

HOUSE JOINT RESOLUTION B

January 29, 2025, Introduced by Reps. Posthumus, Johnsen, Borton, Kelly, Pavlov, Neyer, Slagh, Wozniak, Roth, Schmaltz, Schriver, Wortz, Kunse, Aragona, Woolford, Alexander, Jenkins-Arno, Cavitt, Beson, DeSana, Outman, Thompson, Fox, Martin, Steele, Kuhn, Rigas, Markkanen, Robinson, Bierlein, BeGole, Hoadley, St. Germaine, Prestin, Linting, Bohnak, Carra, VanderWall, DeBoer, DeBoyer, Wendzel, Smit, Bollin, Green and Greene and referred to Committee on Election Integrity.

A joint resolution proposing an amendment to the state constitution of 1963, by amending sections 1 and 4 of article II, to require the verification of an elector's United States citizenship and to modify voter identification requirements.

Resolved by the Senate and House of Representatives of the state of Michigan, That the following amendment to the state constitution of 1963, to require the verification of an elector's United States citizenship and to modify voter identification

requirements, is proposed, agreed to, and submitted to the people of the state:

ARTICLE II

Sec. 1. **(1)** Every citizen of the United States who has attained the age of ~~21~~**18** years, who has resided in this state six months, and who meets the requirements of local residence provided by law, shall be an elector and qualified to vote in any election except as otherwise provided in this constitution. The legislature shall define residence for voting purposes. **An individual who is not a citizen of the United States is not qualified to vote in any election.**

(2) For an individual registering to vote after December 18, 2026, to be an elector who is qualified to vote in any election and who has the rights provided in section 4 of this article, the individual's United States citizenship must be verified by either of the following methods:

(a) The individual presenting documentary proof of United States citizenship, either at the time the individual registers to vote with the election official or designated voter registration agency authorized by law to receive voter registrations or at a later date, to the secretary of state or to the county, city, or township clerk of the county, city, or township in which the individual resides.

(b) The secretary of state verifying that the individual is a United States citizen.

(3) For an individual described in subsection (2), the statewide qualified voter file must indicate whether the individual's United States citizenship has been verified under subsection (2). Each voter registration list used in a polling

1 place must be generated from and consistent with the statewide
2 qualified voter file. During each year, except for the 90 days
3 before the date of a federal election, the secretary of state must
4 use an ongoing systematic process to verify that each individual
5 who appears in the statewide qualified voter file is a United
6 States citizen. Under the systematic process, the secretary of
7 state must use all reasonable efforts to obtain information
8 regarding the citizenship status of those individuals listed in the
9 statewide qualified voter file, including, but not limited to,
10 submitting requests to a department or agency of the federal
11 government to verify the citizenship status of individuals to the
12 fullest extent allowed under federal law. If the secretary of state
13 obtains information through the systematic process that an
14 individual who is listed in the statewide qualified voter file is
15 not a United States citizen, the secretary of state must provide
16 written notice to that individual within 7 days after obtaining
17 that information. If the individual does not respond to the written
18 notice sent by the secretary of state or does not verify the
19 individual's United States citizenship within 60 days after
20 receiving the written notice from the secretary of state, that
21 individual is no longer registered to vote and must be immediately
22 removed from the statewide qualified voter file. In addition, the
23 secretary of state may, at any time, conduct an individualized
24 review of the citizenship status of an individual who is listed in
25 the statewide qualified voter file. The individualized review must
26 use all of the reasonable efforts required in the systematic
27 process to obtain information regarding the citizenship status of
28 the individual. If the secretary of state obtains information
29 during an individualized review that the individual is not a United

1 States citizen, the secretary of state must follow the same notice
2 and removal provisions provided for under the systematic process.

3 (4) An individual who has been removed from the statewide
4 qualified voter file under subsection (3) is not prohibited from
5 applying to register to vote after being removed from the statewide
6 qualified voter file.

7 (5) Not later than January 31 of each year, the secretary of
8 state shall submit a report to each member of the legislature
9 summarizing the results of the secretary of state's systematic
10 process and any individualized reviews as described in subsection
11 (3). The report must include the number of individuals who appear
12 in the statewide qualified voter file, the number of individuals
13 who were removed from the statewide qualified voter file, the
14 number of individuals who the secretary of state automatically
15 registered to vote under section 4(1)(d) of this article, and the
16 number of individuals who the secretary of state did not
17 automatically register to vote under section 4(1)(d) of this
18 article after conducting an individualized review under subsection
19 (3).

