

HOUSE BILL No. 5353

October 24, 2007, Introduced by Reps. Griffin, Corriveau, Byrum, Valentine, Ebli, Clemente, Brown, Meadows, Condino, Lindberg, Donigan, Simpson, Johnson, Young, LeBlanc, Bennett, Miller, Tobocman and Dean and referred to the Committee on Oversight and Investigations.

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), as amended by 2007 PA 52, and by adding sections 495a, 562b, 618, 619, and 620a; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 495A. (1) IF AN ELECTOR DECLARED A PARTY PREFERENCE OR NO
2 PARTY PREFERENCE AS PREVIOUSLY PROVIDED UNDER THIS ACT FOR THE
3 PURPOSE OF VOTING IN A STATEWIDE PRESIDENTIAL PRIMARY ELECTION, A
4 CLERK OR AUTHORIZED ASSISTANT TO THE CLERK MAY REMOVE THAT
5 DECLARATION FROM THE PRECINCT REGISTRATION FILE AND THE MASTER
6 REGISTRATION FILE OF THAT ELECTOR AND THE PRECINCT REGISTRATION
7 LIST, IF APPLICABLE.

8 (2) BEGINNING ON THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT

1 ADDED THIS SENTENCE, A PERSON MAKING A REQUEST UNDER THE FREEDOM OF
2 INFORMATION ACT, 1976 PA 442, MCL 15.231 TO 15.246, IS NOT ENTITLED
3 TO RECEIVE A COPY OF A PORTION OF A VOTER REGISTRATION RECORD THAT
4 CONTAINS A DECLARATION OF PARTY PREFERENCE OR NO PARTY PREFERENCE
5 OF AN ELECTOR. BEGINNING ON THE EFFECTIVE DATE OF THE AMENDATORY
6 ACT THAT ADDED THIS SENTENCE, A CLERK OR ANY OTHER PERSON SHALL NOT
7 RELEASE A COPY OF A PORTION OF A VOTER REGISTRATION RECORD THAT
8 CONTAINS A DECLARATION OF PARTY PREFERENCE OR NO PARTY PREFERENCE
9 OF AN ELECTOR.

10 SEC. 562B. (1) BEFORE AN INDIVIDUAL MAY BE ELECTED AS A
11 DELEGATE TO THE STATE CONVENTION OR NATIONAL CONVENTION OF A
12 POLITICAL PARTY, THAT INDIVIDUAL SHALL SIGN AN AFFIDAVIT INCLUDING
13 1 OF THE FOLLOWING:

14 (A) THE NAME OF A CANDIDATE FOR PRESIDENT OF THE UNITED STATES
15 OF THAT INDIVIDUAL'S POLITICAL PARTY THAT HE OR SHE IS BOUND TO
16 VOTE FOR AT EACH STAGE OF THE NOMINATING PROCESS UNTIL THE END OF
17 THE FIRST BALLOT AT THE NATIONAL CONVENTION OF THAT POLITICAL PARTY
18 UNLESS OTHERWISE RELEASED FROM THAT COMMITMENT UNDER SUBSECTION
19 (3). THE REQUIREMENTS OF THIS SUBDIVISION ARE MET ONLY IF THE
20 DESIGNATED PRESIDENTIAL CANDIDATE'S NAME APPEARS ON THE
21 PRESIDENTIAL PRIMARY ELECTION BALLOT.

22 (B) A STATEMENT THAT THE INDIVIDUAL IS UNCOMMITTED REGARDING
23 THE CANDIDATES FOR PRESIDENT OF THE UNITED STATES.

24 (2) EXCEPT AS PROVIDED IN SUBSECTION (3), AN INDIVIDUAL
25 ELECTED AS A DELEGATE TO THE STATE CONVENTION OR NATIONAL
26 CONVENTION OF A POLITICAL PARTY IS BOUND TO VOTE AT EACH STAGE OF
27 THE PRESIDENTIAL NOMINATION PROCESS UNTIL THE END OF THE FIRST

1 BALLOT AT THE NATIONAL CONVENTION OF THAT POLITICAL PARTY FOR THE
2 CANDIDATE FOR PRESIDENT OF THE UNITED STATES THAT HE OR SHE
3 DESIGNATED A COMMITMENT TO BY WRITTEN AFFIDAVIT AS REQUIRED IN
4 SUBSECTION (1), IF ANY, BEFORE HIS OR HER ELECTION.

