

**SUBSTITUTE FOR
SENATE BILL NO. 304**

A bill to amend 1954 PA 116, entitled
"Michigan election law,"
by amending section 523a (MCL 168.523a), 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
5 issue a ballot to the individual as follows:

6 (a) For an individual who presents a receipt issued by a
7 department of state office, a designated voter registration agency,
8 or the elector's county, city, or township clerk's office verifying
9 the acceptance of a voter registration application and completes a

1 new voter registration application, the election inspector shall
2 allow the individual to vote a ballot in the same manner as an
3 elector whose name is listed on the voter registration list.

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

17 (2) Except for an individual who produces a receipt under
18 subsection (1)(a), the election inspector shall require an
19 individual who is not listed on the voter registration list to
20 execute a sworn statement affirming that the individual submitted a
21 voter registration application on or before election day and is
22 eligible to vote in the election. An individual who provides false
23 information in a signed sworn statement under this subsection is
24 guilty of perjury. An individual signing a sworn statement shall
25 complete a new voter registration application. The individual shall
26 state the approximate date and in what manner the registration
27 application was submitted:

28 (a) To a department of state office.

29 (b) To a designated voter registration agency.

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

3 (d) By a mailed application.

4 (3) The election inspector shall contact the city or township
5 clerk to verify whether the individual who signed the sworn
6 statement under subsection (2) is listed in the registration
7 records of the jurisdiction or whether there is any information
8 contrary to the content of the sworn statement.

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

19 (5) If the election inspector is not able to contact the city
20 or township clerk, the individual is not in the correct precinct,
21 or the individual is unable to present identification for election
22 purposes that contains a current residence address, the individual
23 must be issued a provisional ballot that is not tabulated on
24 election day but is secured for verification after the election. A
25 provisional ballot must also be issued under this subsection to a
26 voter who presents identification for election purposes that does
27 not bear the voter's current residence address, if the voter also
28 presents a document to establish the voter's current residence
29 address. The election inspector shall accept a document containing

1 the name and current residence address of the voter as sufficient
2 documentation to issue a provisional ballot if it is 1 of the
3 following documents:

4 (a) A current utility bill.

5 (b) A current bank statement.

6 (c) A current paycheck, government check, or other government
7 document.

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

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

15 (8) For a provisional ballot voted under subsection (5), the
16 election inspector shall provide the voter with a notice that the
17 voter's information will be verified by the clerk of the
18 jurisdiction within 6 days after the election to determine whether
19 the ballot will be tabulated and, if the ballot is not tabulated,
20 to determine the reason it was not tabulated. **The notice provided**
21 **to the voter under this subsection must indicate that the**
22 **provisional ballot will only be tabulated if, within 6 days after**
23 **the election, the voter verifies his or her voter registration**
24 **record with the proper city or township clerk or, if the voter was**
25 **issued a provisional ballot under section 523(5), 759(4), 759a(4),**
26 **759b(4), or 761(1) or (6), the voter establishes his or her**
27 **identity and residence with the proper city or township clerk by**
28 **using identification for election purposes, along with a current**
29 **utility bill, bank statement, paycheck, government check, or other**

1 government document to establish the voter's current residence
2 address if the identification for election purposes used does not
3 contain the voter's current residence address. The notice provided
4 to the voter under this subsection must also indicate that if an
5 individual does not possess identification for election purposes,
6 that individual may, within 6 days after the election, present
7 himself or herself to the proper city or township clerk and provide
8 a copy of his or her birth certificate or Social Security card,
9 along with a current utility bill, bank statement, paycheck,
10 government check, or other government document containing the name
11 and current address of the individual, in order to verify his or
12 her voter registration record and have his or her provisional
13 ballot tabulated. The notice provided to the voter under this
14 subsection must also indicate that there is no fee to obtain an
15 official state personal identification card that can be used to
16 establish his or her identity and residence with the proper city or
17 township clerk. A clerk of a jurisdiction shall provide a free
18 access system for the voter to determine whether the ballot was
19 tabulated. The free access system may include a telephone number
20 that does not require a toll charge, a toll-free telephone number,
21 an internet website, or a mailed notice.

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

27 Enacting section 1. This amendatory act does not take effect
28 unless Senate Bill No. 303 of the 101st Legislature is enacted into
29 law.