20 (6) If the United States citizenship of an individual
21 described in subsection (2) is not verified as provided in
22 subsection (2) before the individual applies to vote a regular
23 ballot or applies to vote an absent voter ballot at an election,
24 the individual is qualified to vote only a provisional ballot at
25 that election until the individual's United States citizenship is
26 verified as provided in subsection (2). The provisional ballot of
27 that individual must be tabulated only if the individual's United
28 States citizenship is verified as provided in subsection (2) on or
29 before the sixth day after the election. If the individual's United

1 States citizenship is not verified as provided in subsection (2) on
2 or before the sixth day after the election, the provisional ballot
3 voted by that individual must not be tabulated.

4 (7) Documentary proof of United States citizenship includes
5 only types of documentation that establish an individual's United
6 States citizenship.

7 (8) This section must be implemented to the maximum extent
8 that the United States Constitution and federal law permit.

9 Sec. 4. (1) ~~Every~~ **Subject to section 1 of this article, every**
10 citizen of the United States who is an elector qualified to vote in
11 Michigan shall have the following rights:

12 (a) The fundamental right to vote, including, but not limited
13 to, the right, once registered, **and, for an individual described in**
14 **section 1(2) of this article, once United States citizenship is**
15 **verified as provided in section 1(2) of this article,** to vote a
16 secret ballot in all elections. No person shall: (1) enact or use
17 any law, rule, regulation, qualification, prerequisite, standard,
18 practice, or procedure; (2) engage in any harassing, threatening,
19 or intimidating conduct; or (3) use any means, whatsoever, any of
20 which has the intent or effect of denying, abridging, interfering
21 with, or unreasonably burdening the fundamental right to vote.

22 Any Michigan citizen or citizens shall have standing to bring
23 an action for declaratory, injunctive, and/or monetary relief to
24 enforce the rights created by this part (a) of subsection (4)(1) on
25 behalf —of themselves. Those actions shall be brought in the
26 circuit court for the county in which a plaintiff resides. If a
27 plaintiff prevails in whole or in part, the court shall award
28 reasonable attorneys' fees, costs, and disbursements.

29 For purposes of this part (a) of subsection (4)(1), "person"

1 means an individual, association, corporation, joint stock company,
2 labor organization, legal representative, mutual company,
3 partnership, unincorporated organization, the state or a political
4 subdivision of the state or an agency of the state, or any other
5 legal entity, and includes an agent of a person.

6 (b) The right, if serving in the military or living overseas,
7 to have an absent voter ballot sent to them at least forty-five
8 (45) days before an election upon application and to have their
9 absent voter ballot deemed timely received if postmarked on or
10 before election day and received by the appropriate election
11 official within six (6) days after such election. For purposes of
12 this part (b) of subsection (4)(1), a postmark shall include any
13 type of mark applied by the United States Postal Service or any
14 delivery service to the return envelope, including, but not limited
15 to, a bar code or any tracking marks, which indicates when a ballot
16 was mailed.

17 (c) The right, once registered, **and, for an individual**
18 **described in section 1(2) of this article, once United States**
19 **citizenship is verified as provided in section 1(2) of this**
20 **article,** to a "straight party" vote option on partisan general
21 election ballots. In partisan elections, the ballot shall include a
22 position at the top of the ballot by which the voter may, by a
23 single selection, record a straight party ticket vote for all the
24 candidates of one (1) party. The voter may vote a split or mixed
25 ticket.

26 (d) ~~The~~ **Except as otherwise provided in this subdivision, the**
27 right to be automatically registered to vote as a result of
28 conducting business with the secretary of state regarding a
29 driver's license or personal identification card, unless the person

declines such registration. **Before the secretary of state automatically registers an individual to vote under this subdivision, the secretary of state shall conduct an individualized review of that individual's citizenship status as provided under section 1(3) of this article. The secretary of state shall not automatically register an individual to vote under this subdivision if the secretary of state obtains information during the individualized review that the individual is not a United States citizen.**

(e) ~~The~~ **Subject to this subdivision, the** right to register to vote for an election by mailing a completed voter registration application on or before the fifteenth (15th) day before that election to an election official authorized to receive voter registration applications. **For an individual described in section 1(2) of this article, the individual's United States citizenship must be verified as provided in section 1(2) of this article before the individual may vote a regular ballot or an absent voter ballot that is not treated as a provisional ballot at an election.**

(f) The right to register to vote for an election by (1) appearing in person and submitting a completed voter registration application on or before the fifteenth (15th) day before that election to an election official authorized to receive voter registration applications, or, (2) beginning on the fourteenth (14th) day before that election and continuing through the day of that election, appearing in person, submitting a completed voter registration application, and providing proof of residency to an election official responsible for maintaining custody of the registration file where the person resides, or their deputies. Persons registered in accordance with subsection (1)(f), **and an**

1 individual described in section 1(2) of this article whose United
2 States citizenship has been verified as provided in section 1(2) of
3 this article, shall be immediately eligible to receive a regular or
4 absent voter ballot.