5 (3) A DELEGATE TO THE STATE CONVENTION OR NATIONAL CONVENTION
6 IS BOUND TO VOTE FOR THE PRESIDENTIAL CANDIDATE THE DELEGATE IS
7 COMMITTED TO UNDER SUBSECTION (2) UNLESS THE DELEGATE IS RELEASED
8 FROM THAT COMMITMENT BY WRITTEN NOTICE TO THE CHAIRPERSON OF THE
9 STATE CENTRAL COMMITTEE BY THE PRESIDENTIAL CANDIDATE OR THE
10 PRESIDENTIAL CANDIDATE PUBLICLY WITHDRAWS FROM CONTENTION FOR THAT
11 PARTY'S NOMINATION.

12 (4) AN INDIVIDUAL SEEKING ELECTION AS A DELEGATE TO THE STATE
13 CONVENTION, OR HIS OR HER DESIGNEE, SHALL FILE THE AFFIDAVIT
14 REQUIRED UNDER SUBSECTION (1) WITH THE COUNTY CHAIRPERSON OR THE
15 CHAIRPERSON OF THE DISTRICT COMMITTEE. THE COUNTY CHAIRPERSON OR
16 THE CHAIRPERSON OF THE DISTRICT COMMITTEE SHALL FILE A COPY OF THAT
17 AFFIDAVIT WITH THE CHAIRPERSON OF THE STATE CENTRAL COMMITTEE.

18 (5) AN INDIVIDUAL WHO HAS NOT FILED AN AFFIDAVIT UNDER
19 SUBSECTION (4) AND WHO IS SEEKING ELECTION AS A DELEGATE TO THE
20 NATIONAL CONVENTION, OR HIS OR HER DESIGNEE, SHALL FILE THE
21 AFFIDAVIT REQUIRED UNDER SUBSECTION (1) WITH THE CHAIRPERSON OF THE
22 STATE CENTRAL COMMITTEE.

23 Sec. 613a. (1) Except as ~~otherwise provided in subsection~~
24 ~~(2)~~, IN 2008 WHEN NO STATEWIDE PRESIDENTIAL PRIMARY SHALL BE
25 CONDUCTED, a STATEWIDE presidential primary ELECTION shall be
26 conducted under this act ~~on January 15, 2008, and on the fourth~~
27 Tuesday in February in each ~~following~~ presidential election year.

1 ~~—— (2) Not later than 4 p.m. on November 14, 2007, the~~
2 ~~chairperson of each participating political party shall notify the~~
3 ~~secretary of state if his or her political party will be using a~~
4 ~~method other than the results of the January 15, 2008 presidential~~
5 ~~primary to select delegates to his or her respective national~~
6 ~~convention to nominate a candidate for president of the United~~
7 ~~States in 2008. At 4 p.m. on November 15, 2007, the secretary of~~
8 ~~state shall determine, based upon the information provided by the~~
9 ~~participating political parties under this subsection, whether the~~
10 ~~participating political parties in this state will be using a~~
11 ~~method other than the results of the January 15, 2008 presidential~~
12 ~~primary to select delegates to their respective national~~
13 ~~conventions to nominate a candidate for president of the United~~
14 ~~States in 2008. If the secretary of state determines that all~~
15 ~~participating political parties are using a method other than the~~
16 ~~results of the January 15, 2008 presidential primary, the secretary~~
17 ~~of state shall cancel the presidential primary that would otherwise~~
18 ~~be held on January 15, 2008, and any ballots for that presidential~~
19 ~~primary shall be destroyed. Upon request of the secretary of state,~~
20 ~~the chairpersons of the participating political parties shall~~
21 ~~provide the secretary of state with the information necessary for~~
22 ~~the secretary of state to make the determination required by this~~
23 ~~subsection.~~

24 (2) ~~(3)~~ A political party that received **5% OR** less than ~~20%~~ of
25 the total vote cast in this state **NATIONWIDE** for the office of
26 president in the last presidential election shall not participate
27 in the presidential primary **ELECTION**.

