

Act No. 125  
Public Acts of 2018  
Approved by the Governor  
May 2, 2018  
Filed with the Secretary of State  
May 3, 2018  
EFFECTIVE DATE: December 31, 2018

**STATE OF MICHIGAN  
99TH LEGISLATURE  
REGULAR SESSION OF 2018**

Introduced by Senator Robertson

# ENROLLED SENATE BILL No. 814

AN ACT to amend 1954 PA 116, entitled “An act to reorganize, consolidate, and add to the election laws; to provide for election officials and prescribe their powers and duties; to prescribe the powers and duties of certain state departments, state agencies, and state and local officials and employees; to provide for the nomination and election of candidates for public office; to provide for the resignation, removal, and recall of certain public officers; to provide for the filling of vacancies in public office; to provide for and regulate primaries and elections; to provide for the purity of elections; to guard against the abuse of the elective franchise; to define violations of this act; to provide appropriations; to prescribe penalties and provide remedies; and to repeal certain acts and all other acts inconsistent with this act,” by amending sections 491, 492, 492a, 495, 497, 498, 500a, 500d, 500i, 501, 502, 503, 505, 506, 507a, 509o, 509p, 509r, 514, 516, 519, 520, and 521 (MCL 168.491, 168.492, 168.492a, 168.495, 168.497, 168.498, 168.500a, 168.500d, 168.500i, 168.501, 168.502, 168.503, 168.505, 168.506, 168.507a, 168.509o, 168.509p, 168.509r, 168.514, 168.516, 168.519, 168.520, and 168.521), sections 491, 497, and 507a as amended by 1989 PA 142, section 492 as amended by 2010 PA 253, sections 495 and 500a as amended by 1995 PA 87, section 498 as amended by 2005 PA 71, section 501 as amended by 2014 PA 79, section 505 as amended by 2003 PA 302, sections 509o and 509p as added by 1994 PA 441, section 509r as amended by 2012 PA 270, and section 514 as amended by 2012 PA 271; and to repeal acts and parts of acts.

*The People of the State of Michigan enact:*

Sec. 491. The inspectors of election at an election, primary election, or special election in this state shall not receive the vote of an individual whose name is not on the voter registration list generated from the qualified voter file for the precinct in which he or she offers to vote unless the individual meets the requirements of section 523a.

Sec. 492. Each individual who has the following qualifications of an elector is entitled to register as an elector in the township or city in which he or she resides. The individual must be a citizen of the United States; not less than 17-1/2 years of age; a resident of this state; and a resident of the township or city.

Sec. 492a. An individual who is confined in a jail and who is otherwise a qualified elector may, before trial or sentence, register to vote. The individual is considered a resident of the city or township, and address, at which he or she resided before confinement. An individual who is confined in a jail after being convicted and sentenced is not eligible to register to vote.

Sec. 495. The registration application must contain all of the following:

- (a) The name of the elector.
- (b) The residence address of the elector, including the street and number or rural route and box number and the apartment number, if any.
- (c) The city or township and county of residence of the elector, and the school district of the elector, if known.

- (d) The birthplace and date of birth of the elector.
- (e) The driver license or state personal identification card number of the elector, if available.
- (f) A statement that the elector is a citizen of the United States.
- (g) A statement that the elector is at the time of completing the affidavit, or will be on the date of the next election, not less than 18 years of age.
- (h) A statement that the elector has or will have lived in this state not less than 30 days before the next election.
- (i) A statement that the elector has or will have established his or her residence in the township or city in which the elector is applying for registration not less than 30 days before the next election.
- (j) A statement that the elector is or will be a qualified elector of the township, city, or village on the date of the next election.
- (k) A space in which the elector shall state the place of the elector's last registration, if any.
- (l) A statement that the registration is not effective until processed by the clerk of the city or township in which the applicant resides.
- (m) A statement that the applicant, if qualified, may vote at an election occurring not less than 30 days after the date of completing the application.
- (n) A statement authorizing the cancellation of registration at the elector's last place of registration.
- (o) A space for the elector to sign and certify to the truth of the statements on the application.

Sec. 497. (1) An individual who is not registered but possesses the qualifications of an elector as provided in section 492 may apply for registration to the clerk of the county, township, or city in which he or she resides on a day other than Saturday, Sunday, a legal holiday, or the day of a regular, primary, school, or special election. Registrations accepted between the thirtieth day before an election and the day of the election, unless the thirtieth day falls on a Saturday, Sunday, or legal holiday, in which event registration must be accepted during the following day, are not valid for the election but are valid for subsequent regular, primary, school, or special elections that are held so that not less than 30 days intervene between the date the individual registered and the date of the election.

