A bill to amend 1954 PA 116, entitled "Michigan election law,"
by amending sections 523a, 813, and 829 (MCL 168.523a, 168.813, and 168.829), as amended by 2018 PA 603.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

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

(b) For an individual who does not present a receipt verifying the acceptance of a voter registration application under subdivision (a), the election inspector shall determine whether the individual is in the appropriate polling place based on residence information provided by the individual. The election inspector shall review any documents or maps in the polling place or communicate with the city or township clerk to verify the appropriate polling place for the individual. The election inspector shall direct an individual who is not in the appropriate polling place to the appropriate polling place. If the individual refuses to go to the appropriate polling place, the election inspector shall issue the individual a provisional ballot that is processed according to subsection (5).

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

(a) To a department of state office.
(b) To a designated voter registration agency.
(c) To the office of his or her county, city, or township clerk.
(d) By a mailed application.

(3) The election inspector shall contact the city or township clerk to verify whether the individual who signed the sworn statement under subsection (2) is listed in the registration records of the jurisdiction or whether there is any information contrary to the content of the sworn statement.

(4) If the city or township clerk verifies the elector information and finds no information contrary to the information provided by the individual in the sworn statement and the individual presents identification for election purposes that contains a current residence address to establish his or her identity and residence address, the individual is permitted to vote a provisional ballot that is tabulated on election day in the same manner as an elector whose name is listed on the voter registration list, except that the election inspectors shall process the ballot as a challenged ballot under sections 745 and 746.

(5) If the election inspector is not able to contact the city or township clerk, the individual is not in the correct precinct, or the individual is unable to present identification for election purposes that contains a current residence address, the individual must be issued a provisional ballot that is not tabulated on election day but is secured for verification after the election. A provisional ballot must also be issued under this subsection to a voter who presents identification for election purposes that does
not bear the voter's current residence address, if the voter also presents a document to establish the voter's current residence address. The election inspector shall accept a document containing the name and current residence address of the voter as sufficient documentation to issue a provisional ballot if it is 1 of the following documents:

(a) A current utility bill.
(b) A current bank statement.
(c) A current paycheck, government check, or other government document.

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

(7) For a provisional ballot voted under subsection (4), the election inspector shall provide the voter with a notice that his or her ballot has been tabulated.

(8) For a provisional ballot voted under subsection (5), the election inspector shall provide the voter with a notice that the voter's information will be verified by the clerk of the jurisdiction within 6 days after the election to determine whether the ballot will be tabulated and, if the ballot is not tabulated, to determine the reason it was not tabulated. The notice provided to the voter under this subsection must indicate that the provisional ballot will only be tabulated if, within 6 days after the election, the voter verifies his or her voter registration record with the proper city or township clerk or the voter establishes his or her identity and residence with the proper city or township clerk by using identification for election purposes,
along with a current utility bill, bank statement, paycheck, government check, or other government document, to establish the voter's current residence address if the identification for election purposes used does not contain the voter's current residence address. The notice provided to the voter under this subsection must also indicate that individuals are eligible under 1972 PA 222, MCL 28.291 to 28.300, to obtain an official state personal identification card, without charge, that can be used to establish his or her identity and residence with the proper city or township clerk. A clerk of a jurisdiction shall provide a free access system for the voter to determine whether the ballot was tabulated. The free access system may include a telephone number that does not require a toll charge, a toll-free telephone number, an internet website, or a mailed notice.

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

Sec. 813. (1) Within 6 days after an election, for each provisional ballot that was placed in a provisional ballot return envelope, the city or township clerk shall determine whether the individual voting the provisional ballot was eligible to vote a ballot and whether to tabulate the provisional ballot. In making this determination, the city or township clerk shall not open the provisional ballot return envelope. If the individual voting the provisional ballot is determined to be eligible to vote a ballot, the city or township clerk shall within 7 days after the election send the provisional ballot to the board of county canvassers to be
tabulated. A provisional ballot must only be tabulated by the board of county canvassers if a valid voter registration record for the elector is located verified by the elector to the city or township clerk or if the identity and residence of the elector is established by the elector to the city or township clerk using identification for election purposes, along with a current utility bill, bank statement, paycheck, government check, or other government document, to establish the voter's current residence address if the identification for election purposes used by the elector does not contain the voter's current residence address.

Before the provisional ballot is tabulated by the board of county canvassers, election officials shall process the ballot as a challenged ballot under sections 745 and 746. The board of county canvassers must maintain the secrecy of the ballot when tabulating provisional ballots under this subsection. The secretary of state shall promulgate rules pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, to establish procedures for a board of county canvassers to tabulate provisional ballots under this subsection.

(2) Within 7 days after an election, but sooner if practicable, the city or township clerk shall transmit the results of provisional ballots tabulated after the election to the board of county canvassers. The results must be transmitted in a form prescribed by the secretary of state.

(2) Within 7 days after an election, the city or township clerk shall transmit to the county clerk a provisional ballot report for each precinct in the jurisdiction. The report must include for each precinct the number of provisional ballots issued, the number of provisional ballots tabulated on election day, the
number of provisional ballots forwarded to the clerk to be
determined after the election, the number of provisional ballots
sent to the board of county canvassers to be tabulated by the clerk
after election day, and any additional information concerning
provisional ballots as required by the secretary of state.

(4) Within 7 days after an election, the city or township
clerk shall transmit to the county clerk an affidavit report that
includes the number of affidavits signed by voters under section
523(2). The affidavit report must be transmitted to the county
clerk in a form prescribed by the secretary of state.

(3) Within 7 days after an election, the city or township
clerk shall ensure that the qualified voter file is current and
includes any individual who registered to vote under section 497(3)
and (4).

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

(2) Within 14 days after a primary or election, the county
clerk shall transmit a county provisional ballot report to the
secretary of state. The county provisional ballot report must be in
a manner prescribed by the secretary of state. After the secretary
of state receives a county provisional ballot report, the county
provisional ballot report must be immediately available for public
inspection.

(3) Within 14 days after an election, the county clerk shall
transmit a county affidavit report to the secretary of state. The
county affidavit report must include the number of affidavits
signed by voters under section 523(2). The county affidavit report

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must be transmitted in a form prescribed by the secretary of state. After the secretary of state receives the county affidavit report from the county clerk, the county affidavit report must immediately be available for public inspection. (3) (4) Within 14 days after an election, the secretary of state shall transmit to the house and senate committees dealing with elections a voter registration application report that includes the number of voter registration applications executed by applicants under section 497(3) and (4).

Enacting section 1. This amendatory act does not take effect unless all of the following bills of the 101st Legislature are enacted into law:

(a) Senate Bill No. 303.
(b) House Bill No. 5007.