1 (3) ~~(4)~~ Except as otherwise provided in ~~this section and~~
 2 sections 614a, **615A**, ~~to 616a, 624g, 641, 759a, 759e, and 879a,~~ the
 3 **STATEWIDE** presidential primary **ELECTION** shall be conducted under
 4 the provisions of this act that govern the conduct of a ~~primary~~
 5 ~~election other than a presidential~~ **GENERAL** primary **ELECTIONS**.

6 ~~—— (5) Nothing in this section or sections 614a to 616a shall be~~
 7 ~~interpreted to diminish or impair the state and federal~~
 8 ~~constitutional rights of a participating political party or give~~
 9 ~~this state, its political subdivisions and agencies, or its courts~~
 10 ~~jurisdiction or authority over the application or interpretation by~~
 11 ~~a participating political party of the party's state or national~~
 12 ~~rules, regulations, policies, and procedures. Each participating~~
 13 ~~political party shall be the sole and exclusive arbiter of the~~
 14 ~~application and interpretation of its state and national rules,~~
 15 ~~regulations, policies, and procedures.~~

16 Sec. 614a. (1) **NOT LATER THAN 4 P.M. ON THE SECOND FRIDAY IN**
 17 **NOVEMBER OF THE YEAR BEFORE THE PRESIDENTIAL ELECTION, THE**
 18 **SECRETARY OF STATE SHALL ISSUE A LIST OF THE INDIVIDUALS GENERALLY**
 19 **ADVOCATED BY THE NATIONAL NEWS MEDIA TO BE POTENTIAL PRESIDENTIAL**
 20 **CANDIDATES FOR EACH PARTY'S NOMINATION BY THE POLITICAL PARTIES FOR**
 21 **WHICH A PRESIDENTIAL PRIMARY ELECTION WILL BE HELD UNDER SECTION**
 22 **613A.**

23 (2) ~~Not later than 4 p.m. on the eighteenth Tuesday before the~~
 24 ~~presidential primary~~ **ON THE TUESDAY FOLLOWING THE SECOND FRIDAY IN**
 25 **NOVEMBER OF THE YEAR BEFORE THE PRESIDENTIAL ELECTION,** the state
 26 chairperson of each ~~participating~~ political party **FOR WHICH A**
 27 **PRESIDENTIAL PRIMARY ELECTION WILL BE HELD UNDER SECTION 613A** shall

1 file with the secretary of state a list of individuals whom they
 2 consider to be potential presidential candidates for nomination by
 3 that participating political party. in the next presidential
 4 election year. The secretary of state shall make the lists received
 5 under this subsection available to the public on an internet
 6 website maintained by the department of state. In compiling the
 7 list of individuals to be filed with the secretary of state under
 8 this subsection, the chairperson of each participating political
 9 party shall consider all of the following:

10 ——— (a) References to an individual as a candidate for nomination
 11 by the participating political party for the office of president of
 12 the United States in state and national news media, including, but
 13 not limited to, the internet.

14 ——— (b) Presidential campaign activity by the individual or his or
 15 her campaign organization in this state and nationally.

16 ——— (c) Support for the individual as a candidate for president of
 17 the United States by the general public and by members of the
 18 participating political party in this state and nationally.

19 (3) ~~(2)~~ After **THE ISSUANCE OF THE LIST UNDER SUBSECTION (1)**
 20 **AND AFTER** receipt of the list of candidates **NAMES** from the state
 21 chairperson of each participating political party under subsection
 22 ~~(1)~~ **(2)**, the secretary of state shall notify each potential
 23 presidential candidate on the lists of the provisions of this act
 24 relating to the presidential primary **ELECTION**.

