

SENATE BILL NO. 1034

October 08, 2024, Introduced by Senators LINDSEY, BELLINO, JOHNSON and RUNESTAD
and referred to the Committee on Elections and Ethics.

A bill to amend 1954 PA 116, entitled
"Michigan election law,"
by amending sections 523, 523a, 813, and 829 (MCL 168.523,
168.523a, 168.813, and 168.829), section 523 as amended by 2018 PA
129 and sections 523a, 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 **(3)**, at each election, before being given a ballot, each registered
3 elector offering to vote must ~~identify himself or herself by~~

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

5 (a) The ~~name of the elector~~**elector's name**.

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~~**the elector** is
 10 a citizen 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.

28 (3) If the elector does not have identification for election
 29 purposes as required under this section, the individual shall sign

1 an affidavit to that effect before an election inspector. ~~and~~**An**
 2 **individual who signs an affidavit under this subsection must also**
 3 **present 1 document as proof of identity and 1 document as proof of**
 4 **state residency. If an individual who signs an affidavit provides a**
 5 **document as proof of identity and a document as proof of state**
 6 **residency as required under this subsection, that individual must**
 7 **be allowed to vote as otherwise provided in this act. If an**
 8 **individual who signs an affidavit is unable to provide a document**
 9 **as proof of identity and a document as proof of state residency as**
 10 **required under this subsection, that individual must be issued a**
 11 **provisional ballot that is not tabulated on election day but is**
 12 **secured for verification after the election.** However, an elector
 13 being allowed to vote without identification for election purposes
 14 as required under this section is subject to challenge as provided
 15 in section 727.

16 **(4)** ~~(3)~~**If, ~~upon~~on** a comparison of the signature or other
 17 identification as required in this section, it is found that the
 18 applicant is entitled to vote, the election officer having charge
 19 of the registration list shall approve the application and write
 20 ~~his or her~~**the election officer's** initials on the application,
 21 after which the number on the ballot issued must be noted on the
 22 application. The application serves as 1 of the 2 poll lists
 23 required to be kept as a record of ~~a person~~**an individual** who has
 24 voted. The application must be filed with the township, city, or
 25 village clerk. If voter registration cards are used in the
 26 precinct, the date of the election must be noted by 1 of the
 27 election officials ~~upon~~**on** the precinct registration card of each
 28 elector voting at an election. If voter registration lists are used
 29 in the precinct, the election official shall clearly indicate ~~upon~~

1 on the list each elector voting at that election. The clerk of a
2 city, village, or township shall maintain a record of voting
3 participation for each registered elector.

4 (5) As used in this section:

5 (a) "Document as proof of identity" means any of the
6 following:

7 (i) Marriage license issued in the United States.

8 (ii) Divorce decree issued in the United States.

9 (iii) United States court order for a name change.

10 (iv) United States military discharge or separation document.

11 (v) Michigan driver education certificate.

12 (vi) Government issued adoption record.

13 (vii) A certified copy of a birth certificate.

14 (viii) A Consular Report of Birth Abroad.

15 (b) "Document as proof of state residency" means any of the
16 following if the document includes an individual's name and home
17 address:

18 (i) Utility bill or credit card bill issued within the last 90
19 days.

20 (ii) Account statement, including an electronic account
21 statement, from a bank or other financial institution issued within
22 the last 90 days.

23 (iii) Michigan high school, college, or university report card
24 or transcript issued within the last 90 days.

25 (iv) A current mortgage, lease, or rental agreement. A lease or
26 rental agreement must include the landlord's telephone number.

27 (v) Pay stub or earnings statement issued within the last 90
28 days that contains the name and home address of the employee.

1 (vi) Life, health, automobile, or home insurance policy issued
2 within the last 90 days.

3 (vii) Michigan title and registration that shows the current
4 residential address.

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

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

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

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

12 (a) To a department of state office.

13 (b) To a designated voter registration agency.

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

16 (d) By a mailed application.

