

SUBSTITUTE FOR
HOUSE BILL NO. 6066

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, 523b, and 523c.

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 STATE GOVERNMENT ISSUED PHOTO IDENTIFICATION
8 CARD.

9 (vi) A UNITED STATES PASSPORT OR FEDERAL GOVERNMENT ISSUED
10 PHOTO IDENTIFICATION CARD.

11 (vii) A MILITARY PHOTO IDENTIFICATION CARD.

12 (viii) A TRIBAL PHOTO IDENTIFICATION CARD.

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

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

18 Sec. 523. (1) At each election, before being given a ballot,
19 each registered elector offering to vote shall identify himself or
20 herself by presenting ~~an official state identification card issued~~
21 ~~to that individual under 1972 PA 222, MCL 28.291 to 28.300, an~~
22 ~~operator's or chauffeur's license issued to that individual under~~
23 ~~the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923, or~~
24 ~~other generally recognized picture identification card~~ **PHOTO**
25 **IDENTIFICATION FOR VOTING PURPOSES, EXCEPT AS OTHERWISE PROVIDED IN**
26 **SUBSECTION (4),** and by executing an application, on a form
27 prescribed by the secretary of state, in the presence of an

1 election official ~~which~~ **THAT** includes all of the following:

2 (a) The name of the elector.

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

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

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

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

9 (2) If an elector's signature contained in the qualified voter
10 file is available in the polling place, the election official shall
11 compare the signature upon the application with the digitized
12 signature provided by the qualified voter file. If an elector's
13 signature is not contained in the qualified voter file, the
14 election official shall process the application in the same manner
15 as applications are processed when a voter registration list is
16 used in the polling place. If voter registration lists are used in
17 the precinct, the election inspector shall determine if the name on
18 the application to vote appears on the voter registration list. If
19 the name appears on the voter registration list, the elector shall
20 provide further identification or other information stated upon the
21 voter registration list. If the signature or an item of information
22 does not correspond, the vote of the person shall be challenged,
23 and the same procedure shall be followed as provided in this act
24 for the challenging of an elector. ~~If~~ **EXCEPT AS OTHERWISE PROVIDED**
25 **IN SUBSECTION (4), IF** the elector does not have an ~~official state~~
26 ~~identification card, operator's or chauffeur's license, or other~~
27 ~~generally recognized picture identification card~~ **PHOTO**

1 **IDENTIFICATION FOR VOTING PURPOSES** as required under this
2 subsection, the individual shall sign an affidavit to that effect
3 before an election inspector and be ~~allowed to vote as otherwise~~
4 ~~provided in this act. However, an elector being allowed to vote~~
5 ~~without the identification required under this subsection is~~
6 ~~subject to challenge as provided in section 727.~~ **ISSUED A**
7 **PROVISIONAL BALLOT THAT SHALL BE PROCESSED ACCORDING TO SECTIONS**
8 **523B AND 813.**

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

26 (4) **AN ELECTOR WHO VOTES IN PERSON AT A POLLING PLACE LOCATED**
27 **AT A FOR-PROFIT OR NONPROFIT RESIDENCE OR FACILITY IN WHICH 150**

1 PERSONS OR MORE AGED 62 OR OLDER RESIDE AND THAT IS WHERE THAT
2 ELECTOR RESIDES, AND WHO DOES NOT HAVE PHOTO IDENTIFICATION FOR
3 VOTING PURPOSES, MAY SIGN AN AFFIDAVIT TO THAT EFFECT BEFORE AN
4 ELECTION INSPECTOR AND BE ALLOWED TO VOTE AS OTHERWISE PROVIDED IN
5 THIS ACT. HOWEVER, AN ELECTOR WHO IS ALLOWED TO VOTE WITHOUT PHOTO
6 IDENTIFICATION FOR VOTING PURPOSES UNDER THIS SUBSECTION IS SUBJECT
7 TO CHALLENGE AS PROVIDED IN SECTION 727.

8 Sec. 523a. (1) If an individual who has applied to register to
9 vote on or before the close of registration appears at a polling
10 place on election day and completes an application under section
11 523 is not listed on the voter registration list, the election
12 inspector shall issue a ballot to the individual as follows:

13 (a) For an individual who presents a receipt issued by a
14 department of state office, a designated voter registration agency,
15 or the elector's county, city, or township clerk's office verifying
16 the acceptance of a voter registration application before the close
17 of registration and completes a new voter registration application,
18 the election inspector shall allow the individual to vote a ballot
19 in the same manner as an elector whose name is listed on the voter
20 registration list.

