

HOUSE BILL No. 4599

May 11, 2017, Introduced by Reps. Chang, Hoadley, Pagan, Rabhi, Hammoud, Garrett, Santana, Wittenberg, Liberati, Durhal, Byrd, Scott, Gay-Dagnogo, Love and Zemke and referred to the Committee on Elections and Ethics.

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 497c, 523, 523a, 761, and 813 (MCL 168.497c, 168.523, 168.523a, 168.761, and 168.813), section 497c as added and 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. 497c. (1) Beginning ~~on the effective date of the~~
 2 ~~amendatory act that added this section,~~ **MARCH 28, 2013**, a person
 3 who applies in person to register to vote at a department of state
 4 office, a designated voter registration agency, the office of a
 5 county clerk, or the office of the clerk of the city or township in
 6 which the applicant resides shall identify himself or herself by
 7 presenting an official state **PERSONAL** identification card issued to
 8 that person under 1972 PA 222, MCL 28.291 to 28.300, an operator's

1 or chauffeur's license issued to that person under the Michigan
2 vehicle code, 1949 PA 300, MCL 257.1 to 257.923, **A COUNTY-ISSUED**
3 **PHOTO IDENTIFICATION CARD ISSUED TO THAT PERSON, A MUNICIPALLY**
4 **ISSUED PHOTO IDENTIFICATION CARD ISSUED TO THAT PERSON,** or other
5 generally recognized picture identification card.

6 (2) If a person who applies in person to register to vote as
7 provided in subsection (1) does not have an official state **PERSONAL**
8 identification card, an operator's or chauffeur's license, **A**
9 **COUNTY-ISSUED PHOTO IDENTIFICATION CARD, A MUNICIPALLY ISSUED PHOTO**
10 **IDENTIFICATION CARD,** or other generally recognized picture
11 identification card as required under subsection (1), the person
12 may sign an affidavit to that effect and be allowed to register to
13 vote.

14 Sec. 523. (1) At each election, before being given a ballot,
15 each registered elector offering to vote shall identify himself or
16 herself by presenting an official state **PERSONAL** identification
17 card issued to that individual under 1972 PA 222, MCL 28.291 to
18 28.300, an operator's or chauffeur's license issued to that
19 individual under the Michigan vehicle code, 1949 PA 300, MCL 257.1
20 to 257.923, **A COUNTY-ISSUED PHOTO IDENTIFICATION CARD ISSUED TO**
21 **THAT INDIVIDUAL, A MUNICIPALLY ISSUED PHOTO IDENTIFICATION CARD**
22 **ISSUED TO THAT INDIVIDUAL,** or other generally recognized picture
23 identification card and by executing an application, on a form
24 prescribed by the secretary of state, in the presence of an
25 election official ~~which~~ **THAT** includes all of the following:

- 26 (a) The name of the elector.
27 (b) The elector's address of residence.

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

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

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

6 (2) If an elector's signature contained in the qualified voter
7 file is available in the polling place, the election official shall
8 compare the signature upon the application with the digitized
9 signature provided by the qualified voter file. If an elector's
10 signature is not contained in the qualified voter file, the
11 election official shall process the application in the same manner
12 as applications are processed when a voter registration list is
13 used in the polling place. If voter registration lists are used in
14 the precinct, the election inspector shall determine if the name on
15 the application to vote appears on the voter registration list. If
16 the name appears on the voter registration list, the elector shall
17 provide further identification or other information stated upon the
18 voter registration list. If the signature or an item of information
19 does not correspond, the vote of the person ~~shall~~**MUST** be
20 challenged, and the same procedure ~~shall~~**MUST** be followed as
21 provided in this act for the challenging of an elector. If the
22 elector does not have an official state **PERSONAL** identification
23 card, operator's or chauffeur's license, **COUNTY-ISSUED PHOTO**
24 **IDENTIFICATION CARD, MUNICIPALLY ISSUED PHOTO IDENTIFICATION CARD,**
25 or other generally recognized picture identification card as
26 required under this ~~subsection,~~**SECTION**, the individual shall sign
27 an affidavit to that effect before an election inspector and be

1 allowed to vote as otherwise provided in this act. However, an
2 elector being allowed to vote without the identification required
3 under this ~~subsection~~**SECTION** is subject to challenge as provided
4 in section 727.