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

22 (4) If the city or township clerk verifies the elector
23 information and finds no information contrary to the information
24 provided by the individual in the sworn statement and the
25 individual presents identification for election purposes that
26 contains a current residence address to establish ~~his or her~~ **the**
27 **individual's** identity and residence address, the individual is
28 permitted to vote a provisional ballot that is tabulated on
29 election day in the same manner as an elector whose name is listed

1 on the voter registration list, except that the election inspectors
2 shall process the ballot as a challenged ballot under sections 745
3 and 746.

4 (5) If the election inspector is not able to contact the city
5 or township clerk, the individual is not in the correct precinct,
6 ~~or~~ the individual is unable to present identification for election
7 purposes that contains a current residence address, **or the**
8 **individual signs an affidavit and is unable to provide a document**
9 **as proof of identity and a document as proof of state residency, as**
10 **those terms are defined in section 523,** the individual must be
11 issued a provisional ballot that is not tabulated on election day
12 but is secured for verification after the election. A provisional
13 ballot must also be issued under this subsection to a voter who
14 presents identification for election purposes that does not bear
15 the voter's current residence address, if the voter also presents a
16 document to establish the voter's current residence address. The
17 election inspector shall accept a document containing the name and
18 current residence address of the voter as sufficient documentation
19 to issue a provisional ballot if it is 1 of the following
20 documents:

21 (a) A current utility bill.

22 (b) A current bank statement.

23 (c) A current paycheck, government check, or other government
24 document.

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

29 (7) For a provisional ballot voted under subsection (4), the

1 election inspector shall provide the voter with a notice that ~~his~~
2 ~~or her~~ **the voter's** ballot has been tabulated. For a provisional
3 ballot voted under subsection (5), the election inspector shall
4 provide the voter with a notice that the voter's information will
5 be verified by the clerk of the jurisdiction within 6 days after
6 the election to determine whether the ballot will be tabulated and,
7 if the ballot is not tabulated, to determine the reason it was not
8 tabulated. A clerk of a jurisdiction shall provide a free access
9 system for the voter to determine whether the ballot was tabulated.
10 The free access system may include a telephone number that does not
11 require a toll charge, a toll-free telephone number, an internet
12 website, or a mailed notice.

13 (8) As used in this section and sections **523**, 813, and 829,
14 "provisional ballot" means a special ballot ~~utilized for an~~
15 ~~individual who is not listed on the voter registration list at the~~
16 ~~polling place~~ that is tabulated only after verification of the
17 individual's eligibility to vote.

18 Sec. 813. (1) Within 6 days after an election, for each
19 provisional ballot that was placed in a provisional ballot return
20 envelope, the city or township clerk shall determine whether the
21 individual voting the provisional ballot was eligible to vote a
22 ballot and whether to tabulate the provisional ballot. In making
23 this determination, the city or township clerk shall not open the
24 provisional ballot return envelope. A provisional ballot must only
25 be tabulated if a valid voter registration record for the elector
26 is located or, **subject to this subsection**, if the identity and
27 residence of the elector is established using identification for
28 election purposes, along with a current utility bill, bank
29 statement, paycheck, government check, or other government document

1 to establish the voter's current residence address if the
2 identification for election purposes used by the elector does not
3 contain the voter's current residence address. **If an elector who**
4 **was issued a provisional ballot that was not tabulated on election**
5 **day because the elector signed an affidavit, but was not able to**
6 **provide a document as proof of identity and a document as proof of**
7 **state residency, as those terms are defined in section 523, that**
8 **elector may establish the elector's identity and residence by**
9 **providing a document as proof of identity and a document as proof**
10 **of residency, as those terms are defined in section 523.** Before the
11 provisional ballot is tabulated, election officials shall process
12 the ballot as a challenged ballot under sections 745 and 746.

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

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

28 (4) Within 7 days after an election, the city or township
29 clerk shall transmit to the county clerk an affidavit report that

1 includes the number of affidavits signed by voters under section
2 ~~523(2)~~. **523**. The affidavit report must be transmitted to the county
3 clerk in a form prescribed by the secretary of state.

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

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

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

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

27 (4) Within 14 days after an election, the secretary of state
28 shall transmit to the house and senate committees dealing with
29 elections a voter registration application report that includes the

- 1 number of voter registration applications executed by applicants
- 2 under section 497(3) and (4).