

SENATE BILL No. 602

November 13, 1991, Introduced by Senator VAUGHN and referred to the Committee on Government Operations.

A bill to amend sections 492, 495, 497, 497a, 498, 499c, 500a, 500d, 506a, 509, 509a, and 509f of Act No. 116 of the Public Acts of 1954, entitled

"Michigan election law,"

sections 492 and 497 as amended and sections 499c, 509, and 509f as added by Act No. 142 of the Public Acts of 1989, sections 495 and 500a as amended and section 506a as added by Act No. 275 of the Public Acts of 1988, section 497a as amended by Act No. 220 of the Public Acts of 1986, and section 498 as amended by Act No. 89 of the Public Acts of 1984, being sections 168.492, 168.495, 168.497, 168.497a, 168.498, 168.499c, 168.500a, 168.500d, 168.506a, 168.509, 168.509a, and 168.509f of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 492, 495, 497, 497a, 498, 499c, 500a,
 2 500d, 506a, 509, 509a, and 509f of Act No. 116 of the Public Acts
 3 of 1954, sections 492 and 497 as amended and sections 499c, 509,
 4 and 509f as added by Act No. 142 of the Public Acts of 1989, sec-
 5 tions 495 and 500a as amended and section 506a as added by Act
 6 No. 275 of the Public Acts of 1988, section 497a as amended by
 7 Act No. 220 of the Public Acts of 1986, and section 498 as
 8 amended by Act No. 89 of the Public Acts of 1984, being sections
 9 168.492, 168.495, 168.497, 168.497a, 168.498, 168.499c, 168.500a,
 10 168.500d, 168.506a, 168.509, 168.509a, and 168.509f of the
 11 Michigan Compiled Laws, are amended to read as follows:

12 Sec. 492. ~~Every~~ A person who has the following qualifica-
 13 tions of an elector, or who will have those qualifications at the
 14 next election or primary election, ~~shall be~~ IS entitled to be
 15 registered as an elector in the township, city, or village in
 16 which he or she resides: ~~. The person shall be~~

17 (A) IS a citizen of the United States. ~~, not less than~~

18 (B) IS 18 years of age OR OLDER. ~~—~~

19 (C) HAS BEEN a resident of ~~the~~ THIS state for ~~not less~~
 20 ~~than~~ 30 days OR MORE. ~~— and —~~

21 (D) HAS BEEN a resident of the township, city, or village on
 22 or before the ~~thirtieth~~ TWENTY-FIFTH day before the next regu-
 23 lar or special election or primary election.

24 Sec. 495. (1) The registration affidavit required under
 25 section 493 shall contain all of the following:

26 (a) The name of the elector.

1 (b) The residence address OF THE ELECTOR, INCLUDING THE
2 street and number or rural route and box number, if any. ~~of~~
3 ~~the elector.~~

4 (c) The birthplace and ~~birth~~ date OF BIRTH of the
5 elector.

6 (d) The driver's license or state personal identification
7 card number of the elector, if available.

8 (e) A statement that the elector is a citizen of the United
9 States.

10 (f) A statement that the elector is at the time of complet-
11 ing the affidavit, or will be on the date of the next election,
12 not less than 18 years of age.

13 (g) A statement that the elector has or will have lived in
14 this state not less than 30 days before the next election.

15 (h) A statement that the elector has or will have estab-
16 lished his or her residence in the township, city, or village in
17 which the elector is applying for registration not less than ~~30~~
18 25 days before the next election.

19 (i) A statement that the elector is or will be a qualified
20 elector of the township, city, or village on the date of the next
21 election.

22 (j) A space in which the elector shall state the place of
23 the elector's last registration, IF ANY.

24 (k) For the purpose of voting in a presidential primary
25 election, a space for the elector to declare a party preference
26 or that the elector has no party preference.

1 (2) Until February 15, 1992, the secretary of state or the
2 secretary of state's agent shall print a notice that shall be
3 provided to each person applying for registration. The notice
4 shall contain all of the following information:

5 (a) That, for the purpose of voting in a presidential pri-
6 mary election, the elector must declare a party preference.

