

**SENATE SUBSTITUTE FOR  
HOUSE BILL NO. 4507**

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 302, 613a, 614a, 615a, 616a, 624g, 641, 644g, and 759a (MCL 168.302, 168.613a, 168.614a, 168.615a, 168.616a, 168.624g, 168.641, 168.644g, and 168.759a), section 302 as amended by 2005 PA 71, 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, section 644g as amended by 2004 PA 293, and section 759a as amended by 2006 PA 605, and by adding sections 19, 615c, 615d, 642c, 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:**

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

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

6           (C) "PRESIDENTIAL PRIMARY" MEANS A STATEWIDE PRIMARY ELECTION  
7 HELD FOR PARTICIPATING POLITICAL PARTIES IN EACH PRESIDENTIAL  
8 ELECTION YEAR UNDER SECTION 613A.

9           Sec. 302. An individual is eligible for election as a school  
10 board member if the individual is a citizen of the United States  
11 and is a qualified and registered elector of the school district  
12 the individual seeks to represent by the filing deadline. At least  
13 1 school board member for a school district shall be elected at  
14 each of the school district's regular elections held as provided in  
15 section ~~642 or 642a~~ 642C. Except as otherwise provided in this  
16 section or section 310 or 644g, a school board member's term of  
17 office is prescribed by the applicable provision of section 11a,  
18 617, 701, or 703 of the revised school code, 1976 PA 451, MCL  
19 380.11a, 380.617, 380.701, and 380.703, or section 34, 34a, 41, 54,  
20 or 83 of the community college act of 1966, 1966 PA 331, MCL  
21 389.34, 389.34a, 389.41, 389.54, and 389.83. Except as provided in  
22 section 302a, if a ballot question changing the number of school  
23 board members or changing the terms of office for school board  
24 members pursuant to section 11a of the revised school code, 1976 PA  
25 451, MCL 380.11a, is proposed and a school district needs a  
26 temporary variance from the terms of office provisions in this act  
27 and the revised school code, 1976 PA 451, MCL 380.1 to 380.1852, to

1 phase in or out school board members' terms of office, the school  
2 board shall submit the proposed ballot question language and a  
3 proposed transition plan to the secretary of state at least 30 days  
4 before the school board submits the ballot question language to the  
5 school district election coordinator pursuant to section 312. The  
6 secretary of state shall approve or reject the proposed transition  
7 plan within 10 business days of receipt of the proposed transition  
8 plan. The secretary of state shall approve the proposed transition  
9 plan if the plan provides only temporary relief to the school  
10 district from the terms of office provisions in this act and the  
11 revised school code, 1976 PA 451, MCL 380.1 to 380.1852, until such  
12 time that the terms of office for school board members can be made  
13 to comply with this act and the revised school code, 1976 PA 451,  
14 MCL 380.1 to 380.1852. The school board shall not submit the  
15 proposed ballot question language to the school district election  
16 coordinator pursuant to section 312 until the proposed transition  
17 plan is approved by the secretary of state. A school board member's  
18 term begins on 1 of the following dates:

19 (a) If elected at an election held on a November regular  
20 election date, January 1 immediately following the election.

21 (b) If elected at an election held on a May regular election  
22 date, July 1 immediately following the election.

23 **(C) IF ELECTED AT AN ELECTION HELD ON AN AUGUST REGULAR**  
24 **ELECTION DATE, SEPTEMBER 1 IMMEDIATELY FOLLOWING THE ELECTION.**

25 Sec. 613a. (1) Except ~~in 2004 when no statewide presidential~~  
26 ~~primary shall be conducted~~ **AS OTHERWISE PROVIDED IN SUBSECTION (2),**  
27 a ~~statewide presidential primary election~~ shall be conducted under

1 this act ON JANUARY 15, 2008, AND on the fourth Tuesday in February  
2 in each FOLLOWING presidential election year.

