

SENATE BILL No. 699

September 16, 2003, Introduced by Senator BRATER and referred to the Committee on Government Operations.

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 491, 497, and 497a (MCL 168.491, 168.497, and 168.497a), sections 491 and 497 as amended by 1989 PA 142 and section 497a as amended by 1986 PA 220, and by adding section 499e.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 491. The **board of election** inspectors ~~of election~~ at
2 an election ~~or primary election~~ in this state, or in a
3 district, county, township, city, or village in this state, shall
4 not receive the vote of a person whose name is not registered in
5 the registration book or listed on the computer voter
6 registration precinct list of the township, ward, or precinct in
7 which he or she offers to vote unless the person has met the
8 requirements of section 507b **or has registered to vote at the**

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1 polling place on the day of the election as provided in section
2 499e.

3 Sec. 497. (1) A person who is not registered **to vote** but
4 ~~possesses~~ **meets** the qualifications of an elector as ~~set forth~~
5 **provided** in section 492 ~~—~~ may apply for registration to the
6 clerk of the county, township, city, or village in which he or
7 she resides on a day other than Saturday, Sunday, **or** a legal
8 holiday. ~~—, or the day of a regular, primary, school, or special~~
9 ~~election.~~ Registrations accepted between the thirtieth day
10 ~~preceding~~ **before** an election and the day ~~of~~ **before** the
11 election, unless the thirtieth day falls on a Saturday, Sunday,
12 or legal holiday, in which event registration shall be accepted
13 during the following day, are not valid for the election but are
14 valid for **a** subsequent regular, primary, school, or special
15 ~~elections that are~~ **election that is** held ~~so that not less~~
16 **more** than 30 days ~~intervene between~~ **after** the date the person
17 registered. ~~and the date of the election.~~ **A person who is not**
18 **registered to vote but meets the qualifications of an elector as**
19 **provided in section 492 may apply for registration to the clerk**
20 **of the township, city, or village, or authorized assistant to the**
21 **clerk at the polling place on the day of an election as provided**
22 **in section 499e. A registration accepted at the polling place on**
23 **the day of an election is valid for that election and all**
24 **subsequent elections.**

25 (2) Except as otherwise provided in **this section and** sections
26 ~~499a to 499e~~ **499e**, 500a to 500j, and 504, an application for
27 registration shall not be executed at a place other than the

1 office of the county, township, city, or village clerk or a
2 public place or places designated by the clerk ~~or deputy~~
3 ~~registrar~~ for receiving registrations. ~~, but the~~ **However, a**
4 clerk or ~~deputy registrar~~ **assistant clerk** may receive an
5 application wherever he or she may be. If a county, township,
6 city, or village clerk does not regularly keep his or her office
7 open daily during certain hours, the clerk ~~shall~~ **is** not ~~be~~
8 required to be at his or her office for the purpose of receiving
9 applications for registration on a particular day nor during
10 specific hours of a day, except as provided in section 498.
11 Registrations taken after the time of closing registrations
12 before an election need not be processed until the date
13 immediately following that election. A registration shall not be
14 placed in a precinct registration file until the date immediately
15 following that election. If a person registers at a time that
16 registrations are closed for an election, the person shall be
17 given a notice, signed by the clerk, on a form developed by the
18 secretary of state, informing him or her that, **unless the person**
19 **registers at the polling place on the day of the election,** he or
20 she is not eligible to vote in the election and indicating the
21 first date on which he or she is eligible to vote. Except as
22 provided in sections 500a to 500j, the provisions of this section
23 relating to registration shall apply.

24 Sec. 497a. The 30-day limitation contained in section 497
25 ~~shall~~ **does** not apply to a second school millage election
26 allowable under section 36(3) of the general property tax act,
27 ~~Act No. 206 of the Public Acts of 1893, as amended, being~~

1 ~~section 211.36 of the Michigan Compiled Laws, or to a first~~
2 ~~school millage election held under section 36(2) during calendar~~
3 ~~year 1986 if a school district's operating revenue is less than~~
4 ~~the total operating revenue for the previous school year~~ 1893 PA
5 206, MCL 211.36. For those elections, a registration ~~taken on~~
6 ~~the days intervening~~ **accepted** between the tenth day ~~preceeding~~
7 **before** the election and the day ~~of~~ **before** the election ~~shall~~
8 ~~is not~~ ~~be~~ valid for that election but ~~shall be~~ **is** valid for a
9 subsequent regular, primary, or special election of the
10 district. A person may register at the polling place on the day
11 of the election as provided in section 499e.

12 Sec. 499e. (1) The clerk of a city, township, or village
13 shall be present or have an assistant clerk be present at a
14 polling place at all times the polling place is open on the day
15 of an election held under this act. The clerk or assistant clerk
16 shall receive applications for registration as provided in this
17 section.

18 (2) In addition to all other rights to registration under
19 this chapter, an elector entitled to registration in an election
20 precinct may become registered in the precinct by applying in
21 person to a clerk or assistant clerk at the polling place on the
22 day of an election. The elector shall execute in duplicate a
23 registration sworn statement and swear to and sign the sworn
24 statement in the presence of the clerk or assistant clerk.

25 (3) The clerk or assistant clerk shall require the applicant
26 for registration to answer under oath a question concerning the
27 elector's qualification as an elector. The clerk or assistant

1 clerk may administer oaths and swear persons as to the truth of
2 statements contained in registration sworn statements. The clerk
3 may employ and swear an interpreter to interpret all questions
4 put to an applicant and the answers to those questions. If the
5 applicant, in answer to a question or in the registration sworn
6 statement, knowingly makes a material statement that is false,
7 the applicant is guilty of a misdemeanor.

8 (4) If the applicant is entitled to registration, the clerk
9 or assistant clerk shall personally sign and note on the
10 registration sworn statement the acceptance of the registration.
11 If the registration is refused, the clerk or assistant clerk
12 shall destroy the applicant's registration sworn statement. The
13 clerk or assistant clerk shall not accept a fee from an elector
14 applying for registration, either for the registering of the
15 elector or for the taking of the acknowledgment on the sworn
16 statement. A clerk or assistant clerk who accepts a fee is
17 guilty of a misdemeanor.

18 (5) Immediately after approving an application for
19 registration under subsection (4), the clerk or assistant clerk
20 shall prepare a registration card or an insert to a registration
21 list in a form prescribed by the secretary of state. The clerk
22 or assistant clerk shall have the registration card or insert to
23 a registration list transferred to the board of election
24 inspectors at the polling place in order for the newly registered
25 elector to apply to vote as provided in section 523.

26 (6) The clerk shall prepare and send a voter identification
27 card in the manner prescribed for corrected voter identification

1 cards in section 499 as soon as practical after the election.