

**SUBSTITUTE FOR
SENATE BILL NO. 751**

A bill to amend 1954 PA 116, entitled
"Michigan election law,"
by amending sections 509r, 509aa, 658, 659, 661, and 761 (MCL
168.509r, 168.509aa, 168.658, 168.659, 168.661, and 168.761),
section 509r as amended by 2003 PA 302, section 509aa as amended
by 2004 PA 92, section 659 as amended by 2004 PA 296, section 661
as amended by 1982 PA 2, and section 761 as amended by 2005 PA
71, and by adding section 764c.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 509r. (1) The secretary of state shall establish and
2 maintain the computer system and programs necessary to the
3 operation of the qualified voter file. The secretary of state
4 shall allow each county, city, township, or village access to the
5 qualified voter file. The county, city, township, and village

1 clerks shall verify the accuracy of the names and addresses of
2 registered voters in the qualified voter file.

3 (2) Subject to subsection (3), the secretary of state and
4 county, city, township, and village clerks shall compile the
5 qualified voter file that consists of all qualified electors from
6 the following sources and in the following priority:

7 (a) A driver's license or, if there is no driver's license,
8 a state personal identification card, including renewals and
9 changes of address with the department of state.

10 (b) An application for benefits or services, including
11 renewals and changes of address, taken by a designated voter
12 registration agency.

13 (c) An application to register to vote taken by a county,
14 city, township, or village clerk.

15 (3) A person whose name does not otherwise appear in the
16 qualified voter file shall be placed in the qualified voter file
17 only if the person signs under penalty of perjury an application
18 that contains an attestation that the applicant meets all of the
19 following requirements:

20 (a) Is 17-1/2 years of age or older.

21 (b) Is a citizen of the United States and this state.

22 (c) Is a resident of the city or township where the person's
23 street address is located.

24 (4) A designated voter registration agency or a county,
25 city, township, or village clerk shall not add to, delete from,
26 or change any information contained in the qualified voter file
27 during the period beginning on the seventh day before an election

1 and ending on the day of the election.

2 (5) THE SECRETARY OF STATE SHALL CREATE AN INACTIVE VOTER
3 FILE.

4 (6) IF A VOTER IS SENT A NOTICE UNDER SECTION 509AA TO
5 CONFIRM THE VOTER'S RESIDENCE INFORMATION OR IF A VOTER DOES NOT
6 VOTE FOR 6 CONSECUTIVE YEARS, THE SECRETARY OF STATE SHALL PLACE
7 THE REGISTRATION RECORD OF THAT VOTER IN THE INACTIVE VOTER FILE.
8 THE REGISTRATION RECORD OF THAT VOTER SHALL REMAIN IN THE
9 INACTIVE VOTER FILE UNTIL 1 OF THE FOLLOWING OCCURS:

10 (A) THE VOTER VOTES AT AN ELECTION.

11 (B) THE VOTER RESPONDS TO A NOTICE SENT UNDER SECTION 509AA.

12 (C) ANOTHER VOTER REGISTRATION TRANSACTION INVOLVING THAT
13 VOTER OCCURS.

14 (7) WHILE THE REGISTRATION RECORD OF A VOTER IS IN THE
15 INACTIVE VOTER FILE, THE VOTER REMAINS ELIGIBLE TO VOTE AND HIS
16 OR HER NAME SHALL APPEAR ON THE PRECINCT VOTER REGISTRATION LIST.

17 (8) IF THE REGISTRATION RECORD OF A VOTER IS IN THE INACTIVE
18 VOTER FILE AND THAT VOTER VOTES AT AN ELECTION BY ABSENT VOTER
19 BALLOT, THAT ABSENT VOTER BALLOT SHALL BE PREPARED AS A
20 CHALLENGED BALLOT AS PROVIDED IN SECTION 727.

21 Sec. 509aa. (1) A clerk may use change of address
22 information supplied by the United States postal service or other
23 reliable information received by the clerk that identifies
24 registered voters whose addresses may have changed as provided in
25 this section.