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

22 Sec. 523a. (1) If an individual who has applied to register to
23 vote on or before the close of registration appears at a polling
24 place on election day and completes an application under section
25 523 is not listed on the voter registration list, the election
26 inspector shall issue a ballot to the individual as follows:

27 (a) For an individual who presents a receipt issued by a

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

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

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

1 is guilty of perjury. An individual signing a sworn statement shall
2 complete a new voter registration application. The individual shall
3 state the approximate date and in what manner the registration
4 application was submitted:

5 (a) To a department of state office.

6 (b) To a designated voter registration agency.

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

9 (d) By a mailed application.

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

15 (4) If the city or township clerk verifies the elector
16 information and finds no information contrary to the information
17 provided by the individual in the sworn statement and the
18 individual presents a Michigan operator's or chauffeur's license,
19 department of state issued personal identification card, **COUNTY-**
20 **ISSUED PHOTO IDENTIFICATION CARD, MUNICIPALLY ISSUED PHOTO**
21 **IDENTIFICATION CARD**, other ~~government issued~~ **GOVERNMENT-ISSUED**
22 photo identification card, or a photo identification card issued by
23 an institution of higher education in this state described in
24 section 6 of article VIII of the state constitution of 1963 or a
25 junior college or community college established under section 7 of
26 article VIII of the state constitution of 1963 that contains a
27 current residence address to establish his or her identity and

1 residence address, the individual ~~shall be permitted to~~ **MAY** vote a
2 provisional ballot on election day. Before the provisional ballot
3 is tabulated on election day, election inspectors shall process the
4 ballot as a challenged ballot under sections 745 and 746.

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

1 constitution of 1963 or a junior college or community college
2 established under section 7 of article VIII of the state
3 constitution of 1963 that does not bear the voter's current
4 residence address, if the voter also presents a document to
5 establish the voter's current residence address. The election
6 inspector shall accept a document containing the name and current
7 residence address of the voter as sufficient documentation to issue
8 a provisional ballot if it is 1 of the 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 ~~shall~~ **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. For a provisional ballot voted
20 under subsection (5), the election inspector shall provide the
21 voter with a notice that the voter's information will be verified
22 by the clerk of the jurisdiction within 6 days after the election
23 to determine whether the ballot will be tabulated and, if the
24 ballot is not tabulated, to determine the reason it was not
25 tabulated. A clerk of a jurisdiction shall provide a free access
26 system for the voter to determine whether the ballot was tabulated.
27 The free access system may include a telephone number that does not

1 require a toll charge, a toll-free telephone number, an internet
2 website, or a mailed notice.

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

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

22 (2) The qualified voter file ~~shall~~**MUST** be used to determine
23 the genuineness of a signature on an application for an absent
24 voter ballot. Signature comparisons ~~shall~~**MUST** be made with the
25 digitized signature in the qualified voter file. If the qualified
26 voter file does not contain a digitized signature of an elector, or
27 is not accessible to the clerk, the city or township clerk shall

1 compare the signature appearing on the application for an absent
2 voter ballot to the signature contained on the master card.

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

23 (4) Absent voter ballots ~~shall~~**MUST** be issued in the same
24 order in which applications are received by the clerk of a city,
25 township, or village, as nearly as may be, and each ballot issued
26 ~~shall~~**MUST** bear the lowest number of each kind available for this
27 purpose. However, this provision does not prohibit a clerk from

1 immediately issuing an absent voter ballot to an absent voter who
2 applies in person in the clerk's office for absent voter ballots.
3 The clerk shall enclose with the ballot or ballots a return
4 envelope properly addressed to the clerk and bearing upon the back
5 of the envelope a printed statement in substantially the following
6 form:

7 TO BE COMPLETED

8 BY THE CLERK

9 _____

10 Name of Voter Street Address or R.R.

11 _____

12 City, Township or Village County

13 Ward _____ Precinct _____ Date of Election _____

14 =====

15 TO BE COMPLETED BY THE ABSENT VOTER

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

22 I further assert that this absent voter ballot is being
23 returned to the clerk or an assistant of the clerk by me
24 personally; by public postal service, express mail service, parcel
25 post service, or other common carrier; by a member of my immediate
26 family; or by a person residing in my household.