5 (g) The right, once registered, and, for an individual
6 described in section 1(2) of this article, once United States
7 citizenship is verified as provided in section 1(2) of this
8 article, to prove their identity when voting in person or applying
9 for an absent voter ballot in person by (1) presenting their photo
10 identification, including photo identification issued by a federal,
11 state, local, or tribal government or an educational institution,
12 or, (2) if they do not have photo identification or do not have it
13 with them, executing an affidavit verifying their identity. A voter
14 shall ~~not~~ be required to vote a provisional ballot ~~solely because~~
15 if they executed an affidavit to prove their identity. The
16 provisional ballot must be tabulated only if the individual
17 presents photo identification, including photo identification
18 issued by a federal, state, local, or tribal government or an
19 educational institution, on or before the sixth day after the
20 election.

21 (h) The right, once registered, and, for an individual
22 described in section 1(2) of this article, once United States
23 citizenship is verified as provided in section 1(2) of this
24 article, to vote an absent voter ballot without giving a reason,
25 during the forty (40) days before an election, and the right to
26 choose whether the absent voter ballot is applied for, received,
27 and submitted in person or by mail. During that time, election
28 officials authorized to issue absent voter ballots shall be
29 available in at least one (1) location to issue and receive absent

1 voter ballots during the election officials' regularly scheduled
2 business hours and for at least eight (8) hours during the Saturday
3 and/or Sunday immediately prior to the election. Those election
4 officials shall have the authority to make absent voter ballots
5 available for voting in person at additional times and places
6 beyond what is required herein. Voters shall have the right to
7 prove their identity when applying for or voting an absent voter
8 ballot other than in person by providing their signature, **along**
9 **with providing an original or a copy of an identification for**
10 **election purposes, or providing the individual's driver license**
11 **number, official state personal identification card number, or the**
12 **last four digits of the individual's Social Security number,** to the
13 election official authorized to issue absent voter ballots. Those
14 election officials shall: (1) verify the identity of a voter who
15 applies for an absent voter ballot other than in person by
16 comparing the voter's signature on the absent voter ballot
17 application to the voter's signature in their registration record;
18 and (2) verify the identity of a voter who votes an absent voter
19 ballot other than in person by comparing the signature on the
20 absent voter ballot envelope to the signature on the voter's absent
21 voter ballot application or the signature in the voter's
22 registration record. **In addition, the election officials shall**
23 **verify the elector's identification for election purposes, or the**
24 **elector's driver license number, official state personal**
25 **identification card number, or the last four digits of the**
26 **elector's Social Security number, provided by the elector.** If those
27 election officials determine from either of the comparisons in (1)
28 or (2) of this part (h) of subsection (4)(1) that the signatures do
29 not sufficiently agree, or if the voter's signature on the absent

1 voter ballot application or absent voter ballot envelope is
2 missing, the voter has a right to be notified immediately and
3 afforded due process, including an equitable opportunity to correct
4 the issue with the signature. **The legislature shall by law create a**
5 **process for an individual to claim a hardship in paying a fee for**
6 **obtaining identification for election purposes, and that individual**
7 **must be given the ability to obtain some type of identification for**
8 **election purposes at no cost. The legislature shall define**
9 **identification for election purposes, and that definition must**
10 **include only types of identification issued by a federal, state,**
11 **local, or tribal government or an educational institution.**

12 (i) The right to: (1) state-funded prepaid postage to return
13 an absent voter ballot application provided to them by a Michigan
14 election official; (2) state-funded prepaid postage to return a
15 voted absent voter ballot; and (3) a state-funded system to track
16 submitted absent voter ballot applications and absent voter
17 ballots. The system shall permit voters to elect to receive
18 electronic notifications regarding the status of the voter's
19 submitted absent voter ballot application and absent voter ballot,
20 inform voters of any deficiency with the voter's submitted absent
21 voter ballot application or absent voter ballot, and provide
22 instructions for addressing any such deficiency.

23 (j) The right to at least one (1) state-funded secure drop-box
24 for every municipality, and, for municipalities with more than
25 fifteen thousand (15,000) registered voters at least one (1) drop-
26 box for every fifteen thousand (15,000) registered voters, for the
27 return of completed absent voter ballot applications and voted
28 absent voter ballots. Secure drop-boxes shall be distributed
29 equitably throughout the municipality and shall be accessible

1 twenty-four (24) hours per day during the forty (40) days prior to
2 any election and until eight (8) pm on election day.

