

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 624

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 613a, 614a, 615a, 616a, 624g, 641, and 759a (MCL 168.613a, 168.614a, 168.615a, 168.616a, 168.624g, 168.641, and 168.759a), section 613a as amended by 2003 PA 13, sections 614a and 615a as amended by 1999 PA 72, section 616a as added by 1988 PA 275, section 624g as amended by 1990 PA 7, section 641 as amended by 2005 PA 71, and section 759a as amended by 2006 PA 605, and by adding sections 19, 615c, and 759c; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 **SEC. 19. AS USED IN THIS ACT:**

2 **(A) "PARTICIPATING POLITICAL PARTY" MEANS A POLITICAL PARTY**
3 **AUTHORIZED TO PARTICIPATE IN A PRESIDENTIAL PRIMARY UNDER SECTION**
4 **613A.**

1 (B) "PRESIDENTIAL ELECTION YEAR" MEANS A CALENDAR YEAR IN
2 WHICH THE NUMBER OF THE YEAR IS A MULTIPLE OF 4.

3 (C) "PRESIDENTIAL PRIMARY" MEANS A STATEWIDE PRIMARY ELECTION
4 HELD FOR PARTICIPATING POLITICAL PARTIES IN EACH PRESIDENTIAL
5 ELECTION YEAR UNDER SECTION 613A.

6 Sec. 613a. (1) Except ~~in 2004 when no statewide presidential~~
7 ~~primary shall be conducted~~ AS OTHERWISE PROVIDED IN SUBSECTION (2),
8 a ~~statewide presidential primary election~~ shall be conducted under
9 this act ON JANUARY 15, 2008, AND on the fourth Tuesday in February
10 in each FOLLOWING presidential election year.

11 (2) NOT LATER THAN 4 P.M. ON NOVEMBER 14, 2007, THE
12 CHAIRPERSON OF EACH PARTICIPATING POLITICAL PARTY SHALL NOTIFY THE
13 SECRETARY OF STATE IF HIS OR HER POLITICAL PARTY WILL BE USING A
14 METHOD OTHER THAN THE RESULTS OF THE JANUARY 15, 2008 PRESIDENTIAL
15 PRIMARY TO SELECT DELEGATES TO HIS OR HER RESPECTIVE NATIONAL
16 CONVENTION TO NOMINATE A CANDIDATE FOR PRESIDENT OF THE UNITED
17 STATES IN 2008. AT 4 P.M. ON NOVEMBER 15, 2007, THE SECRETARY OF
18 STATE SHALL DETERMINE, BASED UPON THE INFORMATION PROVIDED BY THE
19 PARTICIPATING POLITICAL PARTIES UNDER THIS SUBSECTION, WHETHER THE
20 PARTICIPATING POLITICAL PARTIES IN THIS STATE WILL BE USING A
21 METHOD OTHER THAN THE RESULTS OF THE JANUARY 15, 2008 PRESIDENTIAL
22 PRIMARY TO SELECT DELEGATES TO THEIR RESPECTIVE NATIONAL
23 CONVENTIONS TO NOMINATE A CANDIDATE FOR PRESIDENT OF THE UNITED
24 STATES IN 2008. IF THE SECRETARY OF STATE DETERMINES THAT ALL
25 PARTICIPATING POLITICAL PARTIES ARE USING A METHOD OTHER THAN THE
26 RESULTS OF THE JANUARY 15, 2008 PRESIDENTIAL PRIMARY, THE SECRETARY
27 OF STATE SHALL CANCEL THE PRESIDENTIAL PRIMARY THAT WOULD OTHERWISE

1 BE HELD ON JANUARY 15, 2008, AND ANY BALLOTS FOR THAT PRESIDENTIAL
2 PRIMARY SHALL BE DESTROYED. UPON REQUEST OF THE SECRETARY OF STATE,
3 THE CHAIRPERSONS OF THE PARTICIPATING POLITICAL PARTIES SHALL
4 PROVIDE THE SECRETARY OF STATE WITH THE INFORMATION NECESSARY FOR
5 THE SECRETARY OF STATE TO MAKE THE DETERMINATION REQUIRED BY THIS
6 SUBSECTION.

