

IDENTIFICATION FOR ELECTION PURPOSES

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House Bill 5669 as introduced
Sponsor: Rep. Aaron Miller
Committee: Elections and Ethics
Complete to 3-1-18

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

SUMMARY:

House Bill 5669 would amend the Michigan Election Law to define *identification for election purposes* and make related voter ID changes.

Under the Election Law, individuals must present photo ID when registering in person to vote, when voting at a polling place, or when obtaining an absent voter ballot in person at the office of a city or township clerk. Section 523, for example, requires that, before being given a ballot, a registered elector must identify himself or herself by presenting an official state identification card, a driver's license issued under the Michigan Vehicle Code, or "*other generally recognized picture identification card*." The same ID requirements apply to individuals who are registering to vote (Section 497c) or who are getting an absent voter ballot at the clerk's office (Section 761).

The Bureau of Elections considers *other generally recognized picture identification card* to include any of the following, as long as the ID is current:¹

- A driver's license or state ID card issued by another state.
- Federal or state government-issued photo ID.
- A United States passport.
- A military photo ID.
- A student photo ID from a high school or an accredited institution of higher education.
- A tribal photo ID.

The bill would introduce and define the phrase *identification for election purposes* for use in the act, and it would replace references in these sections to state personal ID cards, driver's licenses, and other generally recognized identification cards with that phrase. As defined by the bill, *identification for election purposes* would include precisely the forms of photo ID that are accepted under existing law—namely, a state ID card or driver's license issued by Michigan, a state ID card or driver's license issued by another state, a federal or state government-issued photo ID, a U.S. passport, a military photo ID, a student photo ID from a high school or institution of higher education, or a tribal photo ID. The bill would add a requirement that the name on the individual's card or document must sufficiently match the elector's name in the voter registration record as to accurately identify the individual and the elector as being one and the same.

¹ http://www.michigan.gov/documents/sos/090507_Voter_Id_QA5_209294_7.pdf

The Election Law also currently contains provisions for individuals who do not have an acceptable photo ID (either in general, or physically with them on the day). For registering to vote or voting or obtaining an absent voter ballot in person, the individual can sign an affidavit to the effect that he or she doesn't have the required photo ID and be allowed to register, vote, or obtain the ballot. (If applicable ID is not presented before the absent voter ballot is voted, the ballot is processed as a challenged ballot under the Election Code).

The bill would retain these provisions, amended to include *identification for election purposes*, and would add that someone registering to vote who signs an affidavit described above would still be subject to any applicable federal ID requirements under the Help America Vote Act of 2002 (HAVA) until those requirements are met. (HAVA ID requirements apply to voters registering by mail who have never voted in Michigan before and can be satisfied with an acceptable photo ID or a paycheck, government check or other document, utility bill, or bank statement that lists the voter's name and address.)

The Election Law also allows provisional ballots to be issued under certain circumstances to voters whose names are not on the registration list. Depending on the circumstances, provisional ballots are either processed as challenged ballots or are secured for verification after the election. The bill would retain these provisions, amended so that the required ID referenced throughout is *identification for election purposes*. The bill would require a provisional ballot to be issued to any voter not on the registration list who does not have identification for election purposes or whose identification does not contain a current address.

The bill would take effect 90 days after being enacted.

MCL 168.2 et seq.

FISCAL IMPACT:

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

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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.