7 (b) That, if the elector prefers to register with no party
8 preference, the elector is not eligible to vote in a presidential
9 primary election unless the elector declares a party preference
10 at least ~~30~~ 25 days before the presidential primary election.

11 (c) That, even if currently registered to vote, the elector
12 is not eligible to vote in a presidential primary election unless
13 the elector declares in writing to the city or township clerk a
14 party preference at least ~~30~~ 25 days before the presidential
15 primary election.

16 (d) That, if the elector declares a party preference or
17 declares that the elector has no party preference, that declara-
18 tion of preference remains as that elector's preference until the
19 elector changes his or her party preference or declares that he
20 or she has no party preference on a form prescribed by the secre-
21 tary of state or in writing to the city or township clerk.

22 (3) Until February 15, 1992, the city or township clerk
23 shall provide each elector who votes in an election in that city
24 or township the notice required under subsection (2) on a form
25 prescribed by the secretary of state on which an elector may
26 declare his or her party preference or that the elector has no

1 party preference for the purpose of voting in a presidential
2 primary election.

3 (4) The secretary of state shall provide to each county
4 clerk for distribution to the city and township clerks in the
5 county a sufficient number of the notices required for distribu-
6 tion to electors under subsections (2) and (3).

7 Sec. 497. (1) A person who is not registered but possesses
8 the qualifications of an elector as set forth in section 492, may
9 apply for registration to the clerk of the county, township,
10 city, or village in which he or she resides on a day other than
11 Saturday, Sunday, a legal holiday, or the day of a regular, pri-
12 mary, school, or special election. Registrations accepted
13 between the ~~thirtieth~~ TWENTY-FIFTH day preceding an election
14 and the day of the election, unless the ~~thirtieth~~ TWENTY-FIFTH
15 day falls on a Saturday, Sunday, or legal holiday, in which event
16 registration shall be accepted during the following day, are not
17 valid for the election but are valid for subsequent regular, pri-
18 mary, school, or special elections that are held so that not less
19 than ~~30~~ 25 days intervene between the date the person regis-
20 tered and the date of the election.

21 (2) Except as otherwise provided in sections 499a to 499c,
22 500a to 500j, and 504, an application for registration shall not
23 be executed at a place other than the office of the county, town-
24 ship, city, or village clerk or a public place or places desig-
25 nated by the clerk or deputy registrar for receiving
26 registrations. ~~—, but the~~ HOWEVER, A clerk or deputy registrar
27 may receive an application wherever he or she may be. If a

1 county, township, city, or village clerk does not regularly keep
2 his or her office open daily during certain hours, the clerk
3 shall not be required to be at his or her office for the purpose
4 of receiving applications for registration on a particular day
5 nor during specific hours of a day, except as provided in section
6 498.

7 (3) Registrations taken after the time of closing registra-
8 tions before an election need not be processed until the date
9 immediately following that election. A registration shall not be
10 placed in a precinct registration file until the date immediately
11 following that election. If a person registers at a time that
12 registrations are closed for an election, the person shall be
13 given a notice, signed by the clerk, on a form developed by the
14 secretary of state, informing him or her that he or she is not
15 eligible to vote in the election and indicating the first date on
16 which he or she is eligible to vote. Except as provided in sec-
17 tions 500a to 500j, the provisions of this section relating to
18 registration shall apply.

19 Sec. 497a. The ~~30-day~~ 25-DAY limitation contained in sec-
20 tion 497 ~~shall~~ DOES not apply to a second school millage elec-
21 tion allowable under section 36(3) of the general property tax
22 act, Act No. 206 of the Public Acts of 1893, as amended, being
23 section 211.36 of the Michigan Compiled Laws. ~~, or to a first~~
24 ~~school millage election held under section 36(2) during calendar~~
25 ~~year 1986 if a school district's operating revenue is less than~~
26 ~~the total operating revenue for the previous school year.~~ For
27 those elections, a registration taken on the days intervening

1 between the tenth day preceding the election and the day of the
2 election ~~shall~~ ARE not ~~be~~ valid for that election but ~~shall~~
3 ~~be~~ ARE valid for a subsequent regular, primary, or special elec-
4 tion of the district.