7 (3) ~~(2)~~ A political party that received 5% ~~or less~~ **THAN 20%** of
8 the total vote cast ~~nationwide~~ **IN THIS STATE** for the office of
9 president in the last presidential election shall not participate
10 in the presidential primary. ~~election.~~

11 (4) ~~(3)~~ Except as otherwise provided in **THIS SECTION AND**
12 sections 614a , ~~615a,~~ **TO 616a, 624g, 641, 759A, 759C,** and 879a, the
13 ~~statewide~~ presidential primary ~~election~~ shall be conducted under
14 the provisions of this act that govern the conduct of ~~general~~
15 ~~primary elections~~ **A PRIMARY ELECTION OTHER THAN A PRESIDENTIAL**
16 **PRIMARY.**

17 (5) **NOTHING IN THIS SECTION OR SECTIONS 614A TO 616A SHALL BE**
18 **INTERPRETED TO DIMINISH OR IMPAIR THE STATE AND FEDERAL**
19 **CONSTITUTIONAL RIGHTS OF A PARTICIPATING POLITICAL PARTY OR GIVE**
20 **THIS STATE, ITS POLITICAL SUBDIVISIONS AND AGENCIES, OR ITS COURTS**
21 **JURISDICTION OR AUTHORITY OVER THE APPLICATION OR INTERPRETATION BY**
22 **A PARTICIPATING POLITICAL PARTY OF THE PARTY'S STATE OR NATIONAL**
23 **RULES, REGULATIONS, POLICIES, AND PROCEDURES. EACH PARTICIPATING**
24 **POLITICAL PARTY SHALL BE THE SOLE AND EXCLUSIVE ARBITER OF THE**
25 **APPLICATION AND INTERPRETATION OF ITS STATE AND NATIONAL RULES,**
26 **REGULATIONS, POLICIES, AND PROCEDURES.**

27 Sec. 614a. ~~(1) Not later than 4 p.m. of the second Friday in~~

1 ~~November of the year before the presidential election, the~~
2 ~~secretary of state shall issue a list of the individuals generally~~
3 ~~advocated by the national news media to be potential presidential~~
4 ~~candidates for each party's nomination by the political parties for~~
5 ~~which a presidential primary election will be held under section~~
6 ~~613a.~~

7 (1) ~~(2) Not later than 4 p.m. of the Tuesday following the~~
8 ~~second Friday in November of the year before the presidential~~
9 ~~election~~ **ON THE EIGHTEENTH TUESDAY BEFORE THE PRESIDENTIAL PRIMARY,**
10 the state chairperson of each **PARTICIPATING** political party ~~for~~
11 ~~which a presidential primary election will be held under section~~
12 ~~613a~~ shall file with the secretary of state a list of individuals
13 whom they consider to be potential presidential candidates for
14 **NOMINATION BY that PARTICIPATING political party IN THE NEXT**
15 **PRESIDENTIAL ELECTION YEAR. THE SECRETARY OF STATE SHALL MAKE THE**
16 **LISTS RECEIVED UNDER THIS SUBSECTION AVAILABLE TO THE PUBLIC ON AN**
17 **INTERNET WEBSITE MAINTAINED BY THE DEPARTMENT OF STATE. IN**
18 **COMPILING THE LIST OF INDIVIDUALS TO BE FILED WITH THE SECRETARY OF**
19 **STATE UNDER THIS SUBSECTION, THE CHAIRPERSON OF EACH PARTICIPATING**
20 **POLITICAL PARTY SHALL CONSIDER ALL OF THE FOLLOWING:**

21 (A) REFERENCES TO AN INDIVIDUAL AS A CANDIDATE FOR NOMINATION
22 BY THE PARTICIPATING POLITICAL PARTY FOR THE OFFICE OF PRESIDENT OF
23 THE UNITED STATES IN STATE AND NATIONAL NEWS MEDIA, INCLUDING, BUT
24 NOT LIMITED TO, THE INTERNET.

25 (B) PRESIDENTIAL CAMPAIGN ACTIVITY BY THE INDIVIDUAL OR HIS OR
26 HER CAMPAIGN ORGANIZATION IN THIS STATE AND NATIONALLY.

27 (C) SUPPORT FOR THE INDIVIDUAL AS A CANDIDATE FOR PRESIDENT OF

1 THE UNITED STATES BY THE GENERAL PUBLIC AND BY MEMBERS OF THE
2 PARTICIPATING POLITICAL PARTY IN THIS STATE AND NATIONALLY.