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

26 (3) ~~(2)~~ A political party that received ~~5% or less~~ THAN 20% of  
27 the total vote cast ~~nationwide~~ IN THIS STATE for the office of

1 president in the last presidential election shall not participate  
 2 in the presidential primary. ~~election.~~

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

9 (5) **NOTHING IN THIS SECTION OR SECTIONS 614A TO 616A SHALL BE**  
 10 **INTERPRETED TO DIMINISH OR IMPAIR THE STATE AND FEDERAL**  
 11 **CONSTITUTIONAL RIGHTS OF A PARTICIPATING POLITICAL PARTY OR GIVE**  
 12 **THIS STATE, ITS POLITICAL SUBDIVISIONS AND AGENCIES, OR ITS COURTS**  
 13 **JURISDICTION OR AUTHORITY OVER THE APPLICATION OR INTERPRETATION BY**  
 14 **A PARTICIPATING POLITICAL PARTY OF THE PARTY'S STATE OR NATIONAL**  
 15 **RULES, REGULATIONS, POLICIES, AND PROCEDURES. EACH PARTICIPATING**  
 16 **POLITICAL PARTY SHALL BE THE SOLE AND EXCLUSIVE ARBITER OF THE**  
 17 **APPLICATION AND INTERPRETATION OF ITS STATE AND NATIONAL RULES,**  
 18 **REGULATIONS, POLICIES, AND PROCEDURES.**

19 Sec. 614a. (1) Not later than 4 p.m. of the second ~~Friday~~  
 20 **TUESDAY** in November of the year before the presidential election,  
 21 the secretary of state shall issue a list of the individuals  
 22 generally advocated by the national news media to be potential  
 23 presidential candidates for each party's nomination by the  
 24 political parties for which a presidential primary election will be  
 25 held under section 613a.

26 (2) Not later than 4 p.m. of the ~~Tuesday~~ **WEDNESDAY** following  
 27 the second ~~Friday~~ **TUESDAY** in November of the year before the

1 presidential election, the state chairperson of each **PARTICIPATING**  
2 political party ~~for which a presidential primary election will be~~  
3 ~~held under section 613a~~ shall file with the secretary of state a  
4 list of individuals whom they consider to be potential presidential  
5 candidates for **NOMINATION BY** that **PARTICIPATING** political party **IN**  
6 **THE NEXT PRESIDENTIAL ELECTION YEAR. THE SECRETARY OF STATE SHALL**  
7 **MAKE THE LISTS RECEIVED UNDER THIS SUBSECTION AVAILABLE TO THE**  
8 **PUBLIC ON AN INTERNET WEBSITE MAINTAINED BY THE DEPARTMENT OF**  
9 **STATE. IN COMPILING THE LIST OF INDIVIDUALS TO BE FILED WITH THE**  
10 **SECRETARY OF STATE UNDER THIS SUBSECTION, THE CHAIRPERSON OF EACH**  
11 **PARTICIPATING POLITICAL PARTY SHALL CONSIDER ALL OF THE FOLLOWING:**

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

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

18 (C) SUPPORT FOR THE INDIVIDUAL AS A CANDIDATE FOR PRESIDENT OF  
19 THE UNITED STATES BY THE GENERAL PUBLIC AND BY MEMBERS OF THE  
20 PARTICIPATING POLITICAL PARTY IN THIS STATE AND NATIONALLY.

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

27 Sec. 615a. (1) **THE SECRETARY OF STATE SHALL PRESCRIBE THE FORM**

1 OF THE OFFICIAL PRESIDENTIAL PRIMARY BALLOT FOR EACH PARTICIPATING  
2 POLITICAL PARTY. Except as otherwise provided in this section, the  
3 secretary of state shall cause the name of a presidential candidate  
4 notified by the secretary of state under section 614a to be printed  
5 on the **APPROPRIATE** presidential primary ballot ~~under the~~  
6 ~~appropriate~~ **FOR THAT PARTICIPATING** political party. ~~heading. THE~~  
7 **NAME OF A PRESIDENTIAL CANDIDATE SHALL NOT BE PRINTED ON THE**  
8 **APPROPRIATE PRESIDENTIAL PRIMARY BALLOT IF THE PRESIDENTIAL**  
9 **CANDIDATE PUBLICLY WITHDRAWS AS A PRESIDENTIAL CANDIDATE AND A**  
10 **WRITTEN CONFIRMATION OF THIS PUBLIC WITHDRAWAL IS SENT BY THE STATE**  
11 **CHAIRPERSON OF THE APPROPRIATE PARTICIPATING POLITICAL PARTY TO THE**  
12 **SECRETARY OF STATE.** A presidential candidate notified by the  
13 secretary of state under section 614a may file an affidavit with  
14 the secretary of state indicating his or her **POLITICAL** party  
15 preference if different than the **PARTICIPATING POLITICAL** party  
16 preference contained in the **NOTIFICATION FROM THE** secretary of  
17 state ~~notification~~ and the secretary of state shall cause that  
18 presidential candidate's name to be printed ~~under~~ **ON** the  
19 appropriate ~~party heading on the~~ presidential primary ballot **FOR**  
20 **THAT PARTICIPATING POLITICAL PARTY. IF THE AFFIDAVIT OF A**  
21 **PRESIDENTIAL CANDIDATE INDICATES THAT THE CANDIDATE HAS NO**  
22 **POLITICAL PARTY PREFERENCE OR INDICATES A POLITICAL PARTY**  
23 **PREFERENCE FOR A POLITICAL PARTY OTHER THAN A PARTICIPATING**  
24 **POLITICAL PARTY, THE SECRETARY OF STATE SHALL NOT CAUSE THAT**  
25 **PRESIDENTIAL CANDIDATE'S NAME TO BE PRINTED ON A BALLOT FOR THE**  
26 **PRESIDENTIAL PRIMARY.**