21 (b) For an individual who does not present a receipt verifying
22 the acceptance of a voter registration application under
23 subdivision (a), the election inspector shall determine whether the
24 individual is in the appropriate polling place based on residence
25 information provided by the individual. The election inspector
26 shall review any documents or maps in the polling place or
27 communicate with the city or township clerk to verify the

1 appropriate polling place for the individual. The election
2 inspector shall direct an individual who is not in the appropriate
3 polling place to the appropriate polling place. If the individual
4 refuses to go to the appropriate polling place, the election
5 inspector shall issue the individual a provisional ballot that
6 shall be processed according to ~~subsection (5)~~. **SECTIONS 523B AND**
7 **813.**

8 (2) Except for an individual who produces a receipt under
9 subsection (1)(a), the election inspector shall require an
10 individual who is not listed on the voter registration list to
11 execute a sworn statement affirming that the individual submitted a
12 voter registration application before the close of registration and
13 is eligible to vote in the election. An individual who provides
14 false information in a signed sworn statement under this subsection
15 is guilty of perjury. An individual signing a sworn statement shall
16 complete a new voter registration application. The individual shall
17 state the approximate date and in what manner the registration
18 application was submitted:

19 (a) To a department of state office.

20 (b) To a designated voter registration agency.

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

23 (d) By a mailed application.

24 (3) The election inspector shall contact the city or township
25 clerk to verify whether the individual who signed the sworn
26 statement **UNDER SUBSECTION (2)** is listed in the registration
27 records of the jurisdiction or whether there is any information

1 contrary to the content of the sworn statement.

2 (4) If the city or township clerk verifies the elector
3 information and finds no information contrary to the information
4 provided by the individual in the sworn statement and, **EXCEPT AS**
5 **OTHERWISE PROVIDED IN SECTION 523(4)**, the individual presents a
6 ~~Michigan operator's or chauffeur's license, department of state~~
7 ~~issued personal identification card, other government issued photo~~
8 ~~identification card, or a photo identification card issued by an~~
9 ~~institution of higher education in this state described in section~~
10 ~~6 of article VIII of the state constitution of 1963 or a junior~~
11 ~~college or community college established under section 7 of article~~
12 ~~VIII of the state constitution of 1963~~ **PHOTO IDENTIFICATION FOR**
13 **VOTING PURPOSES** that contains a current residence address to
14 establish his or her identity and residence address, the individual
15 shall be permitted to vote a provisional ballot ~~on election day.~~
16 ~~Before the provisional ballot is tabulated on election day,~~ **THAT IS**
17 **TABULATED ON ELECTION DAY IN THE SAME MANNER AS AN ELECTOR WHOSE**
18 **NAME IS LISTED ON THE VOTER REGISTRATION LIST, EXCEPT THAT THE**
19 election inspectors shall process the ballot as a challenged ballot
20 under sections 745 and 746.

21 (5) ~~If~~ **FOR AN INDIVIDUAL DESCRIBED IN SUBSECTION (2), IF** the
22 election inspector is not able to contact the city or township
23 clerk, the individual is not in the correct precinct, the
24 individual presents identification other than a ~~Michigan operator's~~
25 ~~or chauffeur's license, department of state issued personal~~
26 ~~identification card, other government issued photo identification~~
27 ~~card, or a photo identification card issued by an institution of~~

1 ~~higher education in this state described in section 6 of article~~
2 ~~VIII of the state constitution of 1963 or a junior college or~~
3 ~~community college established under section 7 of article VIII of~~
4 ~~the state constitution of 1963~~ **PHOTO IDENTIFICATION FOR VOTING**
5 **PURPOSES** that contains a current residence address, or, **EXCEPT AS**
6 **OTHERWISE PROVIDED IN SECTION 523(4)**, the individual is unable to
7 present any **PHOTO identification FOR VOTING PURPOSES**, the
8 individual shall be issued a provisional ballot that ~~is not~~
9 ~~tabulated on election day but is secured for verification after the~~
10 ~~election.~~ **SHALL BE PROCESSED ACCORDING TO SECTIONS 523B AND 813.** A
11 provisional ballot shall also be issued under this subsection to a
12 voter who presents a ~~Michigan operator's license, chauffeur's~~
13 ~~license, department of state personal identification card, other~~
14 ~~government issued photo identification card, or a photo~~
15 ~~identification card issued by an institution of higher education in~~
16 ~~this state described in section 6 of article VIII of the state~~
17 ~~constitution of 1963 or a junior college or community college~~
18 ~~established under section 7 of article VIII of the state~~
19 ~~constitution of 1963~~ **PHOTO IDENTIFICATION FOR VOTING PURPOSES** that
20 does not bear the voter's current residence address, if the voter
21 also presents a document to establish the voter's current residence
22 address. The election inspector shall accept a document containing
23 the name and current residence address of the voter as sufficient
24 documentation to issue a provisional ballot if it is 1 of the
25 following documents:
26 (a) A current utility bill.
27 (b) A current bank statement.