3 (2) ~~(3)~~ After the issuance of the list under subsection ~~(1)~~
4 and after receipt of names ~~THE LIST OF CANDIDATES~~ from the state
5 chairperson of each **PARTICIPATING** political party under subsection
6 ~~(2)~~ **(1)**, the secretary of state shall notify each potential
7 presidential candidate on the lists of the provisions of this act
8 relating to the presidential primary. ~~election.~~

9 Sec. 615a. (1) **THE SECRETARY OF STATE SHALL PRESCRIBE THE FORM**
10 **OF THE OFFICIAL PRESIDENTIAL PRIMARY BALLOT FOR EACH PARTICIPATING**
11 **POLITICAL PARTY.** Except as otherwise provided in this section, the
12 secretary of state shall cause the name of a presidential candidate
13 notified by the secretary of state under section 614a to be printed
14 on the **APPROPRIATE** presidential primary ballot ~~under the~~
15 ~~appropriate~~ **FOR THAT PARTICIPATING** political party. ~~heading.~~ A
16 presidential candidate notified by the secretary of state under
17 section 614a may file an affidavit with the secretary of state
18 indicating his or her **POLITICAL** party preference if different than
19 the **PARTICIPATING POLITICAL** party preference contained in the
20 **NOTIFICATION FROM THE** secretary of state ~~notification~~ and the
21 secretary of state shall cause that presidential candidate's name
22 to be printed ~~under~~ **ON** the appropriate party ~~heading~~ on the
23 presidential primary ballot **FOR THAT PARTICIPATING POLITICAL PARTY.**
24 **IF THE AFFIDAVIT OF A PRESIDENTIAL CANDIDATE INDICATES THAT THE**
25 **CANDIDATE HAS NO POLITICAL PARTY PREFERENCE OR INDICATES A**
26 **POLITICAL PARTY PREFERENCE FOR A POLITICAL PARTY OTHER THAN A**
27 **PARTICIPATING POLITICAL PARTY, THE SECRETARY OF STATE SHALL NOT**

1 **CAUSE THAT PRESIDENTIAL CANDIDATE'S NAME TO BE PRINTED ON A BALLOT**
 2 **FOR THE PRESIDENTIAL PRIMARY.** A presidential candidate notified by
 3 the secretary of state under section 614a may file an affidavit
 4 with the secretary of state indicating that he or she does not wish
 5 to have his or her name printed on ~~the~~ **A** presidential primary
 6 ballot and the secretary of state shall not ~~have~~ **CAUSE** that
 7 presidential candidate's name **TO BE** printed on ~~the~~ **presidential**
 8 ~~primary~~ **A** ballot **FOR THE PRESIDENTIAL PRIMARY.** A presidential
 9 candidate shall file an affidavit described in this subsection with
 10 the secretary of state no later than 4 p.m. on the ~~second Friday in~~
 11 ~~December of the year before the presidential election year~~
 12 **FOURTEENTH TUESDAY BEFORE THE PRESIDENTIAL PRIMARY** or the affidavit
 13 is ~~considered~~ void.

14 (2) The name of an individual who is not listed as a potential
 15 presidential candidate **FOR A PARTICIPATING POLITICAL PARTY** under
 16 section 614a shall be printed on the ballot for the **APPROPRIATE**
 17 **PARTICIPATING POLITICAL PARTY FOR THE** presidential primary ~~under~~
 18 ~~the appropriate political party heading~~ if he or she files a
 19 nominating petition with the secretary of state no later than 4
 20 p.m. on the ~~second Friday in December of the year before the~~
 21 ~~presidential election year~~ **TWELFTH TUESDAY BEFORE THE PRESIDENTIAL**
 22 **PRIMARY.** The nominating petition shall contain valid signatures of
 23 registered and qualified electors equal to not less than 1/2 of 1%
 24 of the total votes cast in the state at the previous presidential
 25 election for the presidential candidate of the **PARTICIPATING**
 26 political party for which the individual is seeking ~~this~~ **THE**
 27 nomination. However, the total number of signatures required on a

1 nominating petition under this subsection shall not exceed 1,000
2 times the total number of congressional districts in this state. A
3 signature on a nominating petition is not valid if obtained before
4 ~~October 1~~ **AUGUST 15** of the year before the presidential election
5 year in which the individual seeks nomination. To be valid, a
6 nominating petition must conform to the requirements of this act
7 regarding nominating petitions, but only to the extent that those
8 requirements do not conflict with the requirements of this
9 subsection.

10 (3) The names of the presidential candidates ~~under~~ **ON** each
11 **PARTICIPATING** political party heading ~~BALLOT~~ shall be rotated on
12 the ballot **BY PRECINCT**. ~~The~~ **EACH** ballot shall contain a space for
13 an elector to vote uncommitted.