5 Sec. 498. (1) The governing body of a township, city, or
6 village may provide by resolution that in that township, city, or
7 village the clerk shall be at the clerk's office, or in some
8 other convenient place designated by the clerk, during the hours
9 designated by the governing body on the ~~thirtieth~~ TWENTY-FIFTH
10 day preceding an election or primary election in the township,
11 city, or village, unless the ~~thirtieth~~ TWENTY-FIFTH day falls
12 on a Saturday, Sunday, or legal holiday, in which event registra-
13 tion shall be accepted during the same hours on the following
14 day.

15 (2) In a township, city, or village in which the clerk does
16 not maintain regular daily office hours, the township board or
17 the legislative body of the city or village may require that the
18 clerk of the township, city, or village shall be at the clerk's
19 office or other designated place for the purpose of receiving
20 applications for registration on the days which the board or leg-
21 islative body designates, but not more than 5 days before the
22 last day for registration.

23 (3) The clerk of each township, city, and village shall give
24 public notice of the days and hours that the clerk will be at the
25 clerk's office or other designated place for the purpose of
26 receiving registrations before an election or primary election by
27 publication of the notice, except as provided in subsection (4)

1 and section 497(2), at least twice in a newspaper published or of
2 general circulation in the township, city, or village and, if
3 considered advisable by the township, city, or village clerk, by
4 posting written or printed notices in at least 2 of the most con-
5 spicuous places in each election precinct. Except as provided in
6 subsection (4) and except for a notice of registration for a spe-
7 cial election held pursuant to section 640, the first publication
8 or posting shall be made not less than 10 days before the last
9 day for receiving registrations. If the notice of registration
10 is for a special election for purposes of voting upon a proposal,
11 other than a special election held pursuant to section 640, the
12 proposal as it will appear on the ballot shall be stated in the
13 notice.

14 (4) Notice of registration for a school millage election
15 that will be held pursuant to section 36 of the general property
16 tax act, Act No. 206 of the Public Acts of 1893, as amended,
17 being section 211.36 of the Michigan Compiled Laws, shall be
18 required to be published only once and shall be made not less
19 than 5 days before the last day for receiving registrations as
20 provided in section 497a.

21 (5) A county clerk may enter into an agreement with the
22 clerk of 1 or more townships or cities in the county or the
23 clerks of 1 or more cities or townships in a county may enter
24 into an agreement to jointly publish the notice required in sub-
25 section (3). The notice shall be published in a newspaper of
26 general circulation in the cities and townships listed in the
27 notice.

1 Sec. 499c. (1) A county, township, or city clerk may accept
2 a registration application under this section from any person who
3 possesses the qualifications of an elector and shall forward the
4 application to the appropriate township or city clerk. Except as
5 provided in subsection (6), a deputy registrar shall not accept a
6 registration application from an elector who resides outside of
7 the county, township, or city for which he or she was appointed
8 deputy registrar.

9 (2) A person may complete an application to register to vote
10 or to change the person's voter registration name or address, if
11 the applicant possesses the qualifications of an elector on the
12 date of application or will possess the qualifications at the
13 next election. This subsection ~~shall~~ DOES not require a regis-
14 tered elector to periodically reregister or to renew his or her
15 registration. The application for registration made under this
16 section shall contain all of the following:

17 (a) The name of the applicant.

18 (b) The residence address of the applicant, including the
19 street and number or rural route and box number and the apartment
20 number, if any.

21 (c) The city or township and county of residence of the
22 applicant, and the school district of the applicant, if known.

23 (d) The birthplace and ~~birth~~ date OF BIRTH of the
24 applicant.

25 (e) The driver's license or state personal identification
26 card number of the applicant, if available.