25 Sec. 615a. (1) ~~The secretary of state shall prescribe the form~~
 26 ~~of the official presidential primary ballot for each participating~~
 27 ~~political party.~~ Except as otherwise provided in this section, the

1 secretary of state shall cause the name of a presidential candidate
2 notified by the secretary of state under section 614a to be printed
3 on the ~~appropriate~~ presidential primary ballot ~~for that~~
4 ~~participating~~ **UNDER THE APPROPRIATE** political party **HEADING**. A
5 presidential candidate notified by the secretary of state under
6 section 614a may file an affidavit with the secretary of state
7 indicating his or her ~~political~~ party preference if different than
8 the ~~participating~~ political party preference contained in the
9 ~~notification from the~~ secretary of state **NOTIFICATION** and the
10 secretary of state shall cause that presidential candidate's name
11 to be printed ~~on~~ **UNDER** the appropriate **PARTY HEADING ON THE**
12 presidential primary ballot. ~~for that participating political~~
13 ~~party. If the affidavit of a presidential candidate indicates that~~
14 ~~the candidate has no political party preference or indicates a~~
15 ~~political party preference for a political party other than a~~
16 ~~participating political party, the secretary of state shall not~~
17 ~~cause that presidential candidate's name to be printed on a ballot~~
18 ~~for the presidential primary.~~ A presidential candidate notified by
19 the secretary of state under section 614a may file an affidavit
20 with the secretary of state indicating that he or she does not wish
21 to have his or her name printed on a ~~THE~~ presidential primary
22 ballot and the secretary of state shall not ~~cause~~ **HAVE** that
23 presidential candidate's name ~~to be printed on a~~ **THE PRESIDENTIAL**
24 **PRIMARY** ballot. ~~for the presidential primary.~~ A presidential
25 candidate shall file an affidavit described in this subsection with
26 the secretary of state no later than 4 p.m. on the ~~fourteenth~~
27 ~~Tuesday before the presidential primary~~ **SECOND FRIDAY IN DECEMBER**

1 **OF THE YEAR BEFORE THE PRESIDENTIAL ELECTION YEAR** or the affidavit
2 is **CONSIDERED** void.

3 (2) The name of an individual who is not listed as a potential
4 presidential candidate ~~for a participating political party~~ under
5 section 614a shall be printed on the ballot for the ~~appropriate~~
6 ~~participating political party for the~~ presidential primary **UNDER**
7 **THE APPROPRIATE POLITICAL PARTY HEADING** if he or she files a
8 nominating petition with the secretary of state no later than 4
9 p.m. on the ~~twelfth Tuesday before the presidential primary~~ **SECOND**
10 **FRIDAY IN DECEMBER OF THE YEAR BEFORE THE PRESIDENTIAL ELECTION**
11 **YEAR**. The nominating petition shall contain valid signatures of
12 registered and qualified electors equal to not less than 1/2 of 1%
13 of the total votes cast in the state at the previous presidential
14 election for the presidential candidate of the ~~participating~~
15 political party for which the individual is seeking ~~the~~ **THIS**
16 nomination. However, the total number of signatures required on a
17 nominating petition under this subsection shall not exceed 1,000
18 times the total number of congressional districts in this state. A
19 signature on a nominating petition is not valid if obtained before
20 ~~August 15~~ **OCTOBER 1** of the year before the presidential election
21 year in which the individual seeks nomination. To be valid, a
22 nominating petition must conform to the requirements of this act
23 regarding nominating petitions, but only to the extent that those
24 requirements do not conflict with the requirements of this
25 subsection.

26 (3) The names of the presidential candidates ~~on~~ **UNDER** each
27 ~~participating political party ballot~~ **HEADING** shall be rotated on

1 the ballot. ~~by precinct. Each~~ **THE** ballot shall contain a space for
2 an elector to vote uncommitted.

3 ~~(4) Ballots for each participating political party shall be~~
4 ~~printed on paper of the same color.~~

5 Sec. 616a. (1) The board of state canvassers shall canvass the
6 returns received from the boards of county canvassers and certify
7 the statewide and congressional district results of the
8 presidential primary **ELECTION** to the secretary of state.