1 (c) A current paycheck, government check, or other government
2 document.

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

7 ~~—— (7) For a provisional ballot voted under subsection (4), the
8 election inspector shall provide the voter with a notice that his
9 or her ballot has been tabulated. For a provisional ballot voted
10 under subsection (5), the election inspector shall provide the
11 voter with a notice that the voter's information will be verified
12 by the clerk of the jurisdiction within 6 days after the election
13 to determine whether the ballot will be tabulated and, if the
14 ballot is not tabulated, to determine the reason it was not
15 tabulated. A clerk of a jurisdiction shall provide a free access
16 system for the voter to determine whether the ballot was tabulated.
17 The free access system may include a telephone number that does not
18 require a toll charge, a toll-free telephone number, an internet
19 website, or a mailed notice.~~

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

25 **SEC. 523B. (1) EXCEPT FOR A PROVISIONAL BALLOT THAT IS VOTED**
26 **AS PROVIDED IN SECTION 523A(4), A PROVISIONAL BALLOT ISSUED AND**
27 **VOTED UNDER SECTION 523 OR 523A SHALL BE PLACED IN A PROVISIONAL**

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1 BALLOT RETURN ENVELOPE PRESCRIBED BY THE SECRETARY OF STATE AND
2 DELIVERED TO THE CITY OR TOWNSHIP CLERK AFTER THE POLLS CLOSE IN A
3 MANNER AS PRESCRIBED BY THE SECRETARY OF STATE.

4 (2) FOR A PROVISIONAL BALLOT VOTED UNDER SECTION 523 OR 523A,
5 EXCEPT FOR A PROVISIONAL BALLOT THAT IS VOTED AS PROVIDED IN
6 SECTION 523A(4), THE ELECTION INSPECTOR SHALL PROVIDE THE VOTER
7 WITH A NOTICE THAT THE VOTER'S INFORMATION WILL BE VERIFIED BY THE
8 CLERK OF THE JURISDICTION WITHIN 10 DAYS AFTER THE ELECTION AND A
9 DETERMINATION MADE ON WHETHER THE PROVISIONAL BALLOT WILL BE
10 TABULATED, AS PROVIDED IN SECTION 813. A CLERK OF A JURISDICTION
11 SHALL PROVIDE A FREE ACCESS SYSTEM FOR THE VOTER TO DETERMINE
12 WHETHER THE PROVISIONAL BALLOT WAS TABULATED. THE FREE ACCESS
13 SYSTEM MAY INCLUDE A TELEPHONE NUMBER THAT DOES NOT REQUIRE A TOLL
14 CHARGE, A TOLL-FREE TELEPHONE NUMBER, AN INTERNET WEBSITE, OR A
15 MAILED NOTICE.

16 SEC. 523C. FOR THE 2016-2017 FISCAL YEAR, [\$8,000,000.00] IS
17 APPROPRIATED FROM THE GENERAL FUND TO THE DEPARTMENT OF STATE FOR
18 ELECTION MODERNIZATIONS [INCLUDING VOTING EQUIPMENT], VOTER EDUCATION,
19 AND IMPLEMENTATION OF THE VOTER IDENTIFICATION PROVISIONS.

20 Sec. 813. (1) Within ~~6~~10 days after an election, for each
21 provisional ballot that was placed in a provisional ballot return
22 envelope **AS PROVIDED UNDER SECTION 523B(1)**, the city or township
23 clerk shall determine whether the individual voting the provisional
24 ballot was eligible to vote a ballot and whether to tabulate the
25 provisional ballot. In making this determination, the city or
26 township clerk shall not open the provisional ballot return
27 envelope. A provisional ballot shall only be tabulated if a valid

1 voter registration record for the elector is located ~~or if~~ **AND** the
 2 identity and residence of the elector is established. ~~using a~~
 3 ~~Michigan operator's license, chauffeur's license, personal~~
 4 ~~identification card, other government issued photo identification~~
 5 ~~card, or a photo identification card issued by an institution of~~
 6 ~~higher education in this state described in section 6 of article~~
 7 ~~VIII of the state constitution of 1963 or a junior college or~~
 8 ~~community college established under section 7 of article VIII of~~
 9 ~~the state constitution of 1963 along with a document to establish~~
 10 ~~the voter's current residence address as provided in section~~
 11 ~~523a(5).~~ **THE ELECTOR'S IDENTITY AND RESIDENCY CAN BE ESTABLISHED BY**
 12 **THE ELECTOR PERSONALLY APPEARING BEFORE THE CLERK OF THE**
 13 **JURISDICTION NOT LATER THAN 12 NOON ON THE TENTH DAY AFTER THE**
 14 **ELECTION AND DOING ANY OF THE FOLLOWING:**

15 (A) PRESENTING PHOTO IDENTIFICATION FOR VOTING PURPOSES THAT
 16 CONTAINS A CURRENT RESIDENCE ADDRESS AND EXECUTING AN AFFIDAVIT, ON
 17 A FORM PRESCRIBED BY THE SECRETARY OF STATE, AFFIRMING UNDER
 18 PENALTY OF PERJURY THAT THE ELECTOR IS THE SAME INDIVIDUAL WHO CAST
 19 THE PROVISIONAL BALLOT ON ELECTION DAY.

