is shown that the state agency no longer collects sufficient information to confirm the eligibility for voter registration or the updating of information for an existing voter registration.

(2) If a state agency is designated as an automatic voter registration agency under subsection (1), that state agency and the secretary of state shall jointly establish a procedure and schedule for automatically and electronically transmitting voter registration information from the state agency to the secretary of state for those individuals who are eligible to register to vote or preregister to vote, or to update information in the qualified voter file for those individuals who are already registered to vote or preregistered to vote. Subject to any instructions issued and determined necessary by the secretary of state to conform with a designated state agency transaction, each designated state agency under subsection (1), the secretary of state, and the clerk of each city and township must comply with the procedures under section 493a for automatically registering and preregistering individuals to vote.

(3) If information is received under subsection (2) for an individual who is already registered to vote or preregistered to vote, the secretary of state shall use the most recent information for the residence address or name of the individual received from the state agency to update the individual's information in the qualified voter file. The secretary of state shall 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 may verify or correct the information. If the individual returns the notice and indicates that the change to the individual's record was in error, the secretary of state must immediately revert the individual's updated information in the qualified voter file to the information as it existed before the update.

(4) Subject to compliance with all applicable federal laws and regulations, as part of an application for Medicaid coverage to the department of health and human services, the department of health and human services shall automatically and electronically transmit the information required under section 509q(1)(a), either the information required under section 509q(1)(b) or the last 4 digits of the individual's Social Security number, and the individual's digitized signature, if available, to the secretary of state for each individual who is of sufficient age to register to vote or preregister to vote and who is verified as a United States citizen. Subject to any instructions issued and determined necessary by the secretary of state to conform with the structure of a

department of health and human services application, in processing the information received from the department of health and human services under this subsection, the secretary of state and each city or township clerk shall comply with the requirements established under section 493a(2) to (5) and (7) for automatically registering and preregistering individuals to vote, and the requirements established under subsection (3) for updating information for individuals who are already registered to vote or preregistered to vote.

(5) Subject to compliance with all applicable federal laws and regulations, an Indian nation or tribe located in this state may, at its discretion, submit a request to the secretary of state 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 information required under section 509q(1)(a), either the information required under section 509q(1)(b) or the last 4 digits of the individual's Social Security number, and the individual's digitized signature, if available, for any tribal member to the secretary of state 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 submits a request under this subsection and the Indian nation's or tribe's governing body, election board, election official, or other designated representative collects 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 secretary of state shall 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 secretary of state to conform with Indian nation or tribal procedures, in processing information received under this subsection, the secretary of state and each city or township clerk shall comply with the requirements established under section 493a(2) to (5) and (7) for automatically registering and preregistering individuals to vote, and the requirements established under subsection (3) for updating information for individuals who are already registered to vote or preregistered to vote.

(6) The secretary of state and the department of corrections shall coordinate to ensure that eligible individuals are automatically registered to vote, with the opportunity to decline the voter registration, on release from incarceration imposed as a sentence for a crime. Subject to this subsection, for individuals scheduled to be released on parole, or discharged on completion of the individual's maximum sentence, and who will be issued an operator's or chauffeur's license under the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923, an official state personal identification card under 1972 PA 222, MCL 28.291 to 28.300, or an enhanced driver license or enhanced official state personal identification card under the enhanced driver license and enhanced official state personal identification card act, 2008 PA 23, MCL 28.301 to 28.308, the secretary of state and the department of corrections shall use the procedures under section 493a(2) to (7) to comply with this subsection. However, an individual must not be registered to vote until the individual's release on parole or discharge on completion of the individual's maximum sentence. The procedures under section 493a(2) to (5) must be used for each individual who submits an application for an operator's or chauffeur's license under the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923, an official state personal identification card under 1972 PA 222, MCL 28.291 to 28.300, or an enhanced driver license or enhanced official state personal identification card under the enhanced driver license and enhanced official state personal identification card act, 2008 PA 23, MCL 28.301 to 28.308, who provides or has provided documentation demonstrating United States citizenship, and who is of sufficient age to register to vote. The notice and procedures required under section 493a(2) to (5) must be modified to reflect that the individual is not registered to vote until released on parole or discharged on completion of the individual's maximum sentence. Subject to this subsection, the procedures under section 493a(6) must be used for each individual who submits an application for an operator's or chauffeur's license under the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923, or an official state personal identification card under 1972 PA 222, MCL 28.291 to 28.300, and who has not provided documentation demonstrating United States citizenship but is of sufficient age to register to vote. However, the secretary of state shall not provide an opportunity to register to vote or automatically register to vote any individual who, at the time of submitting an application for an operator's or chauffeur's license under the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923, or an official state personal identification card under 1972 PA 222, MCL 28.291 to 28.300, provides documentation demonstrating that the individual is not a United States citizen. The secretary of state and the department of corrections shall jointly ensure that an individual is not registered to vote under this subsection until the individual has been released on parole or discharged on completion of the individual's maximum sentence. For any individual who is released from incarceration imposed as a sentence for a crime and who is not otherwise subject to this subsection, the department of corrections and the secretary of state shall, as provided under subsection (2), jointly establish a procedure and schedule for automatically and electronically transmitting voter registration information from the department of corrections to the secretary of state for those individuals who are eligible to register or preregister to vote.

(7) The secretary of state shall 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 under this section, that do not include a digitized image of the applicant's signature.

Sec. 500a. The secretary of state or the secretary of state's agent shall ensure that an individual who appears in a department of state branch office or an individual who applies for renewal of an operator's or chauffeur's license under section 307 of the Michigan vehicle code, 1949 PA 300, MCL 257.307, is afforded an opportunity 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. This section does not require a registered elector to periodically reregister or to renew the elector's registration.

Sec. 501. The master registration cards must be filed alphabetically and must be termed the "master file". Subject to section 493b(7), the master file must contain the signature of each elector registered in the city or township, unless the clerk of the jurisdiction has access to the qualified voter file and the elector has a digitized signature in the qualified voter file. If an elector is unable to write, or sign the elector's name because of a physical disability, the master file must contain the mark or signature stamp used by that elector when a signature is required.

Enacting section 1. This amendatory act takes effect June 30, 2025.

Enacting section 2. This amendatory act does not take effect unless House Bill No. 4569 of the 102nd Legislature is enacted into law.



Clerk of the House of Representatives



Secretary of the Senate

Approved _____

Governor

Compiler's note: House Bill No. 4569, referred to in enacting section 2, was filed with the Secretary of State December 1, 2023, and became 2023 PA 258, Eff. Feb. 13, 2024.