9 (2) The secretary of state shall certify the statewide and
10 congressional district results of the presidential primary **ELECTION**
11 to the chairperson of the state central committee of each
12 participating political party.

13 (3) **NOTWITHSTANDING SECTIONS 831 AND 847 OR AN ADMINISTRATIVE**
14 **RULE PROMULGATED PURSUANT TO SECTION 794C, AFTER THE CANVASS BY THE**
15 **BOARD OF STATE CANVASSERS UNDER SUBSECTION (1), THE SECRETARY OF**
16 **STATE MAY AUTHORIZE THE IMMEDIATE RELEASE OF ALL BALLOTS, BALLOT**
17 **BOXES, VOTING MACHINES, AND EQUIPMENT USED IN EACH PRECINCT OF A**
18 **CITY THAT CONDUCTS A CITY ELECTION IN THE FIRST WEEK OF APRIL IF**
19 **BOTH OF THE FOLLOWING REQUIREMENTS ARE MET:**

20 (A) **THE COUNTY CLERK CERTIFIES THAT NO DEFECT IN OR MECHANICAL**
21 **MALFUNCTION OF A VOTING MACHINE, VOTING DEVICE, BALLOT, OR OTHER**
22 **ELECTION EQUIPMENT OR MATERIAL WAS DISCOVERED OR ALLEGED BEFORE THE**
23 **DATE OF THE COMPLETION OF THE STATE CANVASS.**

24 (B) **THE COUNTY CLERK CERTIFIES THAT NO OTHER ELECTION FOR**
25 **OFFICES OR QUESTIONS APPEARED ON THE SAME ELECTION EQUIPMENT USED**
26 **IN THE PRECINCT FOR THE PRESIDENTIAL PRIMARY ELECTION.**

27 **SEC. 618. THE ALLOCATION OF ALL DELEGATES AND ALTERNATES TO A**

1 NATIONAL CONVENTION SHALL BE MADE BY THE STATE CENTRAL COMMITTEE OF
2 EACH PARTY. ALL DELEGATES SHALL BE REGISTERED ELECTORS OF THIS
3 STATE. DELEGATES ELECTED FROM CONGRESSIONAL DISTRICTS SHALL BE
4 REGISTERED ELECTORS OF THOSE DISTRICTS. ALL NATIONAL CONVENTION
5 DELEGATES SHALL BE CHOSEN ACCORDING TO PROCEDURES AND ANY OTHER
6 QUALIFICATIONS AS MAY BE ESTABLISHED BY THE STATE CENTRAL COMMITTEE
7 OF THAT POLITICAL PARTY. THE PROCEDURES AND QUALIFICATIONS MAY
8 INCLUDE, BUT ARE NOT NECESSARILY LIMITED TO, GUARANTEES THAT
9 DISCRIMINATION ON THE BASIS OF RACE, CREED, COLOR, SEX, AGE,
10 NATIONAL ORIGIN, OR ECONOMIC STATUS DOES NOT OCCUR.

11 SEC. 619. (1) NATIONAL CONVENTION DELEGATES ELECTED UNDER THIS
12 ACT SHALL BE ELECTED ON A BASIS THAT ENSURES THAT THE PROPORTION OF
13 THE TOTAL NATIONAL CONVENTION DELEGATION THAT IS UNCOMMITTED OR IS
14 COMMITTED TO EACH PRESIDENTIAL CANDIDATE EQUALS, AS NEAR AS IS
15 PRACTICABLE, THE PROPORTION OF THE POPULAR VOTE THAT WAS CAST AS
16 UNCOMMITTED OR FOR EACH RESPECTIVE PRESIDENTIAL CANDIDATE OF THE
17 PARTICULAR POLITICAL PARTY'S TOTAL POPULAR VOTE AT THE PRESIDENTIAL
18 PRIMARY ELECTION. THE DETERMINATION OF THESE PROPORTIONS SHALL ONLY
19 INCLUDE THE VOTES CAST AS UNCOMMITTED, OR FOR A PARTICULAR
20 PRESIDENTIAL CANDIDATE IF THE TOTAL VOTE CAST AS UNCOMMITTED, OR
21 FOR THAT PARTICULAR PRESIDENTIAL CANDIDATE, EQUALS AT LEAST THE
22 PERCENTAGE DETERMINED BY STATE POLITICAL PARTY RULE OF THE TOTAL
23 VOTE CAST FOR ALL PRESIDENTIAL CANDIDATES OR AS UNCOMMITTED FOR
24 THAT POLITICAL PARTY AT THAT PRESIDENTIAL PRIMARY ELECTION.