14 (4) **BALLOTS FOR EACH PARTICIPATING POLITICAL PARTY SHALL BE**
15 **PRINTED ON PAPER OF THE SAME COLOR.**

16 **SEC. 615C. (1) IN ORDER TO VOTE AT A PRESIDENTIAL PRIMARY, AN**
17 **ELECTOR SHALL INDICATE IN WRITING, ON A FORM PRESCRIBED BY THE**
18 **SECRETARY OF STATE, WHICH PARTICIPATING POLITICAL PARTY BALLOT HE**
19 **OR SHE WISHES TO VOTE WHEN APPEARING TO VOTE AT A PRESIDENTIAL**
20 **PRIMARY. IN FULFILLING THE REQUIREMENTS OF THIS SUBSECTION, THE**
21 **SECRETARY OF STATE SHALL PRESCRIBE PROCEDURES INTENDED TO PROTECT**
22 **OR SAFEGUARD THE CONFIDENTIALITY OF THE PARTICIPATING POLITICAL**
23 **PARTY BALLOT SELECTED BY AN ELECTOR CONSISTENT WITH THIS SECTION.**

24 (2) **AN ELECTOR SHALL NOT BE CHALLENGED AT A PRESIDENTIAL**
25 **PRIMARY BASED UPON THE PARTICIPATING POLITICAL PARTY BALLOT**
26 **SELECTED BY THE ELECTOR. AN ELECTOR MAY BE CHALLENGED ONLY TO THE**
27 **EXTENT AUTHORIZED UNDER SECTION 727.**

1 (3) THE SECRETARY OF STATE SHALL DEVELOP A PROCEDURE FOR CITY
2 AND TOWNSHIP CLERKS TO USE WHEN KEEPING A SEPARATE RECORD AT A
3 PRESIDENTIAL PRIMARY THAT CONTAINS THE PRINTED NAME, ADDRESS, AND
4 QUALIFIED VOTER FILE NUMBER OF EACH ELECTOR AND THE PARTICIPATING
5 POLITICAL PARTY BALLOT SELECTED BY THAT ELECTOR AT THE PRESIDENTIAL
6 PRIMARY.

7 (4) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, THE
8 INFORMATION ACQUIRED OR IN THE POSSESSION OF A PUBLIC BODY
9 INDICATING WHICH PARTICIPATING POLITICAL PARTY BALLOT AN ELECTOR
10 SELECTED AT A PRESIDENTIAL PRIMARY IS CONFIDENTIAL, EXEMPT FROM
11 DISCLOSURE UNDER THE FREEDOM OF INFORMATION ACT, 1976 PA 442, MCL
12 15.231 TO 15.246, AND SHALL NOT BE DISCLOSED TO ANY PERSON FOR ANY
13 REASON.

14 (5) TO ENSURE COMPLIANCE WITH THE STATE AND NATIONAL POLITICAL
15 PARTY RULES OF EACH PARTICIPATING POLITICAL PARTY AND THIS SECTION,
16 THE RECORDS DESCRIBED IN SUBSECTION (3) SHALL BE PROVIDED TO THE
17 CHAIRPERSON OF EACH PARTICIPATING POLITICAL PARTY AS SET FORTH IN
18 SUBSECTION (6).

19 (6) WITHIN 71 DAYS AFTER THE PRESIDENTIAL PRIMARY, THE
20 SECRETARY OF STATE SHALL PROVIDE TO THE CHAIRPERSON OF EACH
21 PARTICIPATING POLITICAL PARTY A FILE OF THE RECORDS FOR EACH
22 PARTICIPATING POLITICAL PARTY DESCRIBED UNDER SUBSECTION (3). THE
23 SECRETARY OF STATE SHALL SET A SCHEDULE FOR COUNTY, CITY, AND
24 TOWNSHIP CLERKS TO SUBMIT DATA OR DOCUMENTS REQUIRED UNDER
25 SUBSECTION (3). THE SECRETARY OF STATE AND COUNTY, CITY, AND
26 TOWNSHIP CLERKS SHALL DESTROY THE INFORMATION INDICATING WHICH
27 PARTICIPATING POLITICAL PARTY BALLOT EACH ELECTOR SELECTED AT THE

1 PRESIDENTIAL PRIMARY AS RECORDED IN SUBSECTION (3) IMMEDIATELY
2 AFTER THE EXPIRATION OF THE 22-MONTH FEDERAL ELECTION RECORDS
3 RETENTION PERIOD.

