



# HOUSE BILL No. 4807

August 18, 2015, Introduced by Reps. Hoadley, Lyons, Pscholka, Smiley, Brunner, Hughes, Dianda, Derek Miller, Chirkun, Kivela, Santana, Faris, Jenkins, Chatfield, Greimel, Pagan, McBroom, Geiss, Garcia, Lane, Iden, LaFontaine, Glenn, Sheppard, Courser, Callton, Aaron Miller, Price, Chang, Liberati, Cochran, Greig, Gay-Dagnogo, Yanez, LaVoy, Sarah Roberts, Moss, Kosowski, Neeley, Kesto, Byrd, Zemke, Brinks, Rutledge, Driskell, Somerville, Poleski, Howrylak, Theis, Maturen, Vaupel, Garrett, Banks, Phelps, Kelly, Cole, Bumstead, Canfield, Heise, Cox, Leutheuser, Hovey-Wright, Love, Lauwers, Runestad, Franz, Barrett, Victory, Lucido, Forlini, Gamrat, Durhal, Johnson, Plawecki and Inman and referred to the Committee on Elections.

A bill to amend 1954 PA 116, entitled  
"Michigan election law,"  
by amending sections 523, 523a, 761, and 813 (MCL 168.523,  
168.523a, 168.761, and 168.813), sections 523, 761, and 813 as  
amended by 2012 PA 523 and section 523a as added by 2004 PA 92.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 523. (1) At each election, before being given a ballot,  
2 each registered elector offering to vote shall identify himself  
3 or herself by presenting an official state **PERSONAL**  
4 identification card issued to that individual under 1972 PA 222,  
5 MCL 28.291 to 28.300, an operator's or chauffeur's license issued  
6 to that individual under the Michigan vehicle code, 1949 PA 300,  
7 MCL 257.1 to 257.923, **A CONCEALED PISTOL LICENSE ISSUED TO THAT**  
8 **INDIVIDUAL UNDER 1927 PA 372, MCL 28.421 TO 28.435,** or other  
9 generally recognized picture identification card and by executing  
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1 an application, on a form prescribed by the secretary of state,  
2 in the presence of an election official ~~which~~**THAT** includes all  
3 of the following:

4 (a) The name of the elector.

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

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

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

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

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

1 an official state **PERSONAL** identification card, operator's or  
2 chauffeur's license, **CONCEALED PISTOL LICENSE**, or other generally  
3 recognized picture identification card as required under this  
4 ~~subsection~~, **SECTION**, the individual shall sign an affidavit to  
5 that effect before an election inspector and be allowed to vote  
6 as otherwise provided in this act. However, an elector being  
7 allowed to vote without the identification required under this  
8 ~~subsection~~ **SECTION** is subject to challenge as provided in section  
9 727.

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

27 Sec. 523a. (1) If an individual who has applied to register

1 to vote on or before the close of registration appears at a  
2 polling place on election day and completes an application under  
3 section 523 is not listed on the voter registration list, the  
4 election inspector shall issue a ballot to the individual as  
5 follows:

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

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

27 (2) Except for an individual who produces a receipt under

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

11 (a) To a department of state office.

12 (b) To a designated voter registration agency.

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

15 (d) By a mailed application.

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

21 (4) If the city or township clerk verifies the elector  
22 information and finds no information contrary to the information  
23 provided by the individual in the sworn statement and the  
24 individual presents a Michigan operator's or chauffeur's license,  
25 department of state issued personal identification card,  
26 **CONCEALED PISTOL LICENSE**, other government issued photo  
27 identification card, or a photo identification card issued by an

1 institution of higher education in this state described in  
2 section 6 of article VIII of the state constitution of 1963 or a  
3 junior college or community college established under section 7  
4 of article VIII of the state constitution of 1963 that contains a  
5 current residence address to establish his or her identity and  
6 residence address, the individual shall be permitted to vote a  
7 provisional ballot on election day. Before the provisional ballot  
8 is tabulated on election day, election inspectors shall process  
9 the ballot as a challenged ballot under sections 745 and 746.