25 (2) BEFORE AN INDIVIDUAL MAY BE ELECTED AS A DELEGATE TO THE
26 NATIONAL CONVENTION OF A POLITICAL PARTY, THAT INDIVIDUAL SHALL
27 FILE AN AFFIDAVIT AS REQUIRED UNDER SECTION 562B. IF THE INDIVIDUAL

1 NAMES A PRESIDENTIAL CANDIDATE IN THE AFFIDAVIT UNDER SECTION
2 562B(1)(A), THAT INDIVIDUAL SHALL ALSO BE CERTIFIED BY THE
3 PRESIDENTIAL CANDIDATE OR THE PRESIDENTIAL CANDIDATE'S DESIGNEE AS
4 A DELEGATE COMMITTED TO THAT PRESIDENTIAL CANDIDATE. A NATIONAL
5 CONVENTION DELEGATE SHALL BE BOUND TO VOTE FOR THE PRESIDENTIAL
6 CANDIDATE FOR WHOM HE OR SHE DESIGNATED COMMITMENT, IF ANY, UNDER
7 SECTION 562B AND AS CERTIFIED BY THE PRESIDENTIAL CANDIDATE OR THE
8 PRESIDENTIAL CANDIDATE'S DESIGNEE UNDER THIS SECTION BEFORE THE
9 DELEGATE IS ELECTED AS A NATIONAL DELEGATE UNTIL THE END OF THE
10 FIRST BALLOT AT THE NATIONAL CONVENTION. HOWEVER, A NATIONAL
11 CONVENTION DELEGATE IS RELEASED FROM THAT COMMITMENT BY THE
12 WITHDRAWAL OF THAT PRESIDENTIAL CANDIDATE FROM CONTENTION FOR THAT
13 PARTY'S NOMINATION OR BY WRITTEN RELEASE OF THAT PRESIDENTIAL
14 CANDIDATE TO THE CHAIRPERSON OF THE NATIONAL CONVENTION, WHICHEVER
15 IS EARLIEST.

16 (3) IF A VACANCY OCCURS IN THE ELECTED DELEGATION, IT SHALL BE
17 FILLED BY AN ALTERNATE SELECTED BY THE CAUCUS FOR THE CANDIDATE TO
18 WHOM THE ORIGINAL DELEGATE WAS COMMITTED, AND THE ALTERNATE SHALL
19 BE REQUIRED TO MEET THE SAME QUALIFICATIONS OF THE DELEGATE BEING
20 REPLACED.

21 (4) A PERSON WHO IS A DELEGATE AT LARGE TO A STATE CONVENTION
22 OF HIS OR HER POLITICAL PARTY ONLY BY VIRTUE OF BEING A MEMBER OF
23 THE STATE LEGISLATURE AS PROVIDED IN SECTION 595A SHALL NOT
24 PARTICIPATE IN THE SELECTING OF DELEGATES TO HIS OR HER POLITICAL
25 PARTY'S NATIONAL CONVENTION. THIS SUBSECTION DOES NOT PROHIBIT THAT
26 PERSON FROM PARTICIPATING IN OTHER CONVENTION BUSINESS. NEITHER
27 THIS PROVISION NOR ANY OTHER PROVISION OF LAW SHALL BE UNDERSTOOD

1 TO RESTRICT THE OPPORTUNITY OF ANY REGISTERED ELECTOR IN THIS
2 STATE, INCLUDING ALL PUBLIC OFFICIALS, TO BE ELECTED AS A DELEGATE
3 TO ANY COUNTY, DISTRICT, STATE, OR NATIONAL CONVENTION OF THE
4 ELECTOR'S POLITICAL PARTY.