26 (2) Upon receipt of reliable information that a registered
27 voter has moved his or her residence within the city or township,

1 the clerk shall send by forwardable mail all of the following to
2 the voter:

3 (a) A notice that the clerk has received information
4 indicating that the voter has moved his or her residence within
5 the city or township.

6 (b) A postage prepaid and preaddressed return card on which
7 the voter may verify or correct the address information.

8 (c) A notice explaining that, if the address information is
9 correct and the voter has moved his or her residence within the
10 city or township, the voter should complete and return the card
11 to the clerk with a postmark of 30 days or more before the date
12 of the next election. If the voter has moved his or her residence
13 within the city or township and does not complete and return the
14 card to the clerk with a postmark of 30 days or more before the
15 date of the next election, the voter will be required to vote in
16 his or her former precinct of residence in the city or township.
17 The voter will also be required to submit an address correction
18 before being permitted to vote.

19 (3) Upon the receipt of reliable information that a
20 registered voter has moved his or her residence to another city
21 or township, the clerk shall send by forwardable mail all of the
22 following to the voter:

23 (a) A notice that the clerk has received information
24 indicating that the voter has moved his or her residence to
25 another city or township.

26 (b) A postage prepaid and preaddressed return card on which
27 the voter may verify or correct the address information.

1 (c) A notice containing all of the following information:

2 (i) If the address information is incorrect and the voter has
3 not moved to another city or township and wishes to remain
4 registered to vote, the voter should complete and return the card
5 to the clerk with a postmark of 30 days or more before the date
6 of the next election. If the card is not completed and returned
7 with a postmark of 30 days or more before the date of the next
8 election, the voter may be required to affirm his or her current
9 address before being permitted to vote. Further, if the voter
10 does not vote in an election within the period beginning on the
11 date of the notice and ending on the first business day
12 immediately following the second November general election that
13 is held after the date on the notice, the registration of the
14 voter will be canceled and his or her name will be removed from
15 the registration record of that city or township.

16 (ii) If the voter has moved his or her residence to another
17 city or township, information on how the voter can become
18 registered to vote at the next election in his or her new city or
19 township.

20 (4) If a notice sent under ~~this section~~ **SUBSECTION (2) OR**
21 **(3)** is returned to the clerk by the post office as undeliverable,
22 the clerk shall identify the registration record of a voter as
23 challenged as provided in this act. The clerk shall instruct the
24 board of election inspectors to challenge that voter at the first
25 election at which the voter appears to vote. If in response to
26 the challenge the voter indicates that he or she resides at the
27 registration address or has changed addresses within the city or

1 township, the voter shall be permitted to vote a regular ballot
2 rather than a challenged ballot. The voter shall complete a
3 change of address form at the polling place, if applicable. If
4 the person does not appear to vote in an election within the
5 period beginning on the date of the notice and ending on the
6 first business day immediately following the second November
7 general election that is held after the date of the notice, the
8 clerk shall cancel the registration of the voter and remove his
9 or her name from the registration record of the city or township.

10 (5) IF THE DEPARTMENT OF STATE RECEIVES NOTICE THAT A
11 REGISTERED VOTER HAS MOVED OUT OF STATE BY RECEIVING A
12 SURRENDERED MICHIGAN DRIVER LICENSE OF THAT REGISTERED VOTER, THE
13 SECRETARY OF STATE SHALL SEND BY FORWARDABLE MAIL ALL OF THE
14 FOLLOWING TO THE VOTER:

15 (A) A NOTICE THAT THE SECRETARY OF STATE HAS RECEIVED
16 INFORMATION INDICATING THAT THE VOTER HAS MOVED HIS OR HER
17 RESIDENCE TO ANOTHER STATE.

18 (B) A POSTAGE PREPAID AND PREAMDRESSED RETURN CARD ON WHICH
19 THE VOTER MAY VERIFY OR CORRECT THE ADDRESS INFORMATION.

