

# Legislative Analysis



## IDENTIFICATION FOR ELECTION PURPOSES

Phone: (517) 373-8080  
<http://www.house.mi.gov/hfa>

**Senate Bill 373 (S-1) as passed by the House**  
**Sponsor: Sen. Stephanie Chang**  
**House Committee: Elections**  
**Senate Committee: Elections and Ethics**  
**Complete to 6-27-23**

Analysis available at  
<http://www.legislature.mi.gov>

*(Enacted as Public Act 87 of 2023)*

### SUMMARY:

Senate Bill 373 would amend the Michigan Election Law to revise the photo identification that can be used for election purposes to comply with section 4 of Article II of the state constitution, approved by voters as Ballot Proposal 2 of 2022. That section provides that a registered voter has the right to prove their identity when voting or applying for an absent voter ballot in person by presenting their photo identification, including photo identification issued by an educational institution or a federal, state, local, or tribal government. The bill would accordingly add to the act photo identification issued by a local government, as well as revising the act's current description of acceptable photo identification from educational institutions. The bill is identical to House Bill 4698 as passed by the House.

Under the Michigan Election Law, a person must present *identification for election purposes* to identify themselves when, among other things, voting in person or applying in person for an absent voter ballot.

Currently, the term *identification for election purposes* means any of the following:

- A driver's license or enhanced driver's license issued by the state of Michigan.
- An official state personal identification card or enhanced official state personal identification card issued by the state of Michigan.
- A current driver's license issued by another state.
- A current state personal identification card issued by another state.
- A current state government issued photo identification card.
- A current United States passport or photo identification card issued by the federal government.
- A current military photo identification card.
- A current tribal photo identification card.
- A current student photo identification card issued by a high school in Michigan; a state institution of higher education, junior college, or community college; or another accredited degree- or certificate-granting college or university, junior college, or community college located in Michigan.

Under the bill, *identification for election purposes* would additionally include a current photo identification card issued by a local government, and a current student identification card would have to be issued by an *educational institution* (instead of by an institution listed above).

*Educational institution* would mean a public or private institution, or a separate school or department of a public or private institution, that is authorized by law or an accrediting body to grant or issue a diploma, degree, certificate, or license, or to grant

approval to practice a profession or engage in an enterprise, such as an academy, high school, college, university, community college, junior college, secondary school, extension course, or a business, nursing, professional, secretarial, technical, or vocational school.

Under both current law and the bill, the photo identification would have to be issued to the individual presenting the card or document and, if presented for voting purposes, the name on the card or document would have to sufficiently match the individual's name in their voter registration record so as to accurately identify the individual as the registered elector. Note that a person registering to vote must prove their residency and eligibility, which requires other kinds of documentation than the photo identification described above.

The bill is tie-barred to Senate Bill 367,<sup>1</sup> a bill that would implement early voting and allow absent voter ballots to be tabulated before election day, among other things, meaning that Senate Bill 373 cannot go into effect unless SB 367 is also enacted.

MCL 168.2

#### **FISCAL IMPACT:**

The bill would have no fiscal impact on the state or local units of government.

#### **POSITIONS:**

The following entities indicated support for the bill (6-20-23):

- American Association of University Women
- American Civil Liberties Union of Michigan
- Common Cause Michigan
- Institute for Responsive Government
- Michigan Association of Municipal Clerks
- Michigan League of Conservation Voters
- Promote The Vote
- Voters Not Politicians

Pure Integrity for Michigan Elections indicated opposition to the bill. (6-20-23)

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations and does not constitute an official statement of legislative intent.

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<sup>1</sup> For a summary of SB 367 as passed by the House, see: <http://www.legislature.mi.gov/documents/2023-2024/billanalysis/House/pdf/2023-HLA-0367-B3178DB5.pdf>.