5 SEC. 620A. FOR PURPOSES OF THIS ACT, A STATE POLITICAL PARTY
6 SHALL FOLLOW STATE LAW PERTAINING TO THE SELECTION OF DELEGATES IF
7 REQUIRED TO FOLLOW STATE LAW BY A STATE OR NATIONAL POLITICAL PARTY
8 RULE. IF THERE IS NO SUCH STATE OR NATIONAL POLITICAL PARTY RULE, A
9 REQUIREMENT OF THIS ACT PERTAINING TO THE SELECTION OF DELEGATES
10 APPLICABLE AFTER THE ELECTION OF DELEGATES TO THE COUNTY CONVENTION
11 SHALL NOT APPLY TO A POLITICAL PARTY IF THAT REQUIREMENT CONFLICTS
12 WITH A RULE OF THAT POLITICAL PARTY.

13 Sec. 624g. (1) ~~If the presidential primary is not canceled by~~
14 ~~the secretary of state under section 613a(2), the~~ **THE** state shall
15 reimburse each county, city, and township for the cost of
16 conducting a presidential primary **ELECTION**. The reimbursement shall
17 not exceed the verified account of actual costs of the election.

18 (2) Payment shall be made upon presentation and approval of a
19 verified account of actual costs to the department of treasury,
20 local government audit division, after the ~~state treasurer~~
21 **DEPARTMENT OF TREASURY** and the secretary of state agree as to what
22 constitutes valid costs of conducting a ~~presidential primary~~ **AN**
23 **ELECTION**. Reimbursable costs do not include salaries of permanent
24 local officials; the cost of reusable supplies and equipment; or
25 costs attributable to local special elections held in conjunction
26 with the presidential primary. The ~~department of treasury and the~~
27 ~~department of state~~ shall disapprove costs not in compliance with

1 this section.

2 (3) THE STATE SHALL ALSO COMPENSATE EACH CITY AND TOWNSHIP FOR
3 THE PROCESSING OF VOTER IDENTIFICATION CARDS REQUIRED FOR THE SOLE
4 PURPOSE OF CHANGING OR ADDING AN ELECTOR'S DESIGNATION OF A
5 POLITICAL PARTY PREFERENCE OR NO POLITICAL PARTY PREFERENCE.
6 COMPENSATION SHALL NOT BE PAID TO A CITY OR TOWNSHIP FOR THE
7 PROCESSING OF VOTER IDENTIFICATION CARDS REQUIRED FOR ORIGINAL
8 VOTER REGISTRATION APPLICATIONS OR VOTER REGISTRATION APPLICATIONS
9 CHANGING AN ELECTOR'S ADDRESS. THE SECRETARY OF STATE SHALL
10 EQUITABLY DISTRIBUTE FUNDS APPROPRIATED TO IMPLEMENT THIS
11 SUBSECTION UPON RECEIPT OF AN ANNUAL VERIFIED ACCOUNT OF ACTUAL
12 COSTS FROM EACH CITY AND TOWNSHIP STATING THE NUMBER OF VOTER
13 IDENTIFICATION CARDS PROCESSED AS SPECIFIED BY THIS SUBSECTION.

14 (4) ~~(3)~~—The legislature shall appropriate from the general
15 fund of this state an amount necessary to implement this section.
16 IN 2008, WHEN NO STATEWIDE PRESIDENTIAL PRIMARY ELECTION SHALL BE
17 HELD, THE FUNDS APPROPRIATED BY THE LEGISLATURE TO IMPLEMENT THIS
18 SECTION SHALL INSTEAD BE DIVIDED AND USED TO FUND STATE POLICE
19 TROOPERS AND ANY PROGRAM IN THIS STATE THAT DEALS WITH THE
20 PROHIBITION ON HIRING ILLEGAL IMMIGRANTS.

