HOUSE BILL NO. 4567

May 16, 2023, Introduced by Reps. Tsernoglou, Rogers, Price, Byrnes, Rheingans, Andrews, Wilson, Hood, Pohutsky, Conlin, Hoskins, Brixie, McFall, Hope, Breen, Arbit, MacDonell, Wegela, Miller, Dievendorf, Scott, Morgan, Young, Koleszar, Weiss, Grant, Farhat, Paiz, Brabec, McKinney, Steckloff, Coffia, Edwards, O'Neal, Neeley, Martus and Whitsett and referred to the Committee on Elections.

A bill to amend 1954 PA 116, entitled

"Michigan election law,"

by amending sections 497 and 761 (MCL 168.497 and 168.761), section 497 as amended by 2018 PA 603 and section 761 as amended by 2020 PA 302.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1   Sec. 497. (1) An individual who is not registered to vote but

2 possesses the qualifications of an elector as provided in section

3 492 may apply for registration to the clerk of the county,

1 township, or city in which ~~he or she~~ **the individual** resides in

2 person, during the clerk's regular business hours, or by mail or

3 online until the fifteenth day before an election.

4 (2) An individual who is not registered to vote but possesses

5 the qualifications of an elector as provided in section 492 or an

6 individual who is not registered to vote in the city or township in

7 which ~~he or she~~ **the individual** is registering to vote may apply for

8 registration in person at the city or township clerk's office of

9 the city or township in which ~~he or she~~ **the individual** resides from

10 the fourteenth day before an election and continuing through the

11 day of the election. An individual who applies to register to vote

12 under this subsection must provide to the city or township clerk

13 proof of residency in that city or township. For purposes of this

14 subsection, "proof of residency" includes, subject to subsection

15 (3), any of the following:

16 (a) An operator's or chauffeur's license issued under the

17 Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923, or an

18 enhanced driver license issued under the enhanced driver license

19 and enhanced official state personal identification **card** act, 2008

20 PA 23, MCL 28.301 to 28.308.

21 (b) An official state personal identification card issued

22 under 1972 PA 222, MCL 28.291 to 28.300, or an enhanced official

23 state personal identification card issued under the enhanced driver

24 license and enhanced official state personal identification card

25 act, 2008 PA 23, MCL 28.301 to 28.308.

26 (3) If an applicant for voter registration under subsection

27 (2) does not have proof of residency as that term is defined in

28 subsection (2), the applicant may provide as ~~his or her~~ **the**

29 **applicant's** proof of residency any other form of identification for

1 election purposes as that term is defined in section 2 and 1 of the

2 following documents that contains the applicant's name and current

3 residence address:

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   (4) If an applicant for voter registration under subsection

9 (2) does not have identification for election purposes, the

10 applicant may register to vote if ~~he or she~~ **the applicant** signs an

11 affidavit indicating that the applicant does not have

12 identification for election purposes and the applicant provides 1

13 of the following documents that contains the applicant's name and

14 current residence address:

15   (a) A current utility bill.

16   (b) A current bank statement.

17   (c) A current paycheck, government check, or other government

18 document.

19   (5) Immediately after approving a voter registration

20 application, the city or township clerk shall provide to the

21 individual registering to vote a voter registration receipt that is

22 in a form as approved by the secretary of state. If an individual

23 registers to vote in person 14 days or less before an election or

24 registers to vote on election day, and that applicant registers to

25 vote under subsection ~~(3) or~~ (4), the ballot of that elector must

26 be prepared as a challenged ballot as provided in section 727 and

27 must be counted as any other ballot is counted unless determined

28 otherwise by a court of law under section 747 or 748 or any other

29 applicable law.

1   (6) Except as otherwise provided in sections 500a to 500e and

2 509v, an application for registration must not be executed at a

3 place other than the office of the county, township, or city clerk

4 or a public place or places designated by the clerk or deputy

5 registrar for receiving registrations, but the clerk or deputy

6 registrar may receive an application wherever ~~he or she~~ **the clerk**

7 **or deputy registrar** may be. If a county, township, or city clerk

8 does not regularly keep ~~his or her~~ **the clerk's** office open daily

9 during certain hours, the clerk is not required to be at ~~his or her~~

10 **the clerk's** office for the purpose of receiving applications for

11 registration on a particular day nor during specific hours of a

12 day, except as provided in section 498. If an individual registers

13 to vote with the secretary of state during the 14 days before the

14 day of an election by mail, online, or by automatic voter

15 registration, as described in section 493a, the individual must be

16 given a notice on a form developed by the secretary of state

17 informing the individual that ~~he or she~~ **the individual** is not

18 eligible to vote in the next election unless ~~he or she~~ **the**

19 **individual** applies in person at ~~his or her~~ **the individual's** city or

20 township clerk's office as provided in subsection (2). Except as

21 provided in sections 500a to 500e, the provisions of this section

22 relating to registration apply.