1 (f) A statement that the applicant has the qualifications of
2 an elector as of the date of applying for registration or will
3 have the qualifications of an elector at the next election.

4 (g) A statement that the applicant, if qualified, may vote
5 at an election occurring not less than ~~30~~ 25 days after the
6 date of completing the application.

7 (h) A space to indicate the applicant's last place of regis-
8 tration, if known, or the last place of residence.

9 (i) A statement authorizing the cancellation of registration
10 at the applicant's last place of registration, IF ANY.

11 (j) A space for the applicant to sign and certify to the
12 truth of the statements on the application.

13 (k) A space to record a serial number assigned to the
14 applicant.

15 (l) For the purpose of voting in a presidential primary
16 election, a space for the elector to declare a party preference
17 or that the elector has no party preference and the notice
18 required by section 495(2).

19 (3) A county, township, or city clerk or deputy registrar
20 receiving a completed application shall require the applicant to
21 certify to the truth of the statements contained in the
22 application. The clerk or deputy shall validate the application
23 with his or her signature and printed name and provide the appli-
24 cant with a receipt verifying the registration application.

25 (4) A deputy registrar shall return a completed voter regis-
26 tration application to his or her appointing clerk within the
27 time prescribed by the appointing clerk, but not later than 4

1 p.m. on the first business day after the last day to register for
2 an election.

3 (5) A county clerk shall forward a completed application to
4 the appropriate local clerk as soon as possible, but not later
5 than 4 p.m. on the second business day after the last day to reg-
6 ister for an election.

7 (6) A township or city clerk may enter into a written agree-
8 ment with another township or city clerk to permit a deputy reg-
9 istrar appointed in the township or city of 1 clerk to take voter
10 registration applications in the other clerk's jurisdiction. An
11 application received by a township or city clerk under an agree-
12 ment described in this subsection shall be promptly forwarded to
13 the appropriate township or city clerk.

14 (7) After ~~the effective date of the amendatory act that~~
15 ~~added this section~~ AUGUST 29, 1989, a person who registers to
16 vote in a township shall be considered registered to vote in a
17 village within that township in which the person resides. The
18 clerk of the township shall transmit to the village clerk all
19 information necessary to complete the village registration. A
20 person who registers to vote in a village shall be considered
21 registered to vote in the township in which the person resides.
22 The clerk of the village shall transmit to the township clerk all
23 information necessary to complete the township registration if
24 the person is not already registered in the township.

25 (8) The secretary of state shall develop, print, and dis-
26 tribute to county, township, and city clerks a uniform
27 registration application form for use in registering voters under

1 this section. A county, township, or city clerk shall not impose
2 unreasonable limits on the number of registration application
3 forms provided to a deputy registrar but may maintain a record of
4 the forms provided to each deputy registrar.

5 Sec. 500a. (1) The secretary of state or the secretary of
6 state's agent shall ~~afford a~~ PREPARE AN APPLICATION TO REGISTER
7 TO VOTE FOR EACH person who appears in a department of state
8 branch office or ~~, beginning March 1, 1989, a~~ EACH person who
9 applies for renewal of an operator's or chauffeur's license under
10 section 307 of the Michigan vehicle code, Act No. 300 of the
11 Public Acts of 1949, being section 257.307 of the Michigan
12 Compiled Laws, IF THE PERSON POSSESSES THE QUALIFICATIONS OF AN
13 ELECTOR ON THE DATE OF THE APPLICATION OR WILL POSSESS THE QUALI-
14 FICATIONS AT THE NEXT ELECTION. IF THE PERSON INDICATES HE OR
15 SHE IS ALREADY A REGISTERED ELECTOR, THE SECRETARY OF STATE OR
16 THE SECRETARY OF STATE'S AGENT SHALL AFFORD THAT PERSON an oppor-
17 tunity to complete an application ~~to register to vote or~~ to
18 change the person's voting registration name, address, or, for
19 the purpose of voting in a presidential primary election, party
20 preference, ~~if the applicant possesses the qualifications of an~~
21 ~~elector on the date of application or will possess the qualifica-~~
22 ~~tions at the next election~~ AS APPLICABLE. This subsection
23 ~~shall not be construed to~~ DOES NOT require a registered elector
24 to periodically reregister or to renew his or her registration.
25 The application for registration made under this section shall
26 contain all of the following:

1 (a) The name of the applicant.