27 (2) A presidential candidate notified by the secretary of

1 state under section 614a may file an affidavit with the secretary  
2 of state indicating that he or she does not wish to have his or her  
3 name printed on ~~the~~ A presidential primary ballot and the  
4 **PRESIDENTIAL CANDIDATE SHALL CERTIFY IN THE AFFIDAVIT THAT HE OR**  
5 **SHE IS NOT NOW AND DOES NOT PRESENTLY INTEND TO BECOME A**  
6 **PRESIDENTIAL CANDIDATE AT THE UPCOMING NATIONAL NOMINATING**  
7 **CONVENTION. THE** secretary of state shall not ~~have~~ CAUSE that  
8 presidential candidate's name **TO BE** printed on ~~the~~ presidential  
9 ~~primary~~ A ballot **FOR THE PRESIDENTIAL PRIMARY IF THE SECRETARY OF**  
10 **STATE DETERMINES AT 4 P.M. ON THE FRIDAY FOLLOWING THE SECOND**  
11 **TUESDAY IN NOVEMBER OF THE YEAR BEFORE THE PRESIDENTIAL PRIMARY**  
12 **THAT THE CANDIDATE IS NOT AN ACTIVE PRESIDENTIAL CANDIDATE. A**  
13 presidential candidate shall file an affidavit described in this  
14 subsection with the secretary of state no later than 4 p.m. on the  
15 **FRIDAY FOLLOWING THE** second ~~Friday~~ **TUESDAY** in ~~December~~ **NOVEMBER** of  
16 the year before the presidential election year or the affidavit is  
17 ~~considered~~ void. **AT 4 P.M. ON THE FRIDAY FOLLOWING THE SECOND**  
18 **TUESDAY IN NOVEMBER OF THE YEAR BEFORE THE PRESIDENTIAL PRIMARY,**  
19 **THE SECRETARY OF STATE SHALL DETERMINE WHETHER EACH CANDIDATE**  
20 **FILING AN AFFIDAVIT UNDER THIS SUBSECTION IS AN ACTIVE PRESIDENTIAL**  
21 **CANDIDATE. IF THE SECRETARY OF STATE DETERMINES THAT A CANDIDATE IS**  
22 **AN ACTIVE PRESIDENTIAL CANDIDATE, THE SECRETARY OF STATE SHALL**  
23 **CAUSE THE CANDIDATE'S NAME TO BE PRINTED ON A BALLOT FOR THE**  
24 **PRESIDENTIAL PRIMARY NOTWITHSTANDING AN AFFIDAVIT FILED BY THE**  
25 **CANDIDATE UNDER THIS SUBSECTION. AS USED IN THIS SUBSECTION,**  
26 **"ACTIVE PRESIDENTIAL CANDIDATE" MEANS A PRESIDENTIAL CANDIDATE WHO**  
27 **IS 1 OR MORE OF THE FOLLOWING:**



1 (A) AN ACTIVE CANDIDATE FOR PRESIDENT OF THE UNITED STATES IN  
2 THIS STATE, OR 1 OR MORE STATES OTHER THAN THIS STATE, WHO HAS  
3 PREVIOUSLY FILED WITH THE FEDERAL ELECTION COMMISSION A STATEMENT  
4 OF CANDIDACY INDICATING THAT HE OR SHE IS SEEKING NOMINATION OR  
5 ELECTION TO THE OFFICE OF PRESIDENT OF THE UNITED STATES IN THE  
6 UPCOMING PRESIDENTIAL ELECTION YEAR.

