

Legislative Analysis



PROVISIONAL BALLOTS

Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

Senate Bill 303 as passed by the Senate
Sponsor: Sen. Tom Barrett

Analysis available at
<http://www.legislature.mi.gov>

Senate Bill 304 as passed by the Senate
Sponsor: Sen. Curtis S. VanderWall

House Committee: Elections and Ethics
Senate Committee: Elections
Complete to 6-23-21

SUMMARY:

Senate Bill 303 would amend the Michigan Election Law to remove references to affidavits used to obtain a provisional ballot. Senate Bill 304 would amend the same act to require a voter seeking to vote a provisional ballot to be given notice that the voter must verify his or her voter registration record or establish his or her identity and residence within six days after the election in order for the provisional ballot to be tabulated.

Senate Bill 303 would remove references to the affidavit that voters currently sign attesting that they do not have the requisite identification in order to vote a provisional ballot. (Currently, under section 523a of the act, the provisional ballot is not tabulated on election day, but is secured for verification after the election.)

The bill would eliminate provisions stating that a voter must sign an affidavit that the voter does not have the requisite identification, that the city or township clerk must report to the county clerk within seven days of the election the number of affidavits signed by voters, and that the county clerk must report the same to the secretary of state within 14 days after the election.

MCL 168.523, 168.813, and 168.829

Senate Bill 304 would modify the procedure for voting a provisional ballot when the election inspector is unable to contact the city or township clerk, the voter is not in the correct precinct, or the voter is unable to present the required identification. Currently, the election inspector must provide the voter with notice that the voter's information will be verified within six days after the election to determine whether the ballot will be tabulated and, if not, why it was not tabulated.

The bill would add that the notice also must indicate that the provisional ballot will only be tabulated if, within six days after the election, the voter verifies his or her voter registration record or establishes his or her identity and residence with the proper city or township clerk. The voter could establish identity and residence by using the required identification for election purposes and, if that identification does not include the voter's

current address, a current utility bill, bank statement, paycheck, government check, or other government documents.

The notice also would have to indicate that certain individuals are eligible to have the fee for obtaining that identification waived.

MCL 168.523a and 168.813

FISCAL IMPACT:

A fiscal analysis is in progress.

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations and does not constitute an official statement of legislative intent.