20 (C) A NOTICE PROVIDING THAT IF THE ADDRESS INFORMATION IS
21 INCORRECT AND THE VOTER HAS NOT MOVED TO ANOTHER STATE AND WISHES
22 TO REMAIN REGISTERED TO VOTE, THE VOTER SHOULD COMPLETE AND
23 RETURN THE CARD TO THE SECRETARY OF STATE WITH A POSTMARK OF 30
24 DAYS OR MORE BEFORE THE DATE OF THE NEXT ELECTION. IF THE CARD IS
25 NOT COMPLETED AND RETURNED WITH A POSTMARK OF 30 DAYS OR MORE
26 BEFORE THE DATE OF THE NEXT ELECTION, THE VOTER MAY BE REQUIRED
27 TO AFFIRM HIS OR HER CURRENT ADDRESS BEFORE BEING PERMITTED TO

1 VOTE. FURTHER, IF THE VOTER DOES NOT VOTE IN AN ELECTION WITHIN
2 THE PERIOD BEGINNING ON THE DATE OF THE NOTICE AND ENDING ON THE
3 FIRST BUSINESS DAY IMMEDIATELY FOLLOWING THE SECOND NOVEMBER
4 GENERAL ELECTION THAT IS HELD AFTER THE DATE ON THE NOTICE, THE
5 REGISTRATION OF THE VOTER WILL BE CANCELED AND HIS OR HER NAME
6 WILL BE REMOVED FROM THE QUALIFIED VOTER FILE.

7 Sec. 658. When a city, ward, township, or village is divided
8 into 2 or more election precincts, pursuant to law, and it
9 appears from an examination of the precinct registration records
10 ~~, that there are not more than 400 registered electors in the~~
11 ~~city, ward, township, or village using paper ballots, or not more~~
12 than 2,999 **ACTIVE** registered electors in the city, ward,
13 township, or village using voting machines, the election
14 commission, or other officials charged with the performance of
15 the duty by the charter of a city or village, by resolution, may
16 abolish the division or divisions and after that time the city,
17 ward, township, or village shall constitute a single election
18 precinct as if a division had not been made. A consolidation
19 shall not be made later than the 120 days before a primary or
20 election.

21 Sec. 659. (1) If a county, city, ward, township, village, or
22 school district is divided into 2 or more election precincts, the
23 county, city, ward, township, or village election commissioners
24 may, by resolution, consolidate the election precincts for a
25 particular election that is not a general November election,
26 primary election immediately before a general November election,
27 or other statewide or federal election. In making the

1 determination to consolidate election precincts for a particular
2 election, the election commission shall take into consideration
3 the number of choices the voter must make, the percentage of
4 registered voters who voted at the last similar election in the
5 jurisdiction, and the intensity of the interest of the electors
6 in the jurisdiction concerning the candidates and proposals to be
7 voted upon. Consolidated precincts shall not exceed 5,000 **ACTIVE**
8 registered electors.

9 (2) A consolidation under this section shall be made not
10 less than 60 days before a primary, general, or special election.

11 (3) Unless the polling places for the election precincts to
12 be consolidated are located in the same building, when a county,
13 city, ward, township, or village consolidates election precincts
14 for a particular election under subsection (1), the election
15 commissioners or other designated election officials shall do
16 both of the following:

17 (a) Provide notice to the registered electors of the
18 affected election precincts of the consolidation of election
19 precincts for the particular election and the location of the
20 polling place for the election precinct or precincts for that
21 election. Notice may be provided by mail or other method designed
22 to provide actual notice to the registered electors.

23 (b) Post a written notice at each election precinct polling
24 place stating the location of the consolidated election precinct
25 polling place.

26 (4) If a county, city, ward, township, or village
27 consolidates election precincts under this section, each affected

1 election precinct shall be treated as a whole unit and shall not
2 be divided during the consolidation.

3 Sec. 661. (1) When the voter registration in a precinct
4 using voting machines is 1,000 or less, there shall be not less
5 than 1 voting machine for each 500 active registered electors at
6 the general November election and at the primary immediately
7 preceding that election. When the **VOTER** registration in a
8 precinct using voting machines is more than 1,000 and less than
9 3,000, there shall be at least 1 voting machine for each 600
10 active registered electors at the general November election and
11 at the primary immediately preceding that election. At other
12 primaries and elections, the number of voting machines shall be
13 at the discretion of the local election commission. In making
14 this determination, the local election commission shall take into
15 consideration the number of choices the voter must make, the
16 percentage of registered voters who voted at the last similar
17 election in the jurisdiction, and the intensity of the interest
18 of the electors in the jurisdiction concerning the candidates and
19 proposals to be voted upon. When the **VOTER** registration in a
20 precinct using voting machines exceeds 2,999, the precinct shall
21 be divided or rearranged.

