

# HOUSE BILL NO. 4227

March 09, 2023, Introduced by Reps. DeBoyer, Smit, BeGole, Aragona, Bierlein, Beson, Kunse, Maddock, Alexander, Johnsen, Paquette, St. Germaine, Schmaltz, Rigas, Schuette, DeBoer, Prestin, Roth, DeSana, Friske and Meerman and referred to the Committee on Elections.

A bill to amend 1954 PA 116, entitled  
"Michigan election law,"  
by amending sections 509q, 509gg, 509hh, 523, 813, and 829 (MCL  
168.509q, 168.509gg, 168.509hh, 168.523, 168.813, and 168.829),  
section 509q as amended by 2020 PA 302, section 509gg as amended by  
2014 PA 94, section 509hh as added by 2005 PA 71, section 523 as  
amended by 2018 PA 129, and sections 813 and 829 as amended by 2018

PA 603.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 509q. (1) Subject to subsection (2), the qualified voter  
2 file must contain all of the following information for each  
3 qualified voter:

4           (a) The name; residence address including house number and  
5 street name or rural route and box number, and the apartment  
6 number, if any; city; state; zip code; and date of birth.

7           (b) The driver license number or state personal identification  
8 card number or similar number issued by a designated voter  
9 registration agency.

10          (c) Jurisdictional information including county and city or  
11 township; village, if any; metropolitan district, if any; and  
12 school district.

13          (d) Precinct numbers and ward numbers, if any.

14          (e) Any other information that the secretary of state  
15 determines is necessary to assess the eligibility of qualified  
16 electors or to administer voter registration or other aspects of  
17 the election process.

18          (f) Voting history for a 5-year period.

19          (g) The most recent digitized signature of an elector if  
20 captured or reproduced by the secretary of state or a county, city,  
21 or township clerk from a voter registration application under  
22 section 509hh, or captured or reproduced by the secretary of state  
23 under section 307 of the Michigan vehicle code, 1949 PA 300, MCL  
24 257.307, **section 5 of the enhanced driver license and enhanced**  
25 **official state personal identification card act, 2008 PA 23, MCL**  
26 **28.305, or 1972 PA 222, MCL 28.291 to 28.300.**

27          (h) The most recent digital photographic image of an elector

1 if captured or reproduced by the secretary of state under section  
2 307 of the Michigan vehicle code, 1949 PA 300, MCL 257.307, or  
3 section 2 of 1972 PA 222, MCL 28.292, or the most recent facial  
4 image of an elector if captured or reproduced by the secretary of  
5 state under section 5 of the enhanced driver license and enhanced  
6 official state personal identification card act, 2008 PA 23, MCL  
7 28.305.

8 (2) If a qualified voter is a program participant, as that  
9 term is defined in **section 3 of** the address confidentiality program  
10 act, **2020 PA 301, MCL 780.853**, the qualified voter file must also  
11 contain the program participant's unique identification number  
12 issued by the department of the attorney general.

13 (3) Except as otherwise provided in this subsection, if a  
14 qualified voter is a program participant, as that term is defined  
15 in **section 3 of** the address confidentiality program act, **2020 PA**  
16 **301, MCL 780.853**, the information contained in the qualified voter  
17 file for that program participant, including ~~his or her~~ **that**  
18 **program participant's** unique identification number issued by the  
19 department of the attorney general, is confidential and not subject  
20 to disclosure under the freedom of information act, 1976 PA 442,  
21 MCL 15.231 to 15.246. The information contained in the qualified  
22 voter file for a program participant, as that term is defined in  
23 **section 3 of** the address confidentiality program act, **2020 PA 301,**  
24 **MCL 780.853**, may be used by an election official during the normal  
25 course of ~~his or her~~ **the election official's** duties as an election  
26 official.

27 Sec. 509gg. (1) The information described in this subsection  
28 that is contained in a registration record is exempt from  
29 disclosure under the freedom of information act, 1976 PA 442, MCL

1 15.231 to 15.246. The secretary of state, a designated voter  
2 registration agency, or a county, city, township, or village clerk  
3 shall not release a copy of that portion of a registration record  
4 that contains any of the following:

5 (a) The record that ~~a person~~**an individual** declined to  
6 register to vote.

7 (b) The office that received a registered ~~voter's~~**elector's**  
8 application.

9 (c) A registered ~~voter's driver's~~**elector's driver** license or  
10 state personal identification card number.

11 (d) The month and day of birth of a registered ~~voter~~**elector**.

12 (e) The telephone number provided by a registered  
13 ~~voter~~**elector**.

