

SENATE BILL NO. 303

March 24, 2021, Introduced by Senators BARRETT, BUMSTEAD, HORN, THEIS, STAMAS, ZORN, DALEY, OUTMAN, LAUWERS and VANDERWALL and referred to the Committee on Elections.

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 523, 813, and 829 (MCL 168.523, 168.813, and 168.829), section 523 as amended by 2018 PA 129 and sections 813 and 829 as amended by 2018 PA 603.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 523. (1) ~~Except as otherwise provided in subsection (2),~~
2 ~~at~~ **At** each election, before being given a ballot, each registered
3 elector offering to vote must identify himself or herself by

1 presenting identification for election purposes, and by executing
2 an application, on a form prescribed by the secretary of state, in
3 the presence of an election official that includes all of the
4 following:

5 (a) The name of the elector.

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

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

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

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

12 (2) If an elector's signature contained in the qualified voter
13 file is available in the polling place, the election official shall
14 compare the signature ~~upon~~**on** the application with the digitized
15 signature provided by the qualified voter file. If an elector's
16 signature is not contained in the qualified voter file, the
17 election official shall process the application in the same manner
18 as applications are processed when a voter registration list is
19 used in the polling place. If voter registration lists are used in
20 the precinct, the election inspector shall determine if the name on
21 the application to vote appears on the voter registration list. If
22 the name appears on the voter registration list, the elector shall
23 provide further identification or other information stated ~~upon~~**on**
24 the voter registration list. If the signature or an item of
25 information does not correspond, the vote of the ~~person~~**individual**
26 must be challenged, and the same procedure must be followed as
27 provided in this act for the challenging of an elector. If the
28 elector does not have identification for election purposes as
29 required under this section, the individual ~~shall sign an affidavit~~

1 ~~to that effect before an election inspector and be allowed to vote~~
2 ~~as otherwise provided in this act. However, an elector being~~
3 ~~allowed to vote without identification for election purposes as~~
4 ~~required under this section is subject to challenge as provided in~~
5 ~~section 727.~~ **must be issued a provisional ballot that is processed**
6 **according to section 523a(5).**

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

23 Sec. 813. (1) Within 6 days after an election, for each
24 provisional ballot that was placed in a provisional ballot return
25 envelope, the city or township clerk shall determine whether the
26 individual voting the provisional ballot was eligible to vote a
27 ballot and whether to tabulate the provisional ballot. In making
28 this determination, the city or township clerk shall not open the
29 provisional ballot return envelope. A provisional ballot must only

1 be tabulated if a valid voter registration record for the elector
2 is located or if the identity and residence of the elector is
3 established using identification for election purposes, along with
4 a current utility bill, bank statement, paycheck, government check,
5 or other government document to establish the voter's current
6 residence address if the identification for election purposes used
7 by the elector does not contain the voter's current residence
8 address. Before the provisional ballot is tabulated, election
9 officials shall process the ballot as a challenged ballot under
10 sections 745 and 746.

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

16 (3) Within 7 days after an election, the city or township
17 clerk shall transmit to the county clerk a provisional ballot
18 report for each precinct in the jurisdiction. The report must
19 include for each precinct the number of provisional ballots issued,
20 the number of provisional ballots tabulated on election day, the
21 number of provisional ballots forwarded to the clerk to be
22 determined after the election, the number of provisional ballots
23 tabulated by the clerk after election day, and any additional
24 information concerning provisional ballots as required by the
25 secretary of state.

26 ~~(4) Within 7 days after an election, the city or township~~
27 ~~clerk shall transmit to the county clerk an affidavit report that~~
28 ~~includes the number of affidavits signed by voters under section~~
29 ~~523(2). The affidavit report must be transmitted to the county~~

1 ~~clerk in a form prescribed by the secretary of state.~~

2 **(4)** ~~(5)~~ Within 7 days after an election, the city or township
3 clerk shall ensure that the qualified voter file is current and
4 includes any individual who registered to vote under section 497(3)
5 and (4).

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

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

17 ~~(3) Within 14 days after an election, the county clerk shall~~
18 ~~transmit a county affidavit report to the secretary of state. The~~
19 ~~county affidavit report must include the number of affidavits~~
20 ~~signed by voters under section 523(2). The county affidavit report~~
21 ~~must be transmitted in a form prescribed by the secretary of state.~~
22 ~~After the secretary of state receives the county affidavit report~~
23 ~~from the county clerk, the county affidavit report must immediately~~
24 ~~be available for public inspection.~~

25 **(3)** ~~(4)~~ Within 14 days after an election, the secretary of
26 state shall transmit to the house and senate committees dealing
27 with elections a voter registration application report that
28 includes the number of voter registration applications executed by
29 applicants under section 497(3) and (4).