7 (B) AN INDIVIDUAL WHO IS PRESENTLY SEEKING NOMINATION BY A  
8 PARTICIPATING POLITICAL PARTY AS A CANDIDATE FOR PRESIDENT OF THE  
9 UNITED STATES IN THE UPCOMING PRESIDENTIAL ELECTION YEAR, WHO HAS  
10 PREVIOUSLY FILED WITH THE FEDERAL ELECTION COMMISSION A STATEMENT  
11 OF CANDIDACY INDICATING THAT HE OR SHE IS SEEKING NOMINATION OR  
12 ELECTION TO THE OFFICE OF PRESIDENT OF THE UNITED STATES IN THE  
13 UPCOMING PRESIDENTIAL ELECTION YEAR, AND WHO IS AFFILIATED WITH THE  
14 PARTICIPATING POLITICAL PARTY.

15 ~~—— (2) The name of an individual who is not listed as a potential~~  
16 ~~presidential candidate under section 614a shall be printed on the~~  
17 ~~ballot for the presidential primary under the appropriate political~~  
18 ~~party heading if he or she files a nominating petition with the~~  
19 ~~secretary of state no later than 4 p.m. on the second Friday in~~  
20 ~~December of the year before the presidential election year. The~~  
21 ~~nominating petition shall contain valid signatures of registered~~  
22 ~~and qualified electors equal to not less than 1/2 of 1% of the~~  
23 ~~total votes cast in the state at the previous presidential election~~  
24 ~~for the presidential candidate of the political party for which the~~  
25 ~~individual is seeking this nomination. However, the total number of~~  
26 ~~signatures required on a nominating petition under this subsection~~  
27 ~~shall not exceed 1,000 times the total number of congressional~~

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

8           (3) NOT LATER THAN 5 P.M. ON THE FRIDAY FOLLOWING THE SECOND  
9 TUESDAY IN NOVEMBER OF THE YEAR BEFORE THE PRESIDENTIAL PRIMARY,  
10 THE SECRETARY OF STATE SHALL MAKE AVAILABLE TO THE PUBLIC ON AN  
11 INTERNET WEBSITE MAINTAINED BY THE DEPARTMENT OF STATE THE FINAL  
12 LIST OF PRESIDENTIAL CANDIDATES THAT THE SECRETARY OF STATE WILL  
13 CAUSE TO APPEAR ON EACH PARTICIPATING POLITICAL PARTY BALLOT AT THE  
14 PRESIDENTIAL PRIMARY TO BE HELD IN THE UPCOMING PRESIDENTIAL  
15 ELECTION YEAR.

16           (4) ~~(3)~~The names of the presidential candidates ~~under~~ON each  
17 PARTICIPATING political party heading ~~BALLOT~~ shall be rotated on  
18 the ballot BY PRECINCT. ~~The~~EACH ballot shall contain a space for  
19 an elector to vote uncommitted.

20           (5) BALLOTS FOR EACH PARTICIPATING POLITICAL PARTY SHALL BE  
21 PRINTED ON PAPER OF THE SAME COLOR.

22           SEC. 615C. (1) IN ORDER TO VOTE AT A PRESIDENTIAL PRIMARY, AN  
23 ELECTOR SHALL INDICATE IN WRITING, ON A FORM PRESCRIBED BY THE  
24 SECRETARY OF STATE, WHICH PARTICIPATING POLITICAL PARTY BALLOT HE  
25 OR SHE WISHES TO VOTE WHEN APPEARING TO VOTE AT A PRESIDENTIAL  
26 PRIMARY.

27           (2) AN ELECTOR SHALL NOT BE CHALLENGED AT A PRESIDENTIAL

1 PRIMARY BASED UPON THE PARTICIPATING POLITICAL PARTY BALLOT  
2 SELECTED BY THE ELECTOR. AN ELECTOR MAY BE CHALLENGED ONLY TO THE  
3 EXTENT AUTHORIZED UNDER SECTION 727.

