

# SENATE BILL NO. 304

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

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 523a and 813 (MCL 168.523a and 168.813), 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

1 issue a ballot to the individual as follows:

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

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

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

1 complete a new voter registration application. The individual shall  
2 state the approximate date and in what manner the registration  
3 application was submitted:

4 (a) To a department of state office.

5 (b) To a designated voter registration agency.

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

8 (d) By a mailed application.

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

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

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

1 provisional ballot must also be issued under this subsection to a  
2 voter who presents identification for election purposes that does  
3 not bear the voter's current residence address, if the voter also  
4 presents a document to establish the voter's current residence  
5 address. The election inspector shall accept a document containing  
6 the name and current residence address of the voter as sufficient  
7 documentation to issue a provisional ballot if it is 1 of the  
8 following documents:

9 (a) A current utility bill.

10 (b) A current bank statement.

11 (c) A current paycheck, government check, or other government  
12 document.

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

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

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

1 establishes his or her identity and residence with the proper city  
2 or township clerk by using identification for election purposes,  
3 along with a current utility bill, bank statement, paycheck,  
4 government check, or other government document to establish the  
5 voter's current residence address if the identification for  
6 election purposes used does not contain the voter's current  
7 residence address. The notice provided to the voter under this  
8 subsection must also indicate that certain individuals are eligible  
9 under section 2(14) of 1972 PA 222, MCL 28.292, to have the fee  
10 waived for obtaining an official state personal identification card  
11 that can be used to establish his or her identity and residence  
12 with the proper city or township clerk. A clerk of a jurisdiction  
13 shall provide a free access system for the voter to determine  
14 whether the ballot was tabulated. The free access system may  
15 include a telephone number that does not require a toll charge, a  
16 toll-free telephone number, an internet website, or a mailed  
17 notice.

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

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~~ **verified by the elector** or if the identity and residence  
3 of the elector is established **by the elector** using identification  
4 for election purposes, along with a current utility bill, bank  
5 statement, paycheck, government check, or other government document  
6 to establish the voter's current residence address if the  
7 identification for election purposes used by the elector does not  
8 contain the voter's current residence address. Before the  
9 provisional ballot is tabulated, election officials shall process  
10 the ballot as a challenged ballot under 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 (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).