10 (5) If the election inspector is not able to contact the  
11 city or township clerk, the individual is not in the correct  
12 precinct, the individual presents identification other than a  
13 Michigan operator's or chauffeur's license, department of state  
14 issued personal identification card, **CONCEALED PISTOL LICENSE**,  
15 other government issued photo identification card, or a photo  
16 identification card issued by an institution of higher education  
17 in this state described in section 6 of article VIII of the state  
18 constitution of 1963 or a junior college or community college  
19 established under section 7 of article VIII of the state  
20 constitution of 1963 that contains a current residence address,  
21 or the individual is unable to present any identification, the  
22 individual shall be issued a provisional ballot that is not  
23 tabulated on election day but is secured for verification after  
24 the election. A provisional ballot shall also be issued under  
25 this subsection to a voter who presents a Michigan operator's  
26 license, chauffeur's license, department of state **ISSUED** personal  
27 identification card, **CONCEALED PISTOL LICENSE**, other government

1 issued photo identification card, or a photo identification card  
2 issued by an institution of higher education in this state  
3 described in section 6 of article VIII of the state constitution  
4 of 1963 or a junior college or community college established  
5 under section 7 of article VIII of the state constitution of 1963  
6 that does not bear the voter's current residence address, if the  
7 voter also presents a document to establish the voter's current  
8 residence address. The election inspector shall accept a document  
9 containing the name and current residence address of the voter as  
10 sufficient documentation to issue a provisional ballot if it is 1  
11 of the following documents:

12 (a) A current utility bill.

13 (b) A current bank statement.

14 (c) A current paycheck, government check, or other  
15 government document.

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

20 (7) For a provisional ballot voted under subsection (4), the  
21 election inspector shall provide the voter with a notice that his  
22 or her ballot has been tabulated. For a provisional ballot voted  
23 under subsection (5), the election inspector shall provide the  
24 voter with a notice that the voter's information will be verified  
25 by the clerk of the jurisdiction within 6 days after the election  
26 to determine whether the ballot will be tabulated and, if the  
27 ballot is not tabulated, to determine the reason it was not

1 tabulated. A clerk of a jurisdiction shall provide a free access  
2 system for the voter to determine whether the ballot was  
3 tabulated. The free access system may include a telephone number  
4 that does not require a toll charge, a toll-free telephone  
5 number, an internet website, or a mailed notice.

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

11 Sec. 761. (1) If the clerk of a city, township, or village  
12 receives an application for an absent voter ballot from a person  
13 registered to vote in that city, township, or village and if the  
14 signature on the application agrees with the signature for the  
15 person contained in the qualified voter file or on the  
16 registration card as required in subsection (2), the clerk  
17 immediately upon receipt of the application or, if the  
18 application is received before the printing of the absent voter  
19 ballots, as soon as the ballots are received by the clerk, shall  
20 forward by mail, postage prepaid, or shall deliver personally 1  
21 of the ballots or set of ballots if there is more than 1 kind of  
22 ballot to be voted to the applicant. Subject to the  
23 identification requirement in subsection (6), absent voter  
24 ballots may be delivered to an applicant in person at the office  
25 of the clerk.

26 (2) The qualified voter file shall be used to determine the  
27 genuineness of a signature on an application for an absent voter



1 ballot. Signature comparisons shall be made with the digitized  
2 signature in the qualified voter file. If the qualified voter  
3 file does not contain a digitized signature of an elector, or is  
4 not accessible to the clerk, the city or township clerk shall  
5 compare the signature appearing on the application for an absent  
6 voter ballot to the signature contained on the master card.

7 (3) Notwithstanding section 759, providing that no absent  
8 voter applications shall be received by the clerk after 2 p.m. on  
9 the Saturday before the election, and subject to the  
10 identification requirement in subsection (6), a person qualified  
11 to vote as an absent voter may apply in person at the clerk's  
12 office before 4 p.m. on a day before the election except Sunday  
13 or a legal holiday to vote as an absent voter. The applicant  
14 shall receive his or her absent voter ballot and vote the ballot  
15 in the clerk's office. All other absent voter ballots, except  
16 ballots delivered pursuant to an emergency absent voter ballot  
17 application under section 759b, shall be mailed or delivered to  
18 the registration address of the applicant unless the application  
19 requests delivery to an address outside the city, village, or  
20 township or to a hospital or similar institution, in which case  
21 the absent voter ballots shall be mailed or delivered to the  
22 address given in the application. However, a clerk may mail or  
23 deliver an absent voter ballot, upon request of the absent voter,  
24 to a post office box if the post office box is where the absent  
25 voter normally receives personal mail and the absent voter does  
26 not receive mail at his or her registration address.