4 SEC. 615D. (1) IN FULFILLING THE REQUIREMENTS OF SECTIONS  
5 615C, 759, AND 759C, THE SECRETARY OF STATE SHALL PRESCRIBE  
6 PROCEDURES INTENDED TO PROTECT OR SAFEGUARD THE CONFIDENTIALITY OF  
7 THE PARTICIPATING POLITICAL PARTY BALLOT SELECTED BY AN ELECTOR  
8 CONSISTENT WITH SECTION 615C, 759, OR 759C.

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

15 (3) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, THE  
16 INFORMATION ACQUIRED OR IN THE POSSESSION OF A PUBLIC BODY  
17 INDICATING WHICH PARTICIPATING POLITICAL PARTY BALLOT AN ELECTOR  
18 SELECTED AT A PRESIDENTIAL PRIMARY IS CONFIDENTIAL, EXEMPT FROM  
19 DISCLOSURE UNDER THE FREEDOM OF INFORMATION ACT, 1976 PA 442, MCL  
20 15.231 TO 15.246, AND SHALL NOT BE DISCLOSED TO ANY PERSON FOR ANY  
21 REASON.

22 (4) TO ENSURE COMPLIANCE WITH THE STATE AND NATIONAL POLITICAL  
23 PARTY RULES OF EACH PARTICIPATING POLITICAL PARTY AND THIS SECTION,  
24 THE RECORDS DESCRIBED IN SUBSECTION (2) SHALL BE PROVIDED TO THE  
25 CHAIRPERSON OF EACH PARTICIPATING POLITICAL PARTY AS SET FORTH IN  
26 SUBSECTION (5).

27 (5) WITHIN 71 DAYS AFTER THE PRESIDENTIAL PRIMARY, THE

1 SECRETARY OF STATE SHALL PROVIDE TO THE CHAIRPERSON OF EACH  
2 PARTICIPATING POLITICAL PARTY A FILE OF THE RECORDS FOR EACH  
3 PARTICIPATING POLITICAL PARTY DESCRIBED UNDER SUBSECTION (2). THE  
4 SECRETARY OF STATE SHALL SET A SCHEDULE FOR COUNTY, CITY, AND  
5 TOWNSHIP CLERKS TO SUBMIT DATA OR DOCUMENTS REQUIRED UNDER  
6 SUBSECTION (2). THE SECRETARY OF STATE AND COUNTY, CITY, AND  
7 TOWNSHIP CLERKS SHALL DESTROY THE INFORMATION INDICATING WHICH  
8 PARTICIPATING POLITICAL PARTY BALLOT EACH ELECTOR SELECTED AT THE  
9 PRESIDENTIAL PRIMARY AS RECORDED IN SUBSECTION (2) IMMEDIATELY  
10 AFTER THE EXPIRATION OF THE 22-MONTH FEDERAL ELECTION RECORDS  
11 RETENTION PERIOD.

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

19 (7) A PARTICIPATING POLITICAL PARTY MAY ONLY USE THE  
20 INFORMATION TRANSMITTED TO THE PARTICIPATING POLITICAL PARTY UNDER  
21 SUBSECTION (5) TO SUPPORT POLITICAL PARTY ACTIVITIES BY THAT  
22 PARTICIPATING POLITICAL PARTY, INCLUDING, BUT NOT LIMITED TO,  
23 SUPPORT FOR OR OPPOSITION TO CANDIDATES AND BALLOT PROPOSALS. A  
24 PARTICIPATING POLITICAL PARTY MAY RELEASE THE INFORMATION  
25 TRANSMITTED TO THE PARTICIPATING POLITICAL PARTY UNDER SUBSECTION  
26 (5) TO ANOTHER PERSON, ORGANIZATION, OR VENDOR FOR THE PURPOSE OF  
27 SUPPORTING POLITICAL PARTY ACTIVITIES BY THAT PARTICIPATING

1 POLITICAL PARTY, INCLUDING, BUT NOT LIMITED TO, SUPPORT FOR OR  
2 OPPOSITION TO CANDIDATES OR BALLOT PROPOSALS.

3 (8) WHEN AUTHORIZED UNDER SUBSECTION (7), A PARTICIPATING  
4 POLITICAL PARTY THAT RELEASES THE INFORMATION TRANSMITTED TO THE  
5 PARTICIPATING POLITICAL PARTY UNDER SUBSECTION (5) TO ANOTHER  
6 PERSON, ORGANIZATION, OR VENDOR SHALL ENTER INTO A CONTRACT WITH  
7 THE PERSON, ORGANIZATION, OR VENDOR AND THE CONTRACT SHALL DO ALL  
8 OF THE FOLLOWING:

9 (A) STATE THE INFORMATION USE RESTRICTIONS IMPOSED BY THIS  
10 SECTION.