21 (5) ~~(4)~~—To qualify for reimbursement, a county, city, or
22 township shall submit its verified account of actual costs ~~to the~~
23 ~~department of treasury~~ no later than 90 days after the date of the
24 presidential primary.

25 (6) ~~(5)~~—Not later than 90 days after the ~~department of~~
26 ~~treasury~~ STATE receives a verified account of actual costs, the
27 ~~department of treasury, after consultation with the department of~~

1 state ~~7~~ shall pay or disapprove the verified account.

2 Sec. 641. (1) Except as otherwise provided in this section and
3 sections 642 and 642a, an election held under this act shall be
4 held on 1 of the following regular election dates:

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

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

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

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

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

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

26 (4) A school district may call a special election to submit a
27 ballot question to borrow money, increase a millage, or establish a

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

25 (5) The secretary of state shall direct and supervise the
26 consolidation of all elections held under this act.

27 ~~(6) In 2008 only, the February regular election date as~~

1 ~~provided in subsection (1) shall instead be January 15, 2008 if a~~
2 ~~presidential primary is held under section 613a on January 15,~~
3 ~~2008.~~

4 (6) ~~(7)~~—This section shall be known and may be cited as the
5 "Hammerstrom election consolidation law".

6 Sec. 759a. (1) A member of the armed services or an overseas
7 voter who is not registered, but possessed the qualifications of an
8 elector under section 492, may apply for registration by using the
9 federal postcard application. The department of state, bureau of
10 elections, is responsible for disseminating information on the
11 procedures for registering and voting to absent armed services and
12 overseas voters.

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

16 (a) A civilian employee of the armed services outside of the
17 United States.

18 (b) A member of the armed services outside of the United
19 States.

20 (c) A citizen of the United States temporarily residing
21 outside the territorial limits of the United States.

22 (d) A citizen of the United States residing in the District of
23 Columbia.

24 (e) A spouse or dependent of a person described in
25 subdivisions (a) through (d) who is a citizen of the United States
26 and who is accompanying that person, even though the spouse or
27 dependent is not a qualified elector of a city, village, or

1 township of this state, if that spouse or dependent is not a
2 qualified and registered elector anywhere else in the United
3 States.

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

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

25 (5) A member of the armed services or an overseas voter, as
26 described in subsection (2), who registers to vote by federal
27 postcard application under subsection (1), and who applies to vote

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

23 ~~—— (6) For a presidential primary, the secretary of state shall~~
24 ~~do all of the following:~~

25 ~~—— (a) Prescribe procedures for contacting an elector who is a~~
26 ~~member of the armed services or an overseas voter, as described in~~
27 ~~subsection (2), and who is eligible to receive an absent voter~~

1 ~~ballot or who applies for an absent voter ballot for the~~
2 ~~presidential primary, offering the elector the opportunity to~~
3 ~~select a participating political party ballot for the presidential~~
4 ~~primary.~~

5 ~~—— (b) Prescribe procedures to protect or safeguard the~~
6 ~~confidentiality of an elector's participating political party~~
7 ~~ballot selection ascertained under this section consistent with~~
8 ~~section 615c.~~

9 (6) ~~(7)~~ Under the uniformed and overseas citizens absentee
10 voting act, 42 USC 1973ff to 1973ff-6, the state director of
11 elections shall approve a ballot form and registration procedures
12 for electors in the armed services and electors outside the United
13 States, including the spouses and dependents accompanying those
14 electors.

15 (7) ~~(8)~~ As used in this section, "armed services" means any of
16 the following:

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

19 (b) The United States merchant marine.

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

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

24 Enacting section 1. It is the intent of the legislature that
25 the statewide presidential primary election scheduled for January
26 15, 2008 be canceled and that a statewide presidential primary
27 election shall not occur in this state in 2008.

1 Enacting section 2. Sections 19, 615c, and 759c of the
2 Michigan election law, 1954 PA 116, MCL 168.19, 168.615c, and
3 168.759c, are repealed.