27 (4) Absent voter ballots shall be issued in the same order

1 in which applications are received by the clerk of a city,  
 2 township, or village, as nearly as may be, and each ballot issued  
 3 shall bear the lowest number of each kind available for this  
 4 purpose. However, this provision does not prohibit a clerk from  
 5 immediately issuing an absent voter ballot to an absent voter who  
 6 applies in person in the clerk's office for absent voter ballots.  
 7 The clerk shall enclose with the ballot or ballots a return  
 8 envelope properly addressed to the clerk and bearing upon the  
 9 back of the envelope a printed statement in substantially the  
 10 following form:

11 TO BE COMPLETED

12 BY THE CLERK

13 \_\_\_\_\_  
 14 Name of Voter

\_\_\_\_\_ Street Address or R.R.

15 \_\_\_\_\_  
 16 City, Township or Village

\_\_\_\_\_ County

17 Ward \_\_\_\_\_ Precinct \_\_\_\_\_ Date of Election \_\_\_\_\_

18 =====

19 TO BE COMPLETED BY THE ABSENT VOTER

20 I assert that I am a United States citizen and a qualified  
 21 and registered elector of the city, township, or village named  
 22 above. I am voting as an absent voter in conformity with state  
 23 election law. Unless otherwise indicated below, I personally  
 24 marked the ballot enclosed in this envelope without exhibiting it  
 25 to any other person.

26 I further assert that this absent voter ballot is being  
 27 returned to the clerk or an assistant of the clerk by me

1 personally; by public postal service, express mail service,  
 2 parcel post service, or other common carrier; by a member of my  
 3 immediate family; or by a person residing in my household.

4 DATE: \_\_\_\_\_ SIGN HERE: X \_\_\_\_\_  
 5 Signature of Absent Voter

6 The above form must be signed or your vote will not be counted.

7 AN ABSENT VOTER WHO KNOWINGLY MAKES A FALSE STATEMENT IS GUILTY  
 8 OF A MISDEMEANOR.

9 =====

10 TO BE COMPLETED ONLY IF VOTER IS ASSISTED IN VOTING  
 11 BY ANOTHER PERSON

12 I assisted the above named absent voter who is disabled or  
 13 otherwise unable to mark the ballot in marking his or her absent  
 14 voter ballot pursuant to his or her directions. The absent voter  
 15 ballot was inserted in the return envelope without being  
 16 exhibited to any other person.

17 \_\_\_\_\_  
 18 Signature of Person Street Address City, Twp., or  
 19 Assisting Voter or R.R. Village

20 \_\_\_\_\_  
 21 Printed Name of Person Assisting Voter

22 A PERSON WHO ASSISTS AN ABSENT VOTER AND WHO KNOWINGLY MAKES A  
 23 FALSE STATEMENT IS GUILTY OF A FELONY.

24 =====

25 WARNING

26 PERSONS WHO CAN LEGALLY BE IN POSSESSION OF AN ABSENT VOTER

1 BALLOT ISSUED TO AN ABSENT VOTER ARE LIMITED TO THE ABSENT VOTER;  
2 A PERSON WHO IS A MEMBER OF THE ABSENT VOTER'S IMMEDIATE FAMILY  
3 OR RESIDES IN THE ABSENT VOTER'S HOUSEHOLD AND WHO HAS BEEN ASKED  
4 BY THE ABSENT VOTER TO RETURN THE BALLOT; A PERSON WHOSE JOB IT  
5 IS TO HANDLE MAIL BEFORE, DURING, OR AFTER BEING TRANSPORTED BY A  
6 PUBLIC POSTAL SERVICE, EXPRESS MAIL SERVICE, PARCEL POST SERVICE,  
7 OR COMMON CARRIER, BUT ONLY DURING THE NORMAL COURSE OF HIS OR  
8 HER EMPLOYMENT; AND THE CLERK, ASSISTANTS OF THE CLERK, AND OTHER  
9 AUTHORIZED ELECTION OFFICIALS OF THE CITY, TOWNSHIP, VILLAGE, OR  
10 SCHOOL DISTRICT. ANY OTHER PERSON IN POSSESSION OF AN ABSENT  
11 VOTER BALLOT IS GUILTY OF A FELONY.