4 (7) EXCEPT AS PROVIDED IN SUBSECTION (8), A PARTICIPATING
5 POLITICAL PARTY SHALL NOT USE THE INFORMATION TRANSMITTED TO THE
6 PARTICIPATING POLITICAL PARTY UNDER SUBSECTION (6) INDICATING WHICH
7 PARTICIPATING POLITICAL PARTY BALLOT AN ELECTOR SELECTED AT A
8 PRESIDENTIAL PRIMARY FOR ANY PURPOSE, INCLUDING A COMMERCIAL
9 PURPOSE, AND SHALL NOT RELEASE THE INFORMATION TO ANY OTHER PERSON,
10 ORGANIZATION, OR VENDOR.

11 (8) A PARTICIPATING POLITICAL PARTY MAY ONLY USE THE
12 INFORMATION TRANSMITTED TO THE PARTICIPATING POLITICAL PARTY UNDER
13 SUBSECTION (6) TO SUPPORT POLITICAL PARTY ACTIVITIES BY THAT
14 PARTICIPATING POLITICAL PARTY, INCLUDING, BUT NOT LIMITED TO,
15 SUPPORT FOR OR OPPOSITION TO CANDIDATES AND BALLOT PROPOSALS. A
16 PARTICIPATING POLITICAL PARTY MAY RELEASE THE INFORMATION
17 TRANSMITTED TO THE PARTICIPATING POLITICAL PARTY UNDER SUBSECTION
18 (6) TO ANOTHER PERSON, ORGANIZATION, OR VENDOR FOR THE PURPOSE OF
19 SUPPORTING POLITICAL PARTY ACTIVITIES BY THAT PARTICIPATING
20 POLITICAL PARTY, INCLUDING, BUT NOT LIMITED TO, SUPPORT FOR OR
21 OPPOSITION TO CANDIDATES OR BALLOT PROPOSALS.

22 (9) WHEN AUTHORIZED UNDER SUBSECTION (8), A PARTICIPATING
23 POLITICAL PARTY THAT RELEASES THE INFORMATION TRANSMITTED TO THE
24 PARTICIPATING POLITICAL PARTY UNDER SUBSECTION (6) TO ANOTHER
25 PERSON, ORGANIZATION, OR VENDOR SHALL ENTER INTO A CONTRACT WITH
26 THE PERSON, ORGANIZATION, OR VENDOR AND THE CONTRACT SHALL DO ALL
27 OF THE FOLLOWING:

1 (A) STATE THE INFORMATION USE RESTRICTIONS IMPOSED BY THIS
2 SECTION.

3 (B) SPECIFY HOW AND WHEN THE INFORMATION WILL BE USED.

4 (C) PROHIBIT THE DONATION, USE, OR SALE OF THE INFORMATION FOR
5 ANY PURPOSE OTHER THAN A PURPOSE AUTHORIZED BY THIS SECTION.

6 (D) PROHIBIT THE RETENTION OF THE INFORMATION AFTER AUTHORIZED
7 USE.

8 (E) DESCRIBE THE CRIMINAL PENALTIES PROVIDED IN SUBSECTION
9 (11).

10 (10) A PARTICIPATING POLITICAL PARTY SHALL RETAIN A CONTRACT
11 ENTERED INTO UNDER SUBSECTION (9) FOR 6 YEARS FROM THE EFFECTIVE
12 DATE OF THE CONTRACT OR ANY AMENDMENT TO THE CONTRACT.

13 (11) ANY PERSON WHO USES THE INFORMATION INDICATING WHICH
14 PARTICIPATING POLITICAL PARTY PRIMARY BALLOT AN ELECTOR SELECTED AT
15 A PRESIDENTIAL PRIMARY FOR A PURPOSE NOT AUTHORIZED IN THIS SECTION
16 IS GUILTY OF A MISDEMEANOR PUNISHABLE BY A FINE OF \$1,000.00 FOR
17 EACH VOTER RECORD THAT IS IMPROPERLY USED OR IMPRISONMENT FOR NOT
18 MORE THAN 93 DAYS, OR BOTH.

19 Sec. 616a. (1) The board of state canvassers shall canvass the
20 returns received from the boards of county canvassers and certify
21 the statewide and congressional district results of the
22 presidential primary ~~election~~ to the secretary of state.

23 (2) The secretary of state shall certify the statewide and
24 congressional district results of the presidential primary ~~election~~
25 to the chairperson of the state central committee of each
26 participating political party.