2 (b) The residence address of the applicant including street
3 and number or rural route and box number, if any.

4 (c) The city or township and county of residence of the
5 applicant, and the school district of the applicant if known.

6 (d) The date of birth of the applicant.

7 (e) The birthplace of the applicant.

8 (f) The driver's license or state personal identification
9 card number of the applicant, if available.

10 (g) A statement that the applicant has the qualifications of
11 an elector as of the date of applying for registration, or will
12 have the qualifications of an elector at the next election.

13 (h) A space for the applicant to declare, for the purpose of
14 voting in a presidential primary election, a party preference or
15 that the applicant has no party preference.

16 (i) A statement that the registration is not effective until
17 processed by the clerk of the city or township in which the
18 applicant resides.

19 (j) A statement that the applicant, if qualified, may vote
20 at an election occurring not less than ~~30~~ 25 days after the
21 date of completing the application.

22 (k) A space to indicate the applicant's last place of
23 registration, IF ANY.

24 (l) A statement authorizing the cancellation of registration
25 at the applicant's last place of registration.

26 (m) A space for the applicant to sign and certify to the
27 truth of the statements on the application.

1 (N) A BOX FOR THE PERSON TO CHECK BEFORE, AND A SPACE FOR
2 THE ELECTOR TO SIGN AFTER, THE STATEMENT, "I DO NOT WANT TO BE
3 REGISTERED TO VOTE AT ANY ELECTION."

4 (2) ~~The~~ EXCEPT AS PROVIDED IN SUBSECTION (1)(N), THE
5 applicant shall sign the application. Upon receipt of the appli-
6 cation, the agent shall sign the application, stamp the applica-
7 tion with a validation stamp, and provide the applicant with a
8 receipt verifying the registration application. The agent shall
9 promptly forward the application to the county clerk of the
10 applicant's residence or to a city or township clerk designated
11 by the secretary of state.

12 (3) Until February 15, 1992, the secretary of state or the
13 secretary of state's agent shall provide along with the applica-
14 tion to register to vote or to change a registration under sub-
15 section (1) a notice that contains all of the following
16 information:

17 (a) That, for the purpose of voting in a presidential pri-
18 mary election, an elector must declare a party preference.

19 (b) That, if the elector prefers to register with no party
20 preference, the elector is not eligible to vote in a presidential
21 primary election unless the elector declares a party preference
22 at least ~~30~~ 25 days before the presidential primary election.

23 (c) That, even if the elector is currently registered to
24 vote, the elector is not eligible to vote in a presidential pri-
25 mary election unless the elector declares in writing to the city
26 or township clerk a party preference at least ~~30~~ 25 days before
27 the presidential primary election.

1 (d) That, if the elector declares a party preference or
2 declares that the elector has no party preference, that declara-
3 tion of preference remains as that elector's preference until the
4 elector changes his or her party preference or declares that he
5 or she has no party preference on a form prescribed by the secre-
6 tary of state or in writing to the city or township clerk.

7 Sec. 500d. A person who has ~~properly completed~~ SIGNED an
8 application for registration at an office of the secretary of
9 state or his OR HER agent shall be permitted to vote in all elec-
10 tions occurring not less than ~~30~~ 25 days after ~~making~~ SIGNING
11 THE application if the clerk determines the person is qualified
12 and the identification card is not returned by the post office as
13 provided by section 500c. If the clerk determines the person is
14 not qualified, the clerk immediately shall send a notice to the
15 applicant at the address stated in the application stating the
16 determination and the reasons therefor. A person shall be per-
17 mitted to vote if he presents at the polls a validated voter reg-
18 istration application receipt and the clerk determines the person
19 is qualified.