22 (2) Except as provided in subsection (3), city and township
23 election commissions shall divide precincts according to law, not
24 later than 210 days before the primary next preceding the general
25 November election, and shall immediately notify the county clerk
26 of the number of registered voters in each precinct in the city
27 or township. The county clerk shall notify the secretary of state

1 not later than 200 days before the primary of a precinct in the
2 clerk's county which has not been divided according to law, and
3 the secretary of state shall proceed to make divisions as are
4 necessary at the expense of the city or township involved, not
5 later than 180 days before the primary next preceding the general
6 November election. If the election commission of a city, village,
7 or township using voting machines decides to use paper ballots
8 for a primary or election, the preceding limitations shall
9 continue for that election. A division of precincts shall be made
10 effective not later than 180 days before the primary election
11 next preceding the general November election.

12 (3) In the second year following each federal census,
13 precincts shall be divided pursuant to this subsection. City and
14 township election commissions shall divide precincts, not later
15 than 120 days before the primary election next preceding the
16 general November election in order that a precinct, as far as is
17 practical, is not split between districts and does not exceed
18 2,999 registered voters, and shall immediately notify the county
19 clerk of the number of registered voters in each precinct in each
20 city or township. The county clerk shall notify the secretary of
21 state not later than 110 days before the primary of any precincts
22 in the county which have not been divided, and the secretary of
23 state shall proceed to make the divisions as are necessary, at
24 the expense of the city or township involved, not later than 90
25 days before the primary election next preceding the general
26 November election. The division of precincts shall be made
27 effective not later than 90 days before the primary election. The

1 secretary of state may authorize, upon written request by a city
2 or township election commission, a later division of a precinct
3 which contains portions of more than 1 elective district. All
4 precinct divisions shall be completed not later than 90 days
5 before the primary election next preceding the general November
6 election. **IN DETERMINING THE NUMBER OF REGISTERED VOTERS FOR A
7 PRECINCT UNDER THIS SUBSECTION, A CITY OR TOWNSHIP ELECTION
8 COMMISSION OR THE SECRETARY OF STATE, AS APPLICABLE, MAY USE
9 EITHER OF THE FOLLOWING:**

10 (A) ONLY THE ACTIVE REGISTERED VOTERS FOR THAT CITY OR
11 TOWNSHIP.

12 (B) BOTH THE ACTIVE REGISTERED VOTERS FOR THAT CITY OR
13 TOWNSHIP AND THE VOTERS IN THE INACTIVE VOTER FILE FOR THAT CITY
14 OR TOWNSHIP.

15 Sec. 761. (1) If the clerk of a city, township, or village
16 receives an application for an absent voter ballot from a person
17 registered to vote in that city, township, or village and if the
18 signature on the application agrees with the signature for the
19 person contained in the qualified voter file or on the
20 registration card as required in subsection (2), the clerk
21 immediately upon receipt of the application or, if the
22 application is received before the printing of the absent voter
23 ballots, as soon as the ballots are received by the clerk, shall
24 forward by mail, postage prepaid, or shall deliver personally 1
25 of the ballots or set of ballots if there is more than 1 kind of
26 ballot to be voted to the applicant. ~~Absent~~ **SUBJECT TO THE
27 IDENTIFICATION REQUIREMENT IN SUBSECTION (6), ABSENT** voter

1 ballots may be delivered to an applicant in person at the office
2 of the clerk.

3 (2) The qualified voter file shall be used to determine the
4 genuineness of a signature on an application for an absent voter
5 ballot. Signature comparisons shall be made with the digitized
6 signature in the qualified voter file. If the qualified voter
7 file does not contain a digitized signature of an elector, or is
8 not accessible to the clerk, the city or township clerk shall
9 compare the signature appearing on the application for an absent
10 voter ballot to the signature contained on the master card.

