

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 304

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:

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

6 (a) For an individual who presents a receipt **verifying**
7 **acceptance of a voter registration application in the elector's**
8 **city or township** issued by a department of state office, a

1 designated voter registration agency, or the elector's county,
2 city, or township clerk's office ~~verifying the acceptance of a~~
3 ~~voter registration application~~ and **who** completes a new voter
4 registration application, the election inspector shall allow the
5 individual to vote a ballot in the same manner as an elector whose
6 name is listed on the voter registration list.

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

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

1 application was submitted:

2 (a) To a department of state office.

3 (b) To a designated voter registration agency.

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

6 (d) By a mailed application.

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

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

22 (5) If the election inspector is not able to contact the city
23 or township clerk, the individual is not in the correct precinct,
24 or the individual is unable to present identification for election
25 purposes that contains a current residence address, the individual
26 must be issued a provisional ballot that is not tabulated on
27 election day but is secured for verification after the election. A
28 provisional ballot must also be issued under this subsection to a
29 voter who presents identification for election purposes that does

1 not bear the voter's current residence address, if the voter also
2 presents a document to establish the voter's current residence
3 address. The election inspector shall accept a document containing
4 the name and current residence address of the voter as sufficient
5 documentation to issue a provisional ballot if it is 1 of the
6 following documents:

7 (a) A current utility bill.

8 (b) A current bank statement.

9 (c) A current paycheck, government check, or other government
10 document.

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

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

18 (8) For a provisional ballot voted under subsection (5), the
19 election inspector shall provide the voter with a notice that the
20 voter's information will be verified by the clerk of the
21 jurisdiction within 6 days after the election to determine whether
22 the ballot will be tabulated and, if the ballot is not tabulated,
23 to determine the reason it was not tabulated. **The notice provided**
24 **to the voter under this subsection must indicate that the**
25 **provisional ballot will only be tabulated if, within 6 days after**
26 **the election, the voter verifies his or her voter registration**
27 **record with the proper city or township clerk or the voter**
28 **establishes his or her identity and residence with the proper city**
29 **or township clerk by using identification for election purposes,**

1 along with a current utility bill, bank statement, paycheck,
 2 government check, or other government document, to establish the
 3 voter's current residence address if the identification for
 4 election purposes used does not contain the voter's current
 5 residence address. The notice provided to the voter under this
 6 subsection must also indicate that individuals are eligible under
 7 1972 PA 222, MCL 28.291 to 28.300, to obtain an official state
 8 personal identification card, without charge, that can be used to
 9 establish his or her identity and residence with the proper city or
 10 township clerk. A clerk of a jurisdiction shall provide a free
 11 access system for the voter to determine whether the ballot was
 12 tabulated. The free access system may include a telephone number
 13 that does not require a toll charge, a toll-free telephone number,
 14 an internet website, or a mailed notice.

15 (9) ~~(8)~~—As used in this section and sections 813 and 829,
 16 "provisional ballot" means a special ballot utilized for an
 17 individual who is not listed on the voter registration list at the
 18 polling place that is tabulated only after verification of the
 19 individual's eligibility to vote.

20 Sec. 813. (1) Within 6 days after an election, for each
 21 provisional ballot that was placed in a provisional ballot return
 22 envelope, the city or township clerk shall determine whether the
 23 individual voting the provisional ballot was eligible to vote a
 24 ballot. ~~and whether to tabulate the provisional ballot.~~ In making
 25 this determination, the city or township clerk shall not open the
 26 provisional ballot return envelope. **If the individual voting the**
 27 **provisional ballot is determined to be eligible to vote a ballot,**
 28 **the city or township clerk shall within 7 days after the election**
 29 **send the provisional ballot to the board of county canvassers to be**

1 **tabulated.** A provisional ballot must only be tabulated **by the board**
 2 **of county canvassers** if a valid voter registration record for the
 3 elector is ~~located~~ **verified by the elector to the city or township**
 4 **clerk** or if the identity and residence of the elector is
 5 established **by the elector to the city or township clerk** using
 6 identification for election purposes, along with a current utility
 7 bill, bank statement, paycheck, government check, or other
 8 government document, to establish the voter's current residence
 9 address if the identification for election purposes used by the
 10 elector does not contain the voter's current residence address.
 11 Before the provisional ballot is tabulated **by the board of county**
 12 **canvassers**, election officials shall process the ballot as a
 13 challenged ballot under sections 745 and 746. **The board of county**
 14 **canvassers must maintain the secrecy of the ballot when tabulating**
 15 **provisional ballots under this subsection. The secretary of state**
 16 **shall promulgate rules pursuant to the administrative procedures**
 17 **act of 1969, 1969 PA 306, MCL 24.201 to 24.328, to establish**
 18 **procedures for a board of county canvassers to tabulate provisional**
 19 **ballots under this subsection.**

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

25 **(2)** ~~(3)~~ Within 7 days after an election, the city or township
 26 clerk shall transmit to the county clerk a provisional ballot
 27 report for each precinct in the jurisdiction. The report must
 28 include for each precinct the number of provisional ballots issued,
 29 the number of provisional ballots tabulated on election day, the

1 number of provisional ballots forwarded to the clerk to be
2 determined after the election, the number of provisional ballots
3 **sent to the board of county canvassers to be** tabulated by the clerk
4 after election day, and any additional information concerning
5 provisional ballots as required by the secretary of state.

6 ~~(4) Within 7 days after an election, the city or township~~
7 ~~clerk shall transmit to the county clerk an affidavit report that~~
8 ~~includes the number of affidavits signed by voters under section~~
9 ~~523(2). The affidavit report must be transmitted to the county~~
10 ~~clerk in a form prescribed by the secretary of state.~~

11 **(3)** ~~(5)~~ Within 7 days after an election, the city or township
12 clerk shall ensure that the qualified voter file is current and
13 includes any individual who registered to vote under section 497(3)
14 and (4).

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

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

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

1 ~~must be transmitted in a form prescribed by the secretary of state.~~
2 ~~After the secretary of state receives the county affidavit report~~
3 ~~from the county clerk, the county affidavit report must immediately~~
4 ~~be available for public inspection.~~

5 **(3)** ~~(4)~~ Within 14 days after an election, the secretary of
6 state shall transmit to the house and senate committees dealing
7 with elections a voter registration application report that
8 includes the number of voter registration applications executed by
9 applicants under section 497(3) and (4).

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

13 (a) Senate Bill No. 303.

14 (b) House Bill No. 5007.