

**STATE OF MICHIGAN  
101ST LEGISLATURE  
REGULAR SESSION OF 2021**

Introduced by Senators VanderWall, LaSata, Horn, Theis, Stamas, Zorn, Barrett, Daley, Outman  
and Lauwers

**ENROLLED SENATE BILL No. 304**

AN ACT to amend 1954 PA 116, entitled “An act to reorganize, consolidate, and add to the election laws; to provide for election officials and prescribe their powers and duties; to prescribe the powers and duties of certain state departments, state agencies, and state and local officials and employees; to provide for the nomination and election of candidates for public office; to provide for the resignation, removal, and recall of certain public officers; to provide for the filling of vacancies in public office; to provide for and regulate primaries and elections; to provide for the purity of elections; to guard against the abuse of the elective franchise; to define violations of this act; to provide appropriations; to prescribe penalties and provide remedies; and to repeal certain acts and all other acts inconsistent with this act,” by amending section 523a (MCL 168.523a), as amended by 2018 PA 603.

*The People of the State of Michigan enact:*

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

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

(b) For an individual who does not present a receipt verifying the acceptance of a voter registration application under subdivision (a), the election inspector shall determine whether the individual is in the appropriate polling place based on residence information provided by the individual. The election inspector shall review any documents or maps in the polling place or communicate with the city or township clerk to verify the appropriate polling place for the individual. The election inspector shall direct an individual who is not in the appropriate

polling place to the appropriate polling place. If the individual refuses to go to the appropriate polling place, the election inspector shall issue the individual a provisional ballot that is processed according to subsection (5).

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

- (a) To a department of state office.
- (b) To a designated voter registration agency.
- (c) To the office of his or her county, city, or township clerk.
- (d) By a mailed application.

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

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

(5) If the election inspector is not able to contact the city or township clerk, the individual is not in the correct precinct, or the individual is unable to present identification for election purposes that contains a current residence address, the individual must be issued a provisional ballot that is not tabulated on election day but is secured for verification after the election. A provisional ballot must also be issued under this subsection to a voter who presents identification for election purposes that does not bear the voter's current residence address, if the voter also presents a document to establish the voter's current residence address. The election inspector shall accept a document containing the name and current residence address of the voter as sufficient documentation to issue a provisional ballot if it is 1 of the following documents:

- (a) A current utility bill.
- (b) A current bank statement.
- (c) A current paycheck, government check, or other government document.

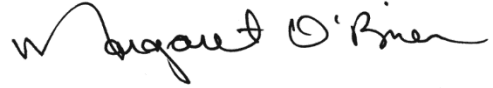
(6) A provisional ballot must be placed in a provisional ballot return envelope prescribed by the secretary of state and delivered to the city or township clerk after the polls close in a manner as prescribed by the secretary of state.

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

(8) For a provisional ballot voted under subsection (5), the election inspector shall provide the voter with a notice that the voter's information will be verified by the clerk of the jurisdiction within 6 days after the election to determine whether the ballot will be tabulated and, if the ballot is not tabulated, to determine the reason it was not tabulated. The notice provided to the voter under this subsection must indicate that the provisional ballot will only be tabulated if, within 6 days after the election, the voter verifies his or her voter registration record with the proper city or township clerk or, if the voter was issued a provisional ballot under section 523(5), 759(4), 759a(4), 759b(4), or 761(1) or (6), the voter establishes his or her identity and residence with the proper city or township clerk by using identification for election purposes, along with a current utility bill, bank statement, paycheck, government check, or other government document to establish the voter's current residence address if the identification for election purposes used does not contain the voter's current residence address. The notice provided to the voter under this subsection must also indicate that if an individual does not possess identification for election purposes, that individual may, within 6 days after the election, present himself or herself to the proper city or township clerk and provide a copy of his or her birth certificate or Social Security card, along with a current utility bill, bank statement, paycheck, government check, or other government document containing the name and current address of the individual, in order to verify his or her voter registration record and have his or her provisional ballot tabulated. The notice provided to the voter under this subsection must also indicate that there is no fee to obtain an official state personal identification card that can be used to establish his or her identity and residence with the proper city or township clerk. A clerk of a jurisdiction shall provide a free access system for the voter to determine whether the ballot was tabulated. The free access system may include a telephone number that does not require a toll charge, a toll-free telephone number, an internet website, or a mailed notice.

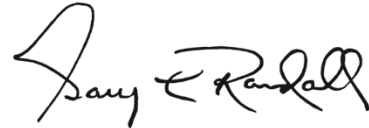
(9) As used in this section and sections 813 and 829, “provisional ballot” means a special ballot utilized for an individual that is tabulated only after verification of the individual’s eligibility to vote.

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



---

Secretary of the Senate



---

Clerk of the House of Representatives

Approved \_\_\_\_\_

---

Governor