11 (3) Notwithstanding section 759, providing that no absent
12 voter applications shall be received by the clerk after 2 p.m. on
13 the Saturday before the election, **AND SUBJECT TO THE**
14 **IDENTIFICATION REQUIREMENT IN SUBSECTION (6)**, a person qualified
15 to vote as an absent voter may apply in person at the clerk's
16 office before 4 p.m. on a day ~~preceding~~ **BEFORE** the election
17 except Sunday or a legal holiday to vote as an absent voter. The
18 applicant shall receive his or her absent voter ballot and vote
19 the ballot in the clerk's office. All other absent voter ballots,
20 except ballots delivered pursuant to an emergency absent voter
21 ballot application under section 759b, shall be mailed or
22 delivered to the registration address of the applicant unless the
23 application requests delivery to an address outside the city,
24 village, or township or to a hospital or similar institution, in
25 which case the absent voter ballots shall be mailed or delivered
26 to the address given in the application. However, a clerk may
27 mail or deliver an absent voter ballot, upon request of the

1 absent voter, to a post office box if the post office box is
2 where the absent voter normally receives personal mail and the
3 absent voter does not receive mail at his or her registration
4 address.

5 (4) Absent voter ballots shall be issued in the same order
6 in which applications are received by the clerk of a city,
7 township, or village, as nearly as may be, and each ballot issued
8 shall bear the lowest number of each kind available for this
9 purpose. However, this provision does not prohibit a clerk from
10 immediately issuing an absent voter ballot to an absent voter who
11 applies in person in the clerk's office for absent voter ballots.
12 The clerk shall enclose with the ballot or ballots a return
13 envelope properly addressed to the clerk and bearing upon the
14 back of the envelope a printed statement in substantially the
15 following form:

16 TO BE COMPLETED
17 BY THE CLERK

18 _____
19 Name of Voter Street Address or R.R.
20 _____
21 City, Township or Village County
22 Ward _____ Precinct _____ Date of Election _____

23 =====

24 TO BE COMPLETED BY THE ABSENT VOTER

25 I assert that I am a qualified and registered elector of the
26 city, township, or village named above. I am voting as an absent
27 voter in conformity with state election law. Unless otherwise
28 indicated below, I personally marked the ballot enclosed in this

1 envelope without exhibiting it to any other person.

2 I further assert that this absent voter ballot is being
3 returned to the clerk or an assistant of the clerk by me
4 personally; by public postal service, express mail service,
5 parcel post service, or other common carrier; by a member of my
6 immediate family; or by a person residing in my household.

7 DATE: _____ SIGN HERE: X _____
8 Signature of Absent Voter

9 The above form must be signed or your vote will not be counted.

10 AN ABSENT VOTER WHO KNOWINGLY MAKES A FALSE STATEMENT IS GUILTY
11 OF A MISDEMEANOR.

12 =====

13 TO BE COMPLETED ONLY IF VOTER IS ASSISTED IN VOTING
14 BY ANOTHER PERSON

15 I assisted the above named absent voter who is disabled or
16 otherwise unable to mark the ballot in marking his or her absent
17 voter ballot pursuant to his or her directions. The absent voter
18 ballot was inserted in the return envelope without being
19 exhibited to any other person.

20 _____
21 Signature of Person Street Address City, Twp., or
22 Assisting Voter or R.R. Village