14 (f) The digitized signature of an elector that is captured or  
15 reproduced and transmitted to the qualified voter file by the  
16 secretary of state or a county, city, or township clerk under  
17 section 509hh or by the secretary of state under section 307 of the  
18 Michigan vehicle code, 1949 PA 300, MCL 257.307, **section 5 of the**  
19 **enhanced driver license and enhanced official state personal**  
20 **identification card act, 2008 PA 23, MCL 28.305, or 1972 PA 222,**  
21 **MCL 28.291 to 28.300.**

22 (g) The most recent digital photographic image of an elector  
23 that is captured or reproduced and transmitted to the qualified  
24 voter file by the secretary of state under section 307 of the  
25 Michigan vehicle code, 1949 PA 300, MCL 257.307, or section 2 of  
26 1972 PA 222, MCL 28.292, or the most recent facial image of an  
27 elector that is captured or reproduced and transmitted to the  
28 qualified voter file by the secretary of state under section 5 of  
29 the enhanced driver license and enhanced official state personal

1 **identification card act, 2008 PA 23, MCL 28.305.**

2 (2) Except as otherwise provided in this subsection, the last  
 3 4 digits of a registered ~~voter's social security~~ **elector's Social**  
 4 **Security** number contained in a registration record are exempt from  
 5 disclosure under the freedom of information act, 1976 PA 442, MCL  
 6 15.231 to 15.246. The last 4 digits of a registered ~~voter's social~~  
 7 ~~security~~ **elector's Social Security** number contained in a  
 8 registration record may only be used by the secretary of state to  
 9 verify a registered ~~voter's~~ **elector's** data as provided by the help  
 10 America vote act of 2002 and to verify a registered ~~voter's~~  
 11 **elector's** status under this act, and ~~shall~~ **must** not be used or  
 12 released for any other purpose.

13 Sec. 509hh. (1) The secretary of state may capture or  
 14 reproduce the signature of an elector from a voter registration  
 15 application or ~~pursuant to~~ **under** section 307 of the Michigan  
 16 vehicle code, 1949 PA 300, MCL 257.307, **section 5 of the enhanced**  
 17 **driver license and enhanced official state personal identification**  
 18 **card act, 2008 PA 23, MCL 28.305, or 1972 PA 222, MCL 28.291 to**  
 19 **28.300,** and transmit the signature to the qualified voter file  
 20 ~~pursuant to~~ **under** section 509q.

21 (2) The county, city, or township clerk may capture or  
 22 reproduce the signature of an elector from a voter registration  
 23 application and transmit the signature to the qualified voter file  
 24 ~~pursuant to~~ **under** section 509q.

25 (3) **The secretary of state may capture or reproduce the most**  
 26 **recent digital photographic image of an elector under section 307**  
 27 **of the Michigan vehicle code, 1949 PA 300, MCL 257.307, or section**  
 28 **2 of 1972 PA 222, MCL 28.292, or capture or reproduce the most**  
 29 **recent facial image of an elector under section 5 of the enhanced**

1 driver license and enhanced official state personal identification  
 2 card act, 2008 PA 23, MCL 28.305, and transmit the digital  
 3 photographic image or facial image to the qualified voter file  
 4 under section 509q.

5 Sec. 523. (1) Except as otherwise provided in subsection ~~(2)~~,  
 6 (5), at each election, before being given a ballot, each registered  
 7 elector offering to vote must ~~identify himself or herself by~~  
 8 ~~presenting~~ **present** identification for election purposes, and ~~by~~  
 9 ~~executing~~ **must execute** an application, on a form prescribed by the  
 10 secretary of state, in the presence of an election official that  
 11 includes all of the following:

12 (a) The name of the elector.

13 (b) The elector's address of residence.

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

15 (d) An affirmative statement by the elector that is included  
 16 in the signature statement indicating that ~~he or she~~ **the elector** is  
 17 a citizen of the United States.

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

19 (2) ~~If an~~ **An** elector's **digitized** signature **and digital**  
 20 **photographic image or facial image** contained in the qualified voter  
 21 file ~~is available~~ **must be included in the electronic poll book used**  
 22 in the polling place. ~~the~~ **The** election official ~~shall~~ **must**  
 23 compare the signature ~~upon~~ **on** the application with the **elector's**  
 24 digitized signature ~~provided by the qualified voter file.~~ **in the**  
 25 **electronic poll book. In addition, the election official must**  
 26 **compare the elector with the elector's digital photographic image**  
 27 **or photo image in the electronic poll book.**

28 (3) **If an elector's digitized signature does not correspond to**  
 29 **the elector's signature on the application and that elector's**

1 **digital photographic image or facial image does not correspond to**  
2 **that elector, the vote of the individual must be challenged, and**  
3 **the same procedure must be followed as provided in this act for the**  
4 **challenging of an elector.**

5 (4) If an elector's **digitized** signature is not contained in  
6 the ~~qualified voter file,~~ **electronic poll book,** the election  
7 official shall process the application in the same manner as  
8 applications are processed when a voter registration list is used  
9 in the polling place. If voter registration lists are used in the  
10 precinct, the election inspector shall determine if the name on the  
11 application to vote appears on the voter registration list. If the  
12 name appears on the voter registration list, the elector shall  
13 provide further identification or other information stated ~~upon-on~~  
14 the voter registration list. If the signature or an item of  
15 information does not correspond, the vote of the ~~person-~~**individual**  
16 must be challenged, and the same procedure must be followed as  
17 provided in this act for the challenging of an elector.