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

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

14 (D) PROHIBIT THE RETENTION OF THE INFORMATION AFTER AUTHORIZED  
15 USE.

16 (E) DESCRIBE THE CRIMINAL PENALTIES PROVIDED IN SUBSECTION  
17 (10).

18 (9) A PARTICIPATING POLITICAL PARTY SHALL RETAIN A CONTRACT  
19 ENTERED INTO UNDER SUBSECTION (8) FOR 6 YEARS FROM THE EFFECTIVE  
20 DATE OF THE CONTRACT OR ANY AMENDMENT TO THE CONTRACT.

21 (10) ANY PERSON WHO USES THE INFORMATION INDICATING WHICH  
22 PARTICIPATING POLITICAL PARTY PRIMARY BALLOT AN ELECTOR SELECTED AT  
23 A PRESIDENTIAL PRIMARY FOR A PURPOSE NOT AUTHORIZED IN THIS SECTION  
24 IS GUILTY OF A MISDEMEANOR PUNISHABLE BY A FINE OF \$1,000.00 FOR  
25 EACH VOTER RECORD THAT IS IMPROPERLY USED OR IMPRISONMENT FOR NOT  
26 MORE THAN 93 DAYS, OR BOTH.

27 Sec. 616a. (1) The board of state canvassers shall canvass the

1 returns received from the boards of county canvassers and certify  
2 the statewide and congressional district results of the  
3 presidential primary ~~election~~ to the secretary of state.

4 (2) The secretary of state shall certify the statewide and  
5 congressional district results of the presidential primary ~~election~~  
6 to the chairperson of the state central committee of each  
7 participating political party.

8 ~~—— (3) Notwithstanding sections 831 and 847 or an administrative~~  
9 ~~rule promulgated pursuant to section 794c, after the canvass by the~~  
10 ~~board of state canvassers under subsection (1), the secretary of~~  
11 ~~state may authorize the immediate release of all ballots, ballot~~  
12 ~~boxes, voting machines, and equipment used in each precinct of a~~  
13 ~~city that conducts a city election in the first week of April if~~  
14 ~~both of the following requirements are met:~~

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

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

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

1           (2) Payment shall be made upon presentation and approval of a  
2 verified account of actual costs to the department of treasury,  
3 local government audit division, after the ~~department of treasury~~  
4 **STATE TREASURER** and the secretary of state agree as to what  
5 constitutes valid costs of conducting ~~an election~~ **A PRESIDENTIAL**  
6 **PRIMARY**. Reimbursable costs do not include salaries of permanent  
7 local officials; the cost of reusable supplies and equipment; or  
8 costs attributable to local special elections held in conjunction  
9 with the presidential primary. The **DEPARTMENT OF TREASURY AND THE**  
10 **DEPARTMENT OF** state shall disapprove costs not in compliance with  
11 this section.

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

24           (3) ~~(4)~~ The legislature shall appropriate from the general  
25 fund of ~~the~~ **THIS** state an amount necessary to implement this  
26 section.

27           (4) ~~(5)~~ To qualify for reimbursement, a county, city, or

1 township shall submit its verified account of actual costs **TO THE**  
2 **DEPARTMENT OF STATE** no later than 90 days after the date of the  
3 presidential primary.

4 (5) ~~(6)~~ Not later than 90 days after the **DEPARTMENT OF** state  
5 receives a verified account of actual costs, the **DEPARTMENT OF**  
6 **TREASURY, AFTER CONSULTATION WITH THE DEPARTMENT OF** state, shall  
7 pay or disapprove the verified account.

8 Sec. 641. (1) Except as otherwise provided in this section and  
9 sections 642 and 642a, ~~beginning January 1, 2005,~~ an election held  
10 under this act shall be held on 1 of the following regular election  
11 dates:

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

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

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

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

20 (2) If an elective office is listed by name in section 643,  
21 requiring the election for that office to be held at the general  
22 election, and if candidates for the office are nominated at a  
23 primary election, the primary election shall be held on the August  
24 regular election date.