12 (5) An absent voter who knowingly makes a false statement on  
13 the absent voter ballot return envelope is guilty of a  
14 misdemeanor. A person who assists an absent voter and who  
15 knowingly makes a false statement on the absent voter ballot  
16 return envelope is guilty of a felony.

17 (6) If an elector obtains his or her absent voter ballot in  
18 person from the clerk of the city, township, or village in which  
19 he or she is registered, the clerk of the city, township, or  
20 village shall not provide an absent voter ballot to that elector  
21 until the elector identifies himself or herself to the clerk by  
22 presenting an official state **PERSONAL** identification card issued  
23 to that elector under 1972 PA 222, MCL 28.291 to 28.300, an  
24 operator's or chauffeur's license issued to that elector under  
25 the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923, **A**  
26 **CONCEALED PISTOL LICENSE ISSUED TO THAT ELECTOR UNDER 1927 PA**  
27 **372, MCL 28.421 TO 28.435**, or other generally recognized picture

1 identification card. If an elector does not have an official  
2 state **PERSONAL** identification card, operator's or chauffeur's  
3 license, **CONCEALED PISTOL LICENSE**, or other generally recognized  
4 picture identification card, the elector may sign an affidavit to  
5 that effect before the clerk of the city, township, or village  
6 and be allowed to obtain his or her absent voter ballot in person  
7 from the clerk. The clerk of the city, village, or township shall  
8 indicate to each elector who obtains his or her absent voter  
9 ballot in person from the clerk that the elector may sign an  
10 affidavit indicating that the elector does not have an official  
11 state **PERSONAL** identification card, operator's or chauffeur's  
12 license, **CONCEALED PISTOL LICENSE**, or other generally recognized  
13 picture identification card in order to obtain his or her absent  
14 voter ballot in person from the clerk. However, if an elector  
15 obtains his or her absent voter ballot in person from the clerk  
16 and votes by absent voter ballot without providing the  
17 identification required under this subsection, the absent voter  
18 ballot of that elector shall be prepared as a challenged ballot  
19 as provided in section 727 and shall be counted as any other  
20 ballot is counted unless determined otherwise by a court of law  
21 under section 747 or 748 or any other applicable law.

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

1 provisional ballot return envelope. A provisional ballot shall  
2 only be tabulated if a valid voter registration record for the  
3 elector is located or if the identity and residence of the  
4 elector is established using a Michigan operator's license,  
5 chauffeur's license, personal identification card, **CONCEALED**  
6 **PISTOL LICENSE**, other government issued photo identification  
7 card, or a photo identification card issued by an institution of  
8 higher education in this state described in section 6 of article  
9 VIII of the state constitution of 1963 or a junior college or  
10 community college established under section 7 of article VIII of  
11 the state constitution of 1963 along with a document to establish  
12 the voter's current residence address as provided in section  
13 523a(5). Before the provisional ballot is tabulated, election  
14 officials shall process the ballot as a challenged ballot under  
15 sections 745 and 746.

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

21 (3) Within 7 days after an election, the city or township  
22 clerk shall transmit to the county clerk a provisional ballot  
23 report for each precinct in the jurisdiction. The report shall  
24 include for each precinct the number of provisional ballots  
25 issued, the number of provisional ballots tabulated on election  
26 day, the number of provisional ballots forwarded to the clerk to  
27 be determined after the election, the number of provisional

1 ballots tabulated by the clerk after election day, and any  
2 additional information concerning provisional ballots as required  
3 by the secretary of state.

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

9 Enacting section 1. This amendatory act takes effect 90 days  
10 after the date it is enacted into law.