(2) Except as otherwise provided in sections 500a to 500e, an application for registration must not be executed at a place other than the office of the county, township, or city clerk or a public place or places designated by the clerk or deputy registrar for receiving registrations, but the clerk or deputy registrar may receive an application wherever he or she may be. If a county, township, or city clerk does not regularly keep his or her office open daily during certain hours, the clerk is not required to be at his or her office for the purpose of receiving applications for registration on a particular day nor during specific hours of a day, except as provided in section 498. Registrations taken after the time of closing registrations before an election need not be processed until the date immediately following that election. A registration must not be placed in a precinct registration file until the date immediately following that election. If an individual registers at a time that registrations are closed for an election, the individual must be given a notice, signed by the clerk, on a form developed by the secretary of state, informing him or her that he or she is not eligible to vote in the election and indicating the first date on which he or she is eligible to vote. Except as provided in sections 500a to 500e, the provisions of this section relating to registration apply.

Sec. 498. (1) The governing body of a township or city may provide by resolution that in that township or city the clerk shall be at the clerk's office, or in some other convenient place designated by the clerk, during the hours designated by the governing body on the thirtieth day before an election or primary election in the township or city unless the thirtieth day falls on a Saturday, Sunday, or legal holiday, in which event registration must be accepted during the same hours on the following day.

(2) In a township or city in which the clerk does not maintain regular daily office hours, the township board or the legislative body of the city may require that the clerk of the township or city shall be at the clerk's office or other designated place for the purpose of receiving applications for registration on the days that the board or legislative body designates, but not more than 5 days before the last day for registration.

(3) The clerk of each township or city shall give public notice of the days and hours that the clerk will be at the clerk's office or other designated place for the purpose of receiving registrations before an election or primary election by publication of the notice in a newspaper published or of general circulation in the township or city and, if considered advisable by the township or city clerk, by posting written or printed notices in at least 2 of the most conspicuous places in each election precinct. The publication or posting must be made not less than 7 days before the last day for receiving registrations. The notice of registration must include the offices to be filled that will appear on the ballot. If the notice of registration is for an election that includes a ballot proposal, a caption or brief description of the ballot proposal along with the location where an elector can obtain the full text of the ballot proposal must be stated in the notice.

(4) A county clerk may enter into an agreement with the clerk of 1 or more townships or cities in the county or the clerks of 1 or more cities or townships in a county may enter into an agreement to jointly publish the notice required

in subsection (3). The notice must be published in a newspaper of general circulation in the cities and townships listed in the notice.

Sec. 500a. (1) The secretary of state or the secretary of state's agent shall afford an individual who appears in a department of state branch office or an individual who applies for renewal of an operator's or chauffeur's license under section 307 of the Michigan vehicle code, 1949 PA 300, MCL 257.307, an opportunity to complete an application to register to vote or to change the individual's voting registration name or address, if the applicant possesses the qualifications of an elector on the date of application or will possess the qualifications at the next election. This subsection does not require a registered elector to periodically reregister or to renew his or her registration. The application for registration made under this section must contain all of the information required for a registration application as provided in section 495.

(2) The applicant shall sign the application. Upon receipt of the application, the agent shall sign the application and provide the applicant with a receipt verifying the registration application. The agent shall promptly forward the application to the county clerk of the applicant's residence or to a city or township clerk designated by the secretary of state.

Sec. 500d. An individual who has properly completed an application for registration at an office of the secretary of state or his or her agent is permitted to vote in all elections occurring not less than 30 days after making the application if the clerk determines the individual is qualified. If the clerk determines the individual is not qualified, the clerk immediately shall send a notice to the applicant at the address stated in the application stating the determination and the reasons the individual is not qualified. An individual is permitted to vote if he or she presents at the polls a validated voter registration application receipt and the clerk determines the individual is qualified.

Sec. 500i. As used in sections 500a to 500e, "agent" means a person appointed by the secretary of state to act as an examining officer for the purpose of examining applicants for operator's and chauffeur's licenses under section 309 of the Michigan vehicle code, 1949 PA 300, MCL 257.309.

Sec. 501. The master registration cards must be filed alphabetically and must be termed the "master file". The master file must contain the signature of each elector registered in the city or township, unless the clerk of the jurisdiction has access to the qualified voter file and the elector has a digitized signature in the qualified voter file. If an elector is unable to write, or sign his or her name because of a physical disability, the master file must contain the mark or signature stamp used by that elector when a signature is required.

Sec. 502. The master file must at all times remain in the custody of the township or city clerk.