25 (3) Except as otherwise provided in this subsection and  
26 subsection (4), a special election shall be held on a regular  
27 election date. A special election called by the governor under



1 section 145, 178, 632, 633, or 634 to fill a vacancy or called by  
2 the legislature to submit a proposed constitutional amendment as  
3 authorized in section 1 of article XII of the state constitution of  
4 1963 may, but is not required to be, held on a regular election  
5 date.

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

1 shall not be held within 30 days before or 35 days after a regular  
 2 election date as provided in subsection (1). A school district may  
 3 only call 1 special election pursuant to this subsection in each  
 4 calendar year.

5 ~~—— (5) The secretary of state shall make a report to the house  
 6 and senate committees that consider election issues by December 1,  
 7 2006. The secretary of state shall report about the special  
 8 elections held under this subsection, including, but not limited  
 9 to, all of the following:~~

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

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

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

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

16 (5) ~~(6)~~ The secretary of state shall direct and supervise the  
 17 consolidation of all elections held under this act.

18 (6) IN 2008 ONLY, THE FEBRUARY REGULAR ELECTION DATE AS  
 19 PROVIDED IN SUBSECTION (1) SHALL INSTEAD BE JANUARY 15, 2008 IF A  
 20 PRESIDENTIAL PRIMARY IS HELD UNDER SECTION 613A ON JANUARY 15,  
 21 2008.

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

24 SEC. 642C. (1) BEGINNING JANUARY 1, 2009, A SCHOOL DISTRICT  
 25 SHALL HOLD ITS REGULAR ELECTION FOR THE OFFICE OF SCHOOL BOARD  
 26 MEMBER ON 1 OF THE FOLLOWING:

27 (A) THE ODD YEAR MAY REGULAR ELECTION DATE.

1 (B) THE ODD YEAR GENERAL ELECTION.

2 (C) THE AUGUST REGULAR ELECTION DATE IN BOTH EVEN AND ODD  
3 YEARS.

4 (D) THE EVEN YEAR AUGUST REGULAR ELECTION DATE.

5 (2) A SCHOOL DISTRICT'S SCHOOL BOARD SHALL ADOPT A RESOLUTION  
6 TO HOLD ITS REGULAR ELECTION ON A DATE IN COMPLIANCE WITH THIS  
7 SECTION.

8 (3) IF A SCHOOL DISTRICT CHANGES THE DATE OF ITS ELECTION  
9 UNDER THIS SECTION AND NEEDS A TEMPORARY VARIANCE FROM THE TERMS OF  
10 OFFICE PROVISIONS IN THIS ACT AND THE REVISED SCHOOL CODE, 1976 PA  
11 451, MCL 380.1 TO 380.1852, TO ACHIEVE THE DESIRED STAGGERING OF  
12 OFFICE TERMS, THE SCHOOL BOARD MAY IMPLEMENT ANY NEEDED VARIANCES  
13 BY ADOPTING A RESOLUTION AT A PUBLIC HEARING.

14 Sec. 644g. (1) A term of office shall not be shortened by the  
15 provisions of sections 641 to 644i. An officer scheduled by prior  
16 law to be elected at a time other than the odd year general  
17 election shall not be elected on the date scheduled but shall  
18 continue in office until a successor takes office after being  
19 elected in the first odd year general election following that date.  
20 If the regular election date for holding a jurisdiction's regular  
21 election is changed under section 642, ~~or 642a~~, OR 642C, the term  
22 of an official who was elected before the effective date of the  
23 change continues until a successor is elected and qualified at the  
24 next regular election.

25 (2) Notwithstanding a law or charter provision to the  
26 contrary, an officer required to be elected at the odd year general  
27 election, who by law or charter is elected for a term of an odd

1 number of years shall, after September 1, 2004, be elected for a  
2 term of 1 year longer than provided by law or charter.

3 (3) In home rule cities where the charter provides for the  
4 election of city officers at a time other than at the odd year  
5 general election and provides that members of the governing body  
6 are not all to be elected in the same year, the governing body by  
7 ordinance adopted prior to April 1, 1971 may alter the length of  
8 terms now provided by charter to provide that the city may continue  
9 to elect part of the governing body at each election. A term shall  
10 not be extended beyond January 1 following the first odd year  
11 general election at which the officer would be elected as provided  
12 by charter. A term shall not be for more than 4 years.