1 DATE: _____ SIGN HERE: X _____
2 Signature of Absent Voter

3 The above form must be signed or your vote will not be counted.
4 AN ABSENT VOTER WHO KNOWINGLY MAKES A FALSE STATEMENT IS GUILTY
5 OF A MISDEMEANOR.

6 =====
7 TO BE COMPLETED ONLY IF VOTER IS ASSISTED IN VOTING
8 BY ANOTHER PERSON

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

14 _____
15 Signature of Person Street Address City, Twp., or
16 Assisting Voter or R.R. Village

17 _____
18 Printed Name of Person Assisting Voter

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

21 =====
22 WARNING

23 PERSONS WHO CAN LEGALLY BE IN POSSESSION OF AN ABSENT VOTER
24 BALLOT ISSUED TO AN ABSENT VOTER ARE LIMITED TO THE ABSENT VOTER; A
25 PERSON WHO IS A MEMBER OF THE ABSENT VOTER'S IMMEDIATE FAMILY OR
26 RESIDES IN THE ABSENT VOTER'S HOUSEHOLD AND WHO HAS BEEN ASKED BY

1 THE ABSENT VOTER TO RETURN THE BALLOT; A PERSON WHOSE JOB IT IS TO
2 HANDLE MAIL BEFORE, DURING, OR AFTER BEING TRANSPORTED BY A PUBLIC
3 POSTAL SERVICE, EXPRESS MAIL SERVICE, PARCEL POST SERVICE, OR
4 COMMON CARRIER, BUT ONLY DURING THE NORMAL COURSE OF HIS OR HER
5 EMPLOYMENT; AND THE CLERK, ASSISTANTS OF THE CLERK, AND OTHER
6 AUTHORIZED ELECTION OFFICIALS OF THE CITY, TOWNSHIP, VILLAGE, OR
7 SCHOOL DISTRICT. ANY OTHER PERSON IN POSSESSION OF AN ABSENT VOTER
8 BALLOT IS GUILTY OF A FELONY.

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

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

1 **IDENTIFICATION CARD, MUNICIPALLY ISSUED PHOTO IDENTIFICATION CARD,**
2 or other generally recognized picture identification card, the
3 elector may sign an affidavit to that effect before the clerk of
4 the city, township, or village and be allowed to obtain his or her
5 absent voter ballot in person from the clerk. The clerk of the
6 city, village, or township shall indicate to each elector who
7 obtains his or her absent voter ballot in person from the clerk
8 that the elector may sign an affidavit indicating that the elector
9 does not have an official state **PERSONAL** identification card,
10 operator's or chauffeur's license, **COUNTY-ISSUED PHOTO**
11 **IDENTIFICATION CARD, MUNICIPALLY ISSUED PHOTO IDENTIFICATION CARD,**
12 or other generally recognized picture identification card in order
13 to obtain his or her absent voter ballot in person from the clerk.
14 However, if an elector obtains his or her absent voter ballot in
15 person from the clerk and votes by absent voter ballot without
16 providing the identification required under this subsection, the
17 absent voter ballot of that elector ~~shall~~**MUST** be prepared as a
18 challenged ballot as provided in section 727 and ~~shall~~**MUST** be
19 counted as any other ballot is counted unless determined otherwise
20 by a court of law under section 747 or 748 or any other applicable
21 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~~**MUST**
2 only be tabulated if a valid voter registration record for the
3 elector is located or if the identity and residence of the elector
4 is established using a Michigan operator's license, chauffeur's
5 license, personal identification card, **COUNTY-ISSUED PHOTO**
6 **IDENTIFICATION CARD, MUNICIPALLY ISSUED PHOTO IDENTIFICATION CARD,**
7 other ~~government-issued~~**GOVERNMENT-ISSUED** photo identification
8 card, or a photo identification card issued by an institution of
9 higher education in this state described in section 6 of article
10 VIII of the state constitution of 1963 or a junior college or
11 community college established under section 7 of article VIII of
12 the state constitution of 1963 along with a document to establish
13 the voter's current residence address as provided in section
14 523a(5). Before the provisional ballot is tabulated, election
15 officials shall process the ballot as a challenged ballot under
16 sections 745 and 746.

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

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

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

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

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