27 ~~(3) Notwithstanding sections 831 and 847 or an administrative~~

1 ~~rule promulgated pursuant to section 794c, after the canvass by the~~
2 ~~board of state canvassers under subsection (1), the secretary of~~
3 ~~state may authorize the immediate release of all ballots, ballot~~
4 ~~boxes, voting machines, and equipment used in each precinct of a~~
5 ~~city that conducts a city election in the first week of April if~~
6 ~~both of the following requirements are met:~~

7 ~~—— (a) The county clerk certifies that no defect in or mechanical~~
8 ~~malfunction of a voting machine, voting device, ballot, or other~~
9 ~~election equipment or material was discovered or alleged before the~~
10 ~~date of the completion of the state canvass.~~

11 ~~—— (b) The county clerk certifies that no other election for~~
12 ~~offices or questions appeared on the same election equipment used~~
13 ~~in the precinct for the presidential primary election.~~

14 Sec. 624g. (1) ~~The~~ **IF THE PRESIDENTIAL PRIMARY IS NOT CANCELED**
15 **BY THE SECRETARY OF STATE UNDER SECTION 613A(2),** THE state shall
16 reimburse each county, city, and township for the cost of
17 conducting a presidential primary. ~~election.~~ The reimbursement
18 shall not exceed the verified account of actual costs of the
19 election.

20 (2) Payment shall be made upon presentation and approval of a
21 verified account of actual costs to the department of treasury,
22 local government audit division, after the ~~department of treasury~~
23 **STATE TREASURER** and the secretary of state agree as to what
24 constitutes valid costs of conducting ~~an election~~ **A PRESIDENTIAL**
25 **PRIMARY.** Reimbursable costs do not include salaries of permanent
26 local officials; the cost of reusable supplies and equipment; or
27 costs attributable to local special elections held in conjunction

1 with the presidential primary. The **DEPARTMENT OF TREASURY AND THE**
2 **DEPARTMENT OF** state shall disapprove costs not in compliance with
3 this section.

4 ~~—— (3) The state shall also compensate each city and township for~~
5 ~~the processing of voter identification cards required for the sole~~
6 ~~purpose of changing or adding an elector's designation of a~~
7 ~~political party preference or no political party preference.~~
8 ~~Compensation shall not be paid to a city or township for the~~
9 ~~processing of voter identification cards required for original~~
10 ~~voter registration applications or voter registration applications~~
11 ~~changing an elector's address. The secretary of state shall~~
12 ~~equitably distribute funds appropriated to implement this~~
13 ~~subsection upon receipt of an annual verified account of actual~~
14 ~~costs from each city and township stating the number of voter~~
15 ~~identification cards processed as specified by this subsection.~~

16 (3) ~~(4)~~ The legislature shall appropriate from the general
17 fund of ~~the~~ **THIS** state an amount necessary to implement this
18 section.

19 (4) ~~(5)~~ To qualify for reimbursement, a county, city, or
20 township shall submit its verified account of actual costs **TO THE**
21 **DEPARTMENT OF TREASURY** no later than 90 days after the date of the
22 presidential primary.

23 (5) ~~(6)~~ Not later than 90 days after the ~~state~~ **DEPARTMENT OF**
24 **TREASURY** receives a verified account of actual costs, the
25 **DEPARTMENT OF TREASURY, AFTER CONSULTATION WITH THE DEPARTMENT OF**
26 state, shall pay or disapprove the verified account.

27 Sec. 641. (1) Except as otherwise provided in this section and

1 sections 642 and 642a, ~~beginning January 1, 2005,~~ an election held
2 under this act shall be held on 1 of the following regular election
3 dates:

4 (a) The February regular election date, which is the fourth
5 Tuesday in February.

6 (b) The May regular election date, which is the first Tuesday
7 after the first Monday in May.

8 (c) The August regular election date, which is the first
9 Tuesday after the first Monday in August.

10 (d) The November regular election date, which is the first
11 Tuesday after the first Monday in November.

12 (2) If an elective office is listed by name in section 643,
13 requiring the election for that office to be held at the general
14 election, and if candidates for the office are nominated at a
15 primary election, the primary election shall be held on the August
16 regular election date.

17 (3) Except as otherwise provided in this subsection and
18 subsection (4), a special election shall be held on a regular
19 election date. A special election called by the governor under
20 section 145, 178, 632, 633, or 634 to fill a vacancy or called by
21 the legislature to submit a proposed constitutional amendment as
22 authorized in section 1 of article XII of the state constitution of
23 1963 may, but is not required to be, held on a regular election
24 date.