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

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

23 (a) A civilian employee of the armed services outside of the  
24 United States.

25 (b) A member of the armed services outside of the United  
26 States.

27 (c) A citizen of the United States temporarily residing

1 outside the territorial limits of the United States.

2 (d) A citizen of the United States residing in the District of  
3 Columbia.

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

11 (3) Upon receipt of an application under this section that  
12 complies with this act, a city, village, or township clerk shall  
13 forward to the applicant the absent voter ballots requested, the  
14 forms necessary for registration, and instructions for completing  
15 the forms. If the ballots are not yet available at the time of  
16 receipt of the application, the clerk shall immediately forward to  
17 the applicant the registration forms and instructions, and forward  
18 the ballots as soon as they are available. If the ballots and  
19 registration forms are received before the close of the polls on  
20 election day and if the registration complies with the requirements  
21 of this act, the absent voter ballots shall be delivered to the  
22 proper election board to be voted. If the registration does not  
23 comply with the requirements of this act, the clerk shall retain  
24 the absent voter ballots until the expiration of the time that the  
25 voted ballots must be kept and shall then destroy the ballots  
26 without opening the envelope. The clerk may retain registration  
27 forms completed under this section in a separate file. The address

1 in this state shown on a registration form is the residence of the  
2 registrant.

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

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

1 services or overseas voter, the election official shall notify the  
2 armed services or overseas voter of the rejection.

3 (6) FOR A PRESIDENTIAL PRIMARY, THE SECRETARY OF STATE SHALL  
4 PRESCRIBE PROCEDURES FOR CONTACTING AN ELECTOR WHO IS A MEMBER OF  
5 THE ARMED SERVICES OR AN OVERSEAS VOTER, AS DESCRIBED IN SUBSECTION  
6 (2), AND WHO IS ELIGIBLE TO RECEIVE AN ABSENT VOTER BALLOT OR WHO  
7 APPLIES FOR AN ABSENT VOTER BALLOT FOR THE PRESIDENTIAL PRIMARY,  
8 OFFERING THE ELECTOR THE OPPORTUNITY TO SELECT A PARTICIPATING  
9 POLITICAL PARTY BALLOT FOR THE PRESIDENTIAL PRIMARY.

10 (7) ~~(6)~~—Under the uniformed and overseas citizens absentee  
11 voting act, 42 USC 1973ff to 1973ff-6, the state director of  
12 elections shall approve a ballot form and registration procedures  
13 for electors in the armed services and electors outside the United  
14 States, including the spouses and dependents accompanying those  
15 electors.

16 (8) ~~(7)~~—As used in this section, "armed services" means any of  
17 the following:

18 (a) The United States army, navy, air force, marine corps, or  
19 coast guard.

20 (b) The United States merchant marine.

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

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

25 **SEC. 759C. FOR A PRESIDENTIAL PRIMARY, THE SECRETARY OF STATE**  
26 **SHALL REVISE THE ABSENT VOTER BALLOT APPLICATION FORM DESCRIBED IN**  
27 **SECTION 759 OR PROVIDE A SEPARATE FORM TO REQUIRE THAT A**

**1 PRESIDENTIAL PRIMARY ELECTOR INDICATE A PARTICIPATING POLITICAL  
2 PARTY BALLOT SELECTION WHEN REQUESTING AN ABSENT VOTER BALLOT.**

3 Enacting section 1. Sections 302 and 644g of the Michigan  
4 election law, 1954 PA 116, MCL 168.302 and 168.644g, as amended by  
5 this amendatory act, and section 642c of the Michigan election law,  
6 1954 PA 116, as added by this amendatory act, take effect January  
7 1, 2009.

8 Enacting section 2. If any portion of this amendatory act or  
9 the application of this amendatory act to any person or  
10 circumstances is found invalid by a court, the invalidity shall not  
11 affect the remaining portions or applications of this amendatory  
12 act that can be given effect without the invalid portion or  
13 application, if the remaining portions are not determined by the  
14 court to be inoperable, and to this end this amendatory act is  
15 declared to be severable.

16 Enacting section 3. Sections 495a, 562b, 613c, 618, 619, and  
17 620a of the Michigan election law, 1954 PA 116, MCL 168.495a,  
18 168.562b, 168.613c, 168.618, 168.619, and 168.620a, are repealed.