23   Sec. 761. (1) If the clerk of a city or township receives an

24 application for an absent voter ballot from ~~a person~~ **an individual**

25 registered to vote in that city or township and if the signature on

26 the application agrees with the signature for the ~~person~~ **individual**

27 contained in the qualified voter file or on the registration card

28 as required in subsection (2), the clerk immediately ~~upon receipt~~

29 ~~of~~ **after receiving** the application or, if the application is

1   received before the printing of the absent voter ballots, as soon

2   as the ballots are received by the clerk, shall forward by mail,

3   postage prepaid, or shall deliver personally 1 of the ballots or

4   set of ballots if there is more than 1 kind of ballot to be voted

5   to the applicant. If the clerk of a city or township receives an

6   application for an absent voter ballot from an applicant who is a

7   program participant, as that term is defined in **section 3 of** the

8   address confidentiality program act, **2020 PA 301, MCL 780.853,** then

9   the city or township clerk shall mail an absent voter ballot to

10 that program participant at the designated address provided to that

11 program participant by the department of the attorney general under

12 the address confidentiality program act, **2020 PA 301, MCL 780.851**

13 **to 780.873.** Subject to the identification requirement in subsection

14 (6), absent voter ballots may be delivered to an applicant in

15 person at the office of the clerk.

16   (2) The qualified voter file must be used to determine the

17 genuineness of a signature on an application for an absent voter

18 ballot. Signature comparisons must be made with the digitized

19 signature in the qualified voter file. If the qualified voter file

20 does not contain a digitized signature of an elector, or is not

21 accessible to the clerk, the city or township clerk shall compare

22 the signature appearing on the application for an absent voter

23 ballot to the signature contained on the master card. If before 8

24 p.m. on the day before election day the clerk of a city or township

25 rejects an absent voter ballot application because the signature on

26 the absent voter ballot application does not agree sufficiently

27 with the signature on the master card or the digitized signature

28 contained in the qualified voter file so as to identify the elector

29 or because the elector failed to sign the absent voter ballot

1 application, the city or township clerk shall as soon as

2 practicable, but ~~in no event~~ **not** later than 48 hours after

3 determining the signatures do not agree sufficiently or that the

4 signature is missing, or by 8 p.m. on the day before election day,

5 whichever occurs first, notify the elector of the rejection by

6 mail, telephone, or ~~electronic mail.~~**email**.

7 (3) Subject to the identification requirement in subsection

8 (6) and except as otherwise provided in this subsection, ~~a person~~

9 **an individual** may apply in person at the clerk's office before 8

10 p.m. on election day to vote as an absent voter. Except as

11 otherwise provided in subsection (2), only an individual who is not

12 a registered elector, or an individual who is not registered to

13 vote in the city or township in which ~~he or she~~ **the individual** is

14 registering to vote, and who registers to vote on election day in

15 person with the clerk of the city or township in which the

16 individual resides may apply for and complete an absent voter

17 ballot in person at the clerk's office on election day. Except as

18 otherwise provided in subsection (2), the clerk of a city or

19 township shall not issue an absent voter ballot to a registered

20 elector in that city or township after 4 p.m. on the day before the

21 election. The applicant shall receive ~~his or her~~ **the applicant's**

22 absent voter ballot and vote the ballot in the clerk's office. All

23 other absent voter ballots, except ballots delivered pursuant to an

24 emergency absent voter ballot application under section 759b, must

25 be mailed or delivered to the registration address of the applicant

26 unless the application requests delivery to an address outside the

27 city or township or to a hospital or similar institution, in which

28 case the absent voter ballots must be mailed or delivered to the

29 address given in the application. However, a clerk may mail or

1 deliver an absent voter ballot, ~~upon~~ **on** request of the absent

2 voter, to a post office box if the post office box is where the

3 absent voter normally receives personal mail and the absent voter

4 does not receive mail at ~~his or her~~ **the absent voter's** registration

5 address.

6   (4) Absent voter ballots must be issued in the same order in

7 which applications are received by the clerk of a city, township,

8 or village, as nearly as may be, and each ballot issued must bear

9 the lowest number of each kind available for this purpose. However,

10 this provision does not prohibit a clerk from immediately issuing

11 an absent voter ballot to an absent voter who applies in person in

12 the clerk's office for absent voter ballots. The clerk shall

13 enclose with the ballot or ballots a return envelope properly

14 addressed to the clerk and bearing ~~upon~~ **on** the back of the envelope

15 a printed statement in substantially the following form:

16   TO BE COMPLETED

17   BY THE CLERK

18 _____   _____

19 Name of Voter   Street Address or R.R. or

20   Program Participant

21   Identification Number

22 _____   _____

23 City or Township   County

24 Ward _____ Precinct _____   Date of Election _____

25 ==

26   TO BE COMPLETED BY THE ABSENT VOTER

27   I assert that I am a United States citizen and a qualified and

28 registered elector of the city or township named above. I am voting

29

1 as an absent voter in conformity with state election law. Unless

2 otherwise indicated below, I personally marked the ballot enclosed

3 in this envelope without exhibiting it to any other

4 ~~person.~~**individual.**

5   I further assert that this absent voter ballot is being

6 returned to the clerk or an assistant of the clerk by me

7 personally; by public postal service, express mail service, parcel

8 post service, or other common carrier; by a member of my immediate

9 family; or by ~~a person~~ **an individual** residing in my household.