3 (k) The right, once registered, **and, for an individual**
4 **described in section 1(2) of this article, once United States**
5 **citizenship is verified as provided in section 1(2) of this**
6 **article**, to have an absent voter ballot sent to the voter before
7 each election by submitting a single signed absent voter ballot
8 application covering all future elections. An election official
9 responsible for issuing absent voter ballots shall issue an absent
10 voter ballot for each election to every voter in the jurisdiction
11 who has exercised the right in this part (k) of subsection (4)(1)
12 and shall not require such voter to submit a separate application
13 for an absent voter ballot for any election. A voter's exercise of
14 this right shall be rescinded only if: (1) the voter submits a
15 signed request to rescind; (2) the voter is no longer qualified to
16 vote; (3) the secretary of state or the election official
17 responsible for issuing the voter an absent voter ballot receives
18 reliable information that the voter has moved to another state, or
19 has moved within this state without updating their voter
20 registration address; or (4) the voter does not vote for six (6)
21 consecutive years. The exercise of the right in this part (k) of
22 subsection (4)(1) shall remain in effect without the need for a new
23 absent voter ballot application when the voter changes their
24 residence in this state and updates their voter registration
25 address.

26 (l) The right to have the results of statewide elections
27 audited, in such a manner as prescribed by law, to ensure the
28 accuracy and integrity of elections. The secretary of state shall
29 conduct election audits, and shall supervise and direct county

1 election officials in the conduct of such audits. No officer or
2 member of the governing body of a national, state, or local
3 political party, and no political party precinct delegate, shall
4 have any role in the direction, supervision, or conduct of an
5 election audit. Public election officials shall maintain the
6 security and custody of all ballots and election materials during
7 an election audit. Election audits shall be conducted in public
8 based on methods finalized and made public prior to the election to
9 be audited. All funding of election audits shall be publicly
10 disclosed.

11 (m) The right, once registered, **and, for an individual**
12 **described in section 1(2) of this article, once United States**
13 **citizenship is verified as provided in section 1(2) of this**
14 **article**, to vote in each statewide and federal election in person
15 at an early voting site prior to election day. Voters at early
16 voting sites shall have the same rights and be subject to the same
17 requirements as voters at polling places on election day. An early
18 voting site is a polling place and shall be subject to the same
19 requirements as an election day polling place, except that an early
20 voting site may serve voters from more than six (6) precincts and
21 may serve voters from more than one (1) municipality within a
22 county. An early voting site shall also be subject to the same
23 requirements as an election day precinct, except that any statutory
24 limit on the number of voters assigned to a precinct shall not
25 apply to an early voting site. Each early voting site shall be open
26 for at least nine (9) consecutive days beginning on the second
27 Saturday before the election and ending on the Sunday before the
28 election, for at least eight (8) hours each day, and may be open
29 for additional days and hours beyond what is required herein at the

1 discretion of the election official authorized to issue ballots in
2 the jurisdiction conducting the election. Jurisdictions conducting
3 elections within a county may enter into agreements to share early
4 voting sites. A jurisdiction conducting an election may enter into
5 an agreement with the clerk of the county in which it is located
6 authorizing the county clerk to conduct early voting for the
7 jurisdiction. Jurisdictions conducting non-statewide elections may
8 offer early voting for such elections in accordance with the
9 provisions of this part (m) of subsection (4) (1). No early voting
10 results shall be generated or reported until after eight (8) pm on
11 election day.

12 All rights set forth in this subsection shall be self-
13 executing. This subsection shall be liberally construed in favor of
14 voters' rights in order to effectuate its purposes. Nothing
15 contained in this subsection shall prevent the legislature from
16 expanding voters' rights beyond what is provided herein. This
17 subsection and any portion hereof shall be severable. If any
18 portion of this subsection is held invalid or unenforceable as to
19 any person or circumstance, that invalidity or unenforceability
20 shall not affect the validity, enforceability, or application of
21 any other portion of this subsection.

22 (2) Except as otherwise provided in this constitution or in
23 the constitution or laws of the United States, the legislature
24 shall enact laws to regulate the time, place, and manner of all
25 nominations and elections, to preserve the purity of elections, to
26 preserve the secrecy of the ballot, to guard against abuses of the
27 elective franchise, and to provide for a system of voter
28 registration and absentee voting. No law shall be enacted which
29 permits a candidate in any partisan primary or partisan election to

1 have a ballot designation except when required for identification
2 of candidates for the same office who have the same or similar
3 surnames.

4 (3) A county, city, or township conducting an election may
5 accept and use publicly-disclosed charitable donations and in-kind
6 contributions to conduct and administer elections. The county,
7 city, or township shall retain discretion over whether to accept or
8 use any such donations or contributions. Charitable donations and
9 in-kind contributions of foreign funds or from foreign sources are
10 prohibited.

11 Resolved further, That the foregoing amendment shall be
12 submitted to the people of the state at the next general election
13 in the manner provided by law.