20 Sec. 506a. (1) Except as provided in subsection (2), a reg-
21 istered elector of a city or township may declare or change his
22 or her party preference or declare that he or she has no party
23 preference for the purpose of voting in a presidential primary
24 election by applying in person with the city or township clerk or
25 by sending to the city or township a signed written request that
26 includes the following information:

1 (a) The elector's name.

2 (b) The elector's address.

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

4 (d) The elector's party preference or that the elector has
5 no party preference.

6 (e) The elector's signature.

7 (2) If the elector fails to include his or her date of birth
8 in the written request under subsection (1), the city or township
9 clerk shall record the elector's party preference or declaration
10 of no party preference if the clerk can otherwise determine the
11 elector's identity under subsection (3).

12 (3) Upon receipt of a signed written request under subsec-
13 tion (1), the city or township clerk shall compare the signature
14 on the request against the signature on the registration record.
15 If the signatures correspond, the city or township clerk shall
16 strike through the last party preference or declaration of no
17 party preference, if any, and record the elector's new party
18 preference or declaration of no party preference on the original
19 and duplicate registration cards in a manner prescribed by the
20 secretary of state. A written request received by the city or
21 township clerk or the secretary of state after the ~~thirtieth~~
22 TWENTY-FIFTH day before a presidential primary election is not
23 effective for that election. However, if the ~~thirtieth~~
24 TWENTY-FIFTH day before a presidential primary election falls on
25 a Saturday, Sunday, or legal holiday, the city or township clerk
26 shall accept applications to change party preference or to
27 declare no party preference the next business day.

1 (4) The city or township clerk shall mail to the elector a
2 corrected voter identification card as required in section 499,
3 to inform the elector of the change of party preference or decla-
4 ration of no party preference.

5 Sec. 509. ~~-(1)-~~ Each December, a township, city, or village
6 clerk shall examine voter registration records. If an elector
7 has not voted, continued, or reinstated his or her registration,
8 or has not recorded a change of address on his or her registra-
9 tion, within the ~~-5-~~ 10 years preceding the examination, the
10 clerk may consider the ~~-5-year-~~ 10-YEAR inactivity as reliable
11 information that the elector has moved from the township, city,
12 or village and shall follow the procedure under section 513 for
13 canceling the registration.

14 ~~-(2) The clerk of a township, city, or village shall cancel,~~
15 ~~under the procedures of section 513, the registration of a person~~
16 ~~whose name is in the inactive file required by section 502a on~~
17 ~~January 1, 1990 and who has not had voter activity within a~~
18 ~~5-year period.~~

19 Sec. 509a. Notwithstanding ~~the provisions of~~ section
20 509, the clerk shall not cancel the registration of any member of
21 the armed forces on active duty during his OR HER term of active
22 duty and for ~~-90-~~ 120 days after his OR HER discharge or release
23 from active duty, if the member of the armed forces, his OR HER
24 parent, guardian, or spouse so notifies the clerk in writing.

25 Sec. 509f. In standard computer file format, the state and
26 each county file shall contain all of the following information
27 for each registered voter:

1 (a) The driver's license number or state personal
2 identification card number issued by the secretary of state, if
3 available. The secretary of state may require an additional
4 identification number for processing purposes.

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

8 (c) Jurisdictional information including county, township,
9 city, village, and school district of residence.

10 (d) Precinct number and ward number, if applicable.

11 (e) Date of last registration transaction.

12 (f) Voting history for a ~~5-year~~ 10-YEAR period, except
13 that the voting history shall not begin earlier than the August
14 primary election after ~~the effective date of the amendatory act~~
15 ~~that added this section~~ JUNE 29, 1989.

16 (g) Elective district information including state senate,
17 state representative, congressional, and county commissioner dis-
18 tricts of residence.

19 (h) For the purpose of voting in a presidential primary
20 election, the voter's party preference or that the voter has no
21 party preference.

22 (i) Any other information to facilitate the election process
23 as prescribed by the secretary of state.