25 (4) A school district may call a special election to submit a
26 ballot question to borrow money, increase a millage, or establish a
27 bond if an initiative petition is filed with the county clerk. The

1 petition shall be signed by a number of qualified and registered
2 electors of the district equal to not less than 10% of the electors
3 voting in the last gubernatorial election in that district or 3,000
4 signatures, whichever number is lesser. Section 488 applies to a
5 petition to call a special election for a school district under
6 this section. In addition to the requirements set forth in section
7 488, the proposed date of the special election shall appear beneath
8 the petition heading, and the petition shall clearly state the
9 amount of the millage increase or the amount of the loan or bond
10 sought and the purpose for the millage increase or the purpose for
11 the loan or bond. The petition shall be filed with the county clerk
12 by 4 p.m. of the twelfth Tuesday before the proposed date of the
13 special election. The petition signatures shall be obtained within
14 60 days before the filing of the petition. Any signatures obtained
15 more than 60 days before the filing of the petition are not valid.
16 If the special election called by the school district is not
17 scheduled to be held on a regular election date as provided in
18 subsection (1), the special election shall be held on a Tuesday. A
19 special election called by a school district under this subsection
20 shall not be held within 30 days before or 35 days after a regular
21 election date as provided in subsection (1). A school district may
22 only call 1 special election pursuant to this subsection in each
23 calendar year.

24 ~~—— (5) The secretary of state shall make a report to the house~~
25 ~~and senate committees that consider election issues by December 1,~~
26 ~~2006. The secretary of state shall report about the special~~
27 ~~elections held under this subsection, including, but not limited~~

1 ~~to, all of the following:~~

2 ~~—— (a) The number of times a special election has been held.~~

3 ~~—— (b) Which school districts have held special elections.~~

4 ~~—— (c) Information about the success rate of the ballot question~~
5 ~~submitted at the special elections.~~

6 ~~—— (d) Information about voter turnout, including the percentage~~
7 ~~and number of registered voters who voted in each special election.~~

8 (5) ~~(6)~~ The secretary of state shall direct and supervise the
9 consolidation of all elections held under this act.

10 (6) **IN 2008 ONLY, THE FEBRUARY REGULAR ELECTION DATE AS**
11 **PROVIDED IN SUBSECTION (1) SHALL INSTEAD BE JANUARY 15, 2008 IF A**
12 **PRESIDENTIAL PRIMARY IS HELD UNDER SECTION 613A ON JANUARY 15,**
13 **2008.**

14 (7) This section shall be known and may be cited as the
15 "Hammerstrom election consolidation law".

16 Sec. 759a. (1) A member of the armed services or an overseas
17 voter who is not registered, but possessed the qualifications of an
18 elector under section 492, may apply for registration by using the
19 federal postcard application. The department of state, bureau of
20 elections, is responsible for disseminating information on the
21 procedures for registering and voting to absent armed services and
22 overseas voters.

23 (2) Each of the following persons who is a qualified elector
24 of a city, village, or township in this state and who is not a
25 registered voter may apply for an absent voter ballot:

26 (a) A civilian employee of the armed services outside of the
27 United States.

1 (b) A member of the armed services outside of the United
2 States.

3 (c) A citizen of the United States temporarily residing
4 outside the territorial limits of the United States.

5 (d) A citizen of the United States residing in the District of
6 Columbia.

7 (e) A spouse or dependent of a person described in
8 subdivisions (a) through (d) who is a citizen of the United States
9 and who is accompanying that person, even though the spouse or
10 dependent is not a qualified elector of a city, village, or
11 township of this state, if that spouse or dependent is not a
12 qualified and registered elector anywhere else in the United
13 States.

14 (3) Upon receipt of an application under this section that
15 complies with this act, a city, village, or township clerk shall
16 forward to the applicant the absent voter ballots requested, the
17 forms necessary for registration, and instructions for completing
18 the forms. If the ballots are not yet available at the time of
19 receipt of the application, the clerk shall immediately forward to
20 the applicant the registration forms and instructions, and forward
21 the ballots as soon as they are available. If the ballots and
22 registration forms are received before the close of the polls on
23 election day and if the registration complies with the requirements
24 of this act, the absent voter ballots shall be delivered to the
25 proper election board to be voted. If the registration does not
26 comply with the requirements of this act, the clerk shall retain
27 the absent voter ballots until the expiration of the time that the

1 voted ballots must be kept and shall then destroy the ballots
2 without opening the envelope. The clerk may retain registration
3 forms completed under this section in a separate file. The address
4 in this state shown on a registration form is the residence of the
5 registrant.

6 (4) The size of a precinct shall not be determined by
7 registration forms completed under this section.