18 (5) If the elector does not have identification for election  
19 purposes as required under this section, the individual shall sign  
20 an affidavit to that effect before an election inspector and be  
21 allowed to vote as otherwise provided in this act. However, an  
22 elector being allowed to vote without identification for election  
23 purposes as required under this section is subject to challenge as  
24 provided in section 727.

25 (6) ~~(3)-~~If, ~~upon-on~~ a comparison of the signature, ~~or-~~**digital**  
26 **photographic image or facial image, and** other identification as  
27 required in this section, it is found that the applicant is  
28 entitled to vote, the election officer having charge of the  
29 registration list shall approve the application and write ~~his-or~~

1 ~~her~~ **the election officer's** initials on the application, after which  
2 the number on the ballot issued must be noted on the application.  
3 The application serves as 1 of the 2 poll lists required to be kept  
4 as a record of ~~a person~~ **an individual** who has voted. The  
5 application must be filed with the township ~~,~~ **or** city ~~,~~ **or** village  
6 clerk. If voter registration cards are used in the precinct, the  
7 date of the election must be noted by 1 of the election officials  
8 ~~upon~~ **on** the precinct registration card of each elector voting at an  
9 election. If voter registration lists are used in the precinct, the  
10 election official shall clearly indicate ~~upon~~ **on** the list each  
11 elector voting at that election. The clerk of a city ~~,~~ **village,** ~~or~~  
12 township shall maintain a record of voting participation for each  
13 registered elector.

14       Sec. 813. (1) Within 6 days after an election, for each  
15 provisional ballot that was placed in a provisional ballot return  
16 envelope, the city or township clerk shall determine whether the  
17 individual voting the provisional ballot was eligible to vote a  
18 ballot and whether to tabulate the provisional ballot. In making  
19 this determination, the city or township clerk shall not open the  
20 provisional ballot return envelope. A provisional ballot must only  
21 be tabulated if a valid voter registration record for the elector  
22 is located or if the identity and residence of the elector is  
23 established using identification for election purposes, along with  
24 a current utility bill, bank statement, paycheck, government check,  
25 or other government document to establish the voter's current  
26 residence address if the identification for election purposes used  
27 by the elector does not contain the voter's current residence  
28 address. Before the provisional ballot is tabulated, election  
29 officials shall process the ballot as a challenged ballot under



1 sections 745 and 746.

2 (2) Within 7 days after an election, but sooner if  
3 practicable, the city or township clerk shall transmit the results  
4 of provisional ballots tabulated after the election to the board of  
5 county canvassers. The results must be transmitted in a form  
6 prescribed by the secretary of state.

7 (3) Within 7 days after an election, the city or township  
8 clerk shall transmit to the county clerk a provisional ballot  
9 report for each precinct in the jurisdiction. The report must  
10 include for each precinct the number of provisional ballots issued,  
11 the number of provisional ballots tabulated on election day, the  
12 number of provisional ballots forwarded to the clerk to be  
13 determined after the election, the number of provisional ballots  
14 tabulated by the clerk after election day, and any additional  
15 information concerning provisional ballots as required by the  
16 secretary of state.

17 (4) Within 7 days after an election, the city or township  
18 clerk shall transmit to the county clerk an affidavit report that  
19 includes the number of affidavits signed by voters under section  
20 ~~523(2)~~. **523**. The affidavit report must be transmitted to the county  
21 clerk in a form prescribed by the secretary of state.

22 (5) Within 7 days after an election, the city or township  
23 clerk shall ensure that the qualified voter file is current and  
24 includes any individual who registered to vote under section 497(3)  
25 and (4).

26 Sec. 829. (1) The board of county canvassers shall include the  
27 results of the tabulated provisional ballots in the canvass of the  
28 election following procedures prescribed by the secretary of state  
29 designed to maintain the secrecy of the ballot.

1           (2) Within 14 days after a primary or election, the county  
2 clerk shall transmit a county provisional ballot report to the  
3 secretary of state. The county provisional ballot report must be in  
4 a manner prescribed by the secretary of state. After the secretary  
5 of state receives a county provisional ballot report, the county  
6 provisional ballot report must be immediately available for public  
7 inspection.

8           (3) Within 14 days after an election, the county clerk shall  
9 transmit a county affidavit report to the secretary of state. The  
10 county affidavit report must include the number of affidavits  
11 signed by voters under section ~~523(2)~~. **523**. The county affidavit  
12 report must be transmitted in a form prescribed by the secretary of  
13 state. After the secretary of state receives the county affidavit  
14 report from the county clerk, the county affidavit report must  
15 immediately be available for public inspection.

16           (4) Within 14 days after an election, the secretary of state  
17 shall transmit to the house and senate committees dealing with  
18 elections a voter registration application report that includes the  
19 number of voter registration applications executed by applicants  
20 under section 497(3) and (4).