Sec. 503. If the voter registration records are destroyed or mutilated making them unusable, the clerk of the city or township shall request a back-up file from the secretary of state. The secretary of state shall provide a list of registered electors and their signatures, if available, from the qualified voter file to the city or township clerk. If the secretary of state is unable to provide a back-up file to the city or township clerk, the clerk shall require the electors to reregister as prescribed by the secretary of state.

Sec. 505. (1) At the time an elector is applying for registration, the registration officer shall ascertain if the elector is already registered as an elector. If the elector is previously registered, the elector shall at the time of applying for registration sign an authorization to cancel a previous registration. The secretary of state shall prescribe forms for this purpose. The form may be a part of the application or a separate form.

(2) An authorization to cancel that indicates a previous address in a state other than this state must be forwarded to the chief election officer of that state. Notice may be made by forwarding the separate cancellation form, by forwarding the portion of an application listing a previous place of registration, or by forwarding a list certified by the clerk containing the names of people authorizing cancellation.

(3) An authorization to cancel a voter registration signed by the elector and received from another state or a notice from an election official of another state that an elector has registered in that state has the same force and effect as the notice of authorization to cancel of this state.

Sec. 506. A registered elector may, upon change of residence within the township or city, update his or her registration address by sending to the clerk a signed request stating his or her present address, the date he or she moved to that address, and the address from which he or she was last registered, or by updating his or her address in person. The clerk shall strike through the last address, ward, and precinct number and record the new address, ward, and precinct number on the master registration card. Transfers must not be made after the thirtieth day next preceding a regular or special election or primary election, unless the thirtieth day falls on a Saturday, Sunday, or legal holiday, in which event registration transfers must be accepted during the following day.

Sec. 507a. (1) A registered and qualified elector of this state who has moved from the city or township in which he or she is registered to another city or township within this state after the sixtieth day before an election or primary election is permitted to vote in the election or primary election at the place of last registration upon the signing of a form containing an affidavit stating that the move has taken place.

(2) The form or forms required by this section must be approved by the secretary of state, must state that the move has taken place, and must authorize the clerk of the city or township to cancel the elector's registration. An elector coming under this section is permitted to vote either in person or by absentee ballot.

Sec. 509o. (1) The secretary of state shall direct and supervise the establishment and maintenance of a statewide qualified voter file. The secretary of state shall establish the technology to implement the qualified voter file. The qualified voter file is the official file for the conduct of all elections held in this state. The secretary of state may direct that all or any part of the city or township registration files shall be used in conjunction with the qualified voter file at the first state primary and election held after the creation of the qualified voter file.

(2) Notwithstanding any other provision of law to the contrary, an individual who appears to vote in an election and whose name appears in the qualified voter file for that city, township, or school district is considered a registered elector of that city, township, or school district under this act.

(3) The secretary of state, a designated voter registration agency, or a county, city, or township clerk shall not place a name of an individual into the qualified voter file unless that individual signs an application as prescribed in section 509r(3). The secretary of state or a designated voter registration agency shall not allow an individual to indicate a different address than the address in either the secretary of state's or designated voter registration agency's files to be placed in the qualified voter file.

Sec. 509p. The qualified voter file must consist of all of the following components:

(a) A computer file that has the capacity to maintain a number of records equal to or greater than the voting age population of this state.

(b) An electronic network that allows participating designated executive departments, state agencies, and county, city, and township clerks to electronically add, change, or delete records contained in the qualified voter file.

(c) An interactive electronic communication system that allows access to records in the file of qualified electors residing in a county, city, or township for the purpose of receiving copies of the county, city, or township file, transmitting data to the county, city, or township file, or reviewing and printing the county, city, or township file. The interactive electronic communication system must be designed to permit counties, cities, or townships that are capable of accessing the interactive electronic communication system to add, change, or delete records regarding qualified electors in the qualified voter file.

(d) A statewide street address index in an electronic medium that will accurately identify the city or township of each record and accurately identify the precinct of each record in the qualified voter file.

Sec. 509r. (1) The secretary of state shall establish and maintain the computer system and programs necessary to the operation of the qualified voter file. The secretary of state shall allow each county, city, or township access to the qualified voter file. The county, city, and township clerks shall verify the accuracy of the names and addresses of registered electors in the qualified voter file.

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

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

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

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

(3) An individual whose name does not otherwise appear in the qualified voter file must be placed in the qualified voter file only if the individual signs under penalty of perjury an application that contains an attestation that the applicant meets all of the following requirements:

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

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

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

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

(5) The secretary of state shall create an inactive voter file.