23 _____
24 Printed Name of Person Assisting Voter

25 A PERSON WHO ASSISTS AN ABSENT VOTER AND WHO KNOWINGLY MAKES A
26 FALSE STATEMENT IS GUILTY OF A FELONY.

27 =====

28 WARNING

1 PERSONS WHO CAN LEGALLY BE IN POSSESSION OF AN ABSENT VOTER
2 BALLOT ISSUED TO AN ABSENT VOTER ARE LIMITED TO THE ABSENT VOTER;
3 A PERSON WHO IS A MEMBER OF THE ABSENT VOTER'S IMMEDIATE FAMILY
4 OR RESIDES IN THE ABSENT VOTER'S HOUSEHOLD AND WHO HAS BEEN ASKED
5 BY THE ABSENT VOTER TO RETURN THE BALLOT; A PERSON WHOSE JOB IT
6 IS TO HANDLE MAIL BEFORE, DURING, OR AFTER BEING TRANSPORTED BY A
7 PUBLIC POSTAL SERVICE, EXPRESS MAIL SERVICE, PARCEL POST SERVICE,
8 OR COMMON CARRIER, BUT ONLY DURING THE NORMAL COURSE OF HIS OR
9 HER EMPLOYMENT; AND THE CLERK, ASSISTANTS OF THE CLERK, AND OTHER
10 AUTHORIZED ELECTION OFFICIALS OF THE CITY, TOWNSHIP, VILLAGE, OR
11 SCHOOL DISTRICT. ANY OTHER PERSON IN POSSESSION OF AN ABSENT
12 VOTER BALLOT IS GUILTY OF A FELONY.

13 (5) An absent voter who knowingly makes a false statement on
14 the absent voter ballot return envelope is guilty of a
15 misdemeanor. A person who assists an absent voter and who
16 knowingly makes a false statement on the absent voter ballot
17 return envelope is guilty of a felony.

18 (6) IF AN ELECTOR OBTAINS HIS OR HER ABSENT VOTER BALLOT IN
19 PERSON FROM THE CLERK OF THE CITY, TOWNSHIP, OR VILLAGE IN WHICH
20 HE OR SHE IS REGISTERED, THE CLERK OF THE CITY, TOWNSHIP, OR
21 VILLAGE SHALL NOT PROVIDE AN ABSENT VOTER BALLOT TO THAT ELECTOR
22 UNTIL THE ELECTOR IDENTIFIES HIMSELF OR HERSELF TO THE CLERK BY
23 PRESENTING AN OFFICIAL STATE IDENTIFICATION CARD ISSUED TO THAT
24 ELECTOR UNDER 1972 PA 222, MCL 28.291 TO 28.300, AN OPERATOR'S OR
25 CHAUFFEUR'S LICENSE ISSUED TO THAT ELECTOR UNDER THE MICHIGAN
26 VEHICLE CODE, 1949 PA 300, MCL 257.1 TO 257.923, OR OTHER

Senate Bill No. 751 as amended February 8, 2012

1 GENERALLY RECOGNIZED PICTURE IDENTIFICATION CARD. IF AN ELECTOR
2 DOES NOT HAVE AN OFFICIAL STATE IDENTIFICATION CARD, OPERATOR'S
3 OR CHAUFFEUR'S LICENSE, OR OTHER GENERALLY RECOGNIZED PICTURE
4 IDENTIFICATION CARD, THE ELECTOR MAY SIGN AN AFFIDAVIT TO THAT
5 EFFECT BEFORE THE CLERK OF THE CITY, TOWNSHIP, OR VILLAGE AND BE
6 ALLOWED TO OBTAIN HIS OR HER ABSENT VOTER BALLOT IN PERSON FROM
7 THE CLERK. HOWEVER, IF AN ELECTOR OBTAINS HIS OR HER ABSENT VOTER
8 BALLOT IN PERSON FROM THE CLERK AND VOTES BY ABSENT VOTER BALLOT
9 WITHOUT PROVIDING THE IDENTIFICATION REQUIRED UNDER THIS
10 SUBSECTION, THE ABSENT VOTER BALLOT OF THAT ELECTOR SHALL BE
11 PREPARED AS A CHALLENGED BALLOT AS PROVIDED IN SECTION 727.

12 SEC. 764C. IF A CITY, TOWNSHIP, OR VILLAGE HAS ACCESS TO THE
13 BALLOT TRACKER PROGRAM PROVIDED BY THE STATE, THE CLERK OF THAT
14 CITY, TOWNSHIP, OR VILLAGE SHALL UTILIZE THE BALLOT TRACKER
15 PROGRAM AND ALLOW VOTERS TO TRACK THEIR ABSENT VOTER BALLOTS
16 ONLINE.

<<Enacting section 1. This amendatory act takes effect
June 1, 2012.>>