10   DATE:_____   SIGN HERE X_____

11   Signature of Absent Voter

12   The above form must be signed or your vote may not be counted.

13   AN ABSENT VOTER WHO KNOWINGLY MAKES A FALSE STATEMENT IS GUILTY

14   OF A MISDEMEANOR.

15 ==

16   TO BE COMPLETED ONLY IF VOTER IS ASSISTED IN VOTING

17   BY ANOTHER ~~PERSON~~**INDIVIDUAL**

18   I assisted the above named absent voter who is disabled or

19 otherwise unable to mark the ballot in marking ~~his or her~~ **the**

20 **absent voter's** absent voter ballot pursuant to ~~his or her~~ **the**

21 **absent voter's** directions. The absent voter ballot was inserted in

22 the return envelope without being exhibited to any other

23 ~~person.~~**individual.**

24   _____   _____   _____

25   Signature of   Street Address   City or Township

26   ~~Person~~**Individual**

27   Assisting Voter   or R.R.

28 _____

29

1   Printed Name of ~~Person~~ **Individual** Assisting Voter

2   ~~A PERSON~~ **AN INDIVIDUAL** WHO ASSISTS AN ABSENT VOTER AND WHO

3   KNOWINGLY MAKES A

4   FALSE STATEMENT IS GUILTY OF A FELONY.

5   ==

6   <u>WARNING</u>

7   ~~PERSONS~~ **INDIVIDUALS** WHO CAN LEGALLY BE IN POSSESSION OF AN

8   ABSENT VOTER BALLOT ISSUED TO AN ABSENT VOTER ARE LIMITED TO THE

9   ABSENT VOTER; ~~A PERSON~~ **AN INDIVIDUAL** WHO IS A MEMBER OF THE ABSENT

10   VOTER'S IMMEDIATE FAMILY OR RESIDES IN THE ABSENT VOTER'S HOUSEHOLD

11   AND WHO HAS BEEN ASKED BY THE ABSENT VOTER TO RETURN THE BALLOT; ~~A~~

12   ~~PERSON~~ **AN INDIVIDUAL** WHOSE JOB IT IS TO HANDLE MAIL BEFORE, DURING,

13   OR AFTER BEING TRANSPORTED BY A PUBLIC POSTAL SERVICE, EXPRESS MAIL

14   SERVICE, PARCEL POST SERVICE, OR COMMON CARRIER, BUT ONLY DURING

15   THE NORMAL COURSE OF ~~HIS OR HER~~ **THE INDIVIDUAL'S** EMPLOYMENT; AND

16   THE CLERK, ASSISTANTS OF THE CLERK, AND OTHER AUTHORIZED ELECTION

17   OFFICIALS OF THE CITY OR TOWNSHIP. ANY OTHER ~~PERSON~~ **INDIVIDUAL** IN

18   POSSESSION OF AN ABSENT VOTER BALLOT IS GUILTY OF A FELONY.

19   (5) An absent voter who knowingly makes a false statement on

20   the absent voter ballot return envelope is guilty of a misdemeanor.

21   ~~A person~~ **An individual** who assists an absent voter and who

22   knowingly makes a false statement on the absent voter ballot return

23   envelope is guilty of a felony.

24   (6) If an elector obtains ~~his or her~~ **the elector's** absent

25   voter ballot in person from the clerk of the city or township in

26   which ~~he or she~~ **the elector** is registered, the clerk of the city or

27   township shall not provide an absent voter ballot to that elector

28   until the elector ~~identifies himself or herself~~ **presents**

29   **identification for election purposes** to the clerk. ~~by presenting~~

1 ~~identification for election purposes.~~ If an elector does not have

2 identification for election purposes, the elector may sign an

3 affidavit to that effect before the clerk of the city or township

4 and be allowed to obtain ~~his or her~~ **the elector's** absent voter

5 ballot in person from the clerk. The clerk of the city or township

6 shall indicate to each elector who is registered in that city or

7 township and who obtains ~~his or her~~ **the elector's** absent voter

8 ballot in person from the clerk that the elector may sign an

9 affidavit indicating that the elector does not have identification

10 for election purposes in order to obtain ~~his or her~~ **the elector's**

11 absent voter ballot in person from the clerk. ~~However, if an~~

12 ~~elector obtains his or her absent voter ballot in person from the~~

13 ~~clerk and votes by absent voter ballot without providing~~

14 ~~identification for election purposes required under this~~

15 ~~subsection, the absent voter ballot of that elector must be~~

16 ~~prepared as a challenged ballot as provided in section 727 and must~~

17 ~~be counted as any other ballot is counted unless determined~~

18 ~~otherwise by a court of law under section 747 or 748 or any other~~

19 ~~applicable law.~~