(6) If an elector is sent a notice under section 509aa to confirm the elector's residence information or if an elector does not vote for 6 consecutive years, the secretary of state shall place the registration record of that elector in the inactive voter file. The registration record of that elector must remain in the inactive voter file until 1 of the following occurs:

- (a) The elector votes at an election.
- (b) The elector responds to a notice sent under section 509aa.
- (c) Another voter registration transaction involving that elector occurs.

(7) While the registration record of an elector is in the inactive voter file, the elector remains eligible to vote and his or her name must appear on the precinct voter registration list.

(8) If the registration record of an elector is in the inactive voter file because the elector was sent a notice under section 509aa to confirm the elector's residence information and that elector votes at an election by absent voter ballot, that absent voter ballot must be marked in the same manner as a challenged ballot as provided in section 727.

Sec. 514. If the registration of an elector is canceled, the clerk shall make a proper entry on the master registration card, indicating the date and the cause for cancellation, and shall affix his or her signature to the entries. All copies of the canceled registration cards must be filed in the office of the clerk. All duplicates of the master registration card canceled may be destroyed 2 years after the registration is canceled. The clerk may also destroy the master registration card of an elector 5 years after the date of cancellation of the elector's registration. The clerk may also destroy any canceled master registration cards 2 years after the date of cancellation if the canceled registration cards are reproduced under the records reproduction act, 1992 PA 116, MCL 24.401 to 24.406, and the reproductions are on file in the office of the clerk. The reproductions may be destroyed after the expiration of the statutory retention date of the reproduced records. A voter registration that has been canceled due to an elector moving out of the jurisdiction must not be reinstated if the elector moves back to the jurisdiction and a new voter registration is required for that elector.

Sec. 516. The registration record must be open for public inspection.

Sec. 519. A township or city clerk or assistant clerk shall not register an individual if the clerk knows or has good reason to believe that the individual is not a resident and qualified. An individual shall not register as an elector if he or she knows or has good reason to believe that he or she is not a resident and qualified. An individual who violates this section is guilty of a misdemeanor.

Sec. 520. If a township or city clerk has knowledge that there is a probable illegal or fraudulent registration in the township or city, or in any ward or precinct of the township or city, the clerk has the power and duty to make a full investigation of the facts concerning the registration and to ascertain whether any name has been illegally or fraudulently registered. A township or city clerk is authorized and empowered to call upon the police department of the city or the sheriff of the county in which the city is located, or both, to assist in making the investigation, and the police department and the sheriff are required to render assistance if the clerk makes a request for assistance, and to furnish the clerk at his or her request with all available assistance in making the investigation. A township or city clerk is further authorized and empowered if he or she considers it necessary or advisable to appoint assistant examiners for the purpose of the investigation. Bills for the services of the examiner must be approved by the clerk and must be audited and paid by the township board or legislative body of the city in the same manner as the expenses of conducting elections are paid.

Sec. 521. If a township or city clerk determines that any name has been illegally or fraudulently entered upon the registration records of any precinct in the township or city, the clerk shall remove that name from the registration records and shall notify the individual whose name is removed of the removal by registered or certified mail directed to the individual at the address given on the registration records. An individual representing himself or herself to be the individual whose name is removed is not permitted to vote unless the individual shows to the clerk that his or her name was wrongfully removed from the registration records, in which case his or her name must be reinstated. However, any individual aggrieved by the action of any clerk may review the action and seek the reinstatement of his or her name by mandamus and the proceedings and judgment of the court in the case are subject to review in the supreme court. If a clerk has good reason to believe that any name has been illegally or fraudulently entered upon the registration records and the clerk does not remove the name as provided in this section, the clerk shall write the word "challenged" upon the registration card of the individual and shall lay before the prosecuting attorney of the county all the facts concerning the registration. If an individual whose registration card has been marked offers to vote at any election, the inspectors of election shall at that time examine the individual under oath as to his or her qualifications as an elector in the ward or precinct, the same in all respects and with like effect as though he or she had been challenged at the election by a challenger.

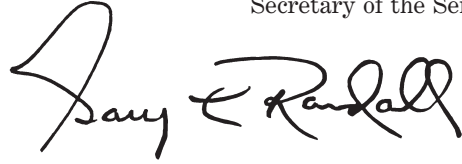
Enacting section 1. Sections 494, 497a, 500c, 500h, 500j, 507b, 509s, 517, and 522a of the Michigan election law, 1954 PA 116, MCL 168.494, 168.497a, 168.500c, 168.500h, 168.500j, 168.507b, 168.509s, 168.517, and 168.522a, are repealed.

Enacting section 2. This amendatory act takes effect December 31, 2018.

This act is ordered to take immediate effect.



Secretary of the Senate



Clerk of the House of Representatives

Approved .....

.....  
Governor