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

26 (C) PRESENTING A DOCUMENT TO ESTABLISH THE ELECTOR'S CURRENT
 27 RESIDENCE ADDRESS AS PROVIDED IN SECTION 523A(5) AND EXECUTING AN

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1 AFFIDAVIT, ON A FORM PRESCRIBED BY THE SECRETARY OF STATE,
 2 AFFIRMING UNDER PENALTY OF PERJURY THAT THE ELECTOR IS THE SAME
 3 INDIVIDUAL WHO CAST THE PROVISIONAL BALLOT ON ELECTION DAY AND IS
 4 OR HAS EITHER OF THE FOLLOWING:

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

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

[(D) PRESENTING A CURRENT DOCUMENT ISSUED BY THE SECRETARY OF
 STATE, ON A FORM PRESCRIBED BY THE SECRETARY OF STATE, INDICATING THAT
 THE ELECTOR HAS APPLIED FOR AND IS AWAITING EITHER AN OPERATOR'S OR
 CHAUFFEUR'S LICENSE ISSUED UNDER THE MICHIGAN VEHICLE CODE, 1949 PA 300,
 MCL 257.1 TO 257.923, OR A STATE PERSONAL IDENTIFICATION CARD ISSUED
 UNDER 1972 PA 222, MCL 28.291 TO 28.300, AND EXECUTING AN AFFIDAVIT, ON A
 FORM PRESCRIBED BY THE SECRETARY OF STATE, AFFIRMING UNDER PENALTY OF
 PERJURY THAT THE ELECTOR IS THE SAME INDIVIDUAL WHO CAST THE PROVISIONAL
 BALLOT ON ELECTION DAY AND IS THE SAME INDIVIDUAL DESCRIBED IN THE
 DOCUMENT PRESENTED UNDER THIS SUBDIVISION.]

9 (2) Before the provisional ballot is tabulated, election
 10 officials shall process the ballot as a challenged ballot under
 11 sections 745 and 746.

12 (3) ~~(2) Within 7~~ **NOT EARLIER THAN 11** days after an election ~~7~~
 13 ~~but sooner if practicable,~~ **AND NOT LATER THAN 13 DAYS AFTER AN**
 14 **ELECTION**, the city or township clerk shall transmit the results of
 15 provisional ballots tabulated after the election to the board of
 16 county canvassers. The results shall ~~shall~~ **MUST** be transmitted in a form
 17 prescribed by the secretary of state.

18 (4) ~~(3) Within 7~~ **NOT EARLIER THAN 11** days after an election
 19 **AND NOT LATER THAN 13 DAYS AFTER AN ELECTION**, the city or township
 20 clerk shall transmit to the county clerk a provisional ballot
 21 report for each precinct in the jurisdiction. The report shall ~~shall~~ **MUST**
 22 include for each precinct the number of provisional ballots issued,
 23 the number of provisional ballots tabulated on election day, the
 24 number of provisional ballots forwarded to the clerk to be
 25 determined after the election, the number of provisional ballots
 26 tabulated by the clerk after election day, and any additional
 27 information concerning provisional ballots as required by the

1 secretary of state.

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

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

14 (2) Within 14 days after a primary or election, the county
15 clerk shall transmit a county provisional ballot report to the
16 secretary of state. The county provisional ballot report ~~shall~~**MUST**
17 be in a manner prescribed by the secretary of state. After the
18 secretary of state receives a county provisional ballot report, the
19 county provisional ballot report ~~shall~~**MUST** be immediately
20 available for public inspection.

21 (3) Within 14 days after an election, the county clerk shall
22 transmit a county affidavit report to the secretary of state. The
23 county affidavit report ~~shall~~**MUST** include the number of affidavits
24 signed by voters under section 523(2) **AND THE NUMBER OF AFFIDAVITS**
25 **EXECUTED BY ELECTORS UNDER SECTION 813(1) (C)**. The county affidavit
26 report ~~shall~~**MUST** be transmitted in a form prescribed by the
27 secretary of state. After the secretary of state receives the

1 county affidavit report from the county clerk, the county affidavit
2 report ~~shall~~**MUST** immediately be available for public inspection.
3 Enacting section 1. This amendatory act takes effect February
4 1, 2018.