8 (5) A member of the armed services or an overseas voter, as
9 described in subsection (2), who registers to vote by federal
10 postcard application under subsection (1), and who applies to vote
11 as an absent voter by federal postcard application is eligible to
12 vote as an absent voter in any local or state election, including
13 any school election, occurring in the calendar year in which the
14 federal postcard application is received by the city, village, or
15 township clerk, but not in an election for which the application is
16 received by the clerk after 2 p.m. of the Saturday before the
17 election. A city or township clerk receiving a federal postcard
18 application shall transmit to a village clerk and school district
19 election coordinator, where applicable, the necessary information
20 to enable the village clerk and school district election
21 coordinator to forward an absent voter ballot for each applicable
22 election in that calendar year to the qualified elector submitting
23 the federal postcard application. A village clerk receiving a
24 federal postcard application shall transmit to a city or township
25 clerk, where applicable, the necessary information to enable the
26 city or township clerk to forward an absent voter ballot for each
27 applicable election in that calendar year to the qualified elector

1 submitting the federal postcard application. If the local elections
2 official rejects a registration or absent voter ballot application
3 submitted on a federal postcard application by an absent armed
4 services or overseas voter, the election official shall notify the
5 armed services or overseas voter of the rejection.

6 (6) FOR A PRESIDENTIAL PRIMARY, THE SECRETARY OF STATE SHALL
7 DO ALL OF THE FOLLOWING:

8 (A) PRESCRIBE PROCEDURES FOR CONTACTING AN ELECTOR WHO IS A
9 MEMBER OF THE ARMED SERVICES OR AN OVERSEAS VOTER, AS DESCRIBED IN
10 SUBSECTION (2), AND WHO IS ELIGIBLE TO RECEIVE AN ABSENT VOTER
11 BALLOT OR WHO APPLIES FOR AN ABSENT VOTER BALLOT FOR THE
12 PRESIDENTIAL PRIMARY, OFFERING THE ELECTOR THE OPPORTUNITY TO
13 SELECT A PARTICIPATING POLITICAL PARTY BALLOT FOR THE PRESIDENTIAL
14 PRIMARY.

15 (B) PRESCRIBE PROCEDURES TO PROTECT OR SAFEGUARD THE
16 CONFIDENTIALITY OF AN ELECTOR'S PARTICIPATING POLITICAL PARTY
17 BALLOT SELECTION ASCERTAINED UNDER THIS SECTION CONSISTENT WITH
18 SECTION 615C.

19 (7) ~~(6)~~ Under the uniformed and overseas citizens absentee
20 voting act, 42 USC 1973ff to 1973ff-6, the state director of
21 elections shall approve a ballot form and registration procedures
22 for electors in the armed services and electors outside the United
23 States, including the spouses and dependents accompanying those
24 electors.

25 (8) ~~(7)~~ As used in this section, "armed services" means any of
26 the following:

27 (a) The United States army, navy, air force, marine corps, or

1 coast guard.

2 (b) The United States merchant marine.

3 (c) A reserve component of an armed service listed in
4 subdivision (a) or (b).

5 (d) The Michigan national guard as defined in section 105 of
6 the Michigan military act, 1967 PA 150, MCL 32.505.

7 **SEC. 759C. FOR A PRESIDENTIAL PRIMARY, THE SECRETARY OF STATE**
8 **SHALL DO ALL OF THE FOLLOWING:**

9 (A) REVISE THE ABSENT VOTER BALLOT APPLICATION FORM DESCRIBED
10 IN SECTION 759 OR PROVIDE A SEPARATE FORM TO REQUIRE THAT A
11 PRESIDENTIAL PRIMARY ELECTOR INDICATE A PARTICIPATING POLITICAL
12 PARTY BALLOT SELECTION WHEN REQUESTING AN ABSENT VOTER BALLOT.

13 (B) PRESCRIBE PROCEDURES TO PROTECT OR SAFEGUARD THE
14 CONFIDENTIALITY OF AN ELECTOR'S PARTICIPATING POLITICAL PARTY
15 BALLOT SELECTION ON AN ABSENT VOTER BALLOT APPLICATION CONSISTENT
16 WITH SECTION 615C.

17 Enacting section 1. If any portion of this amendatory act or
18 the application of this amendatory act to any person or
19 circumstances is found invalid by a court, it is the intent of the
20 legislature that the provisions of this amendatory act are
21 nonseverable and that the remainder of the amendatory act shall be
22 invalid, inoperable, and without effect.

23 Enacting section 2. Sections 495a, 562b, 613c, 618, 619, and
24 620a of the Michigan election law, 1954 PA 116, MCL 168.495a,
25 168.562b, 168.613c, 168.618, 168.619, and 168.620a, are repealed.