

HOUSE BILL No. 5090

August 22, 1991, Introduced by Rep. Bryant and referred to the Committee on Elections.

A bill to amend sections 495, 495a, 499, 500a, 501a, 523, and 615a of Act No. 116 of the Public Acts of 1954, entitled "Michigan election law," sections 495, 499, 500a, 501a, and 523 as amended and sections 495a and 615a as added by Act No. 275 of the Public Acts of 1988, being sections 168.495, 168.495a, 168.499, 168.500a, 168.501a, 168.523, and 168.615a of the Michigan Compiled Laws; and to repeal certain parts of the act.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 495, 495a, 499, 500a, 501a, 523, and
2 615a of Act No. 116 of the Public Acts of 1954, sections 495,
3 499, 500a, 501a, and 523 as amended and sections 495a and 615a as
4 added by Act No. 275 of the Public Acts of 1988, being sections
5 168.495, 168.495a, 168.499, 168.500a, 168.501a, 168.523, and

1 168.615a of the Michigan Compiled Laws, are amended to read as
2 follows:

3 Sec. 495. ~~(1)~~ The registration affidavit required under
4 section 493 shall contain all of the following:

5 (a) The name of the elector.

6 (b) The residence address OF THE ELECTOR, INCLUDING THE
7 street and number or rural route and box number, if any. ~~, of~~
8 ~~the elector.~~

9 (c) The birthplace and ~~birth~~ date OF BIRTH of the
10 elector.

11 (d) The driver's license or state personal identification
12 card number of the elector, if available.

13 (e) A statement that the elector is a citizen of the United
14 States.

15 (f) A statement that the elector is at the time of complet-
16 ing the affidavit, or will be on the date of the next election,
17 not less than 18 years of age.

18 (g) A statement that the elector has or will have lived in
19 this state not less than 30 days before the next election.

20 (h) A statement that the elector has or will have estab-
21 lished his or her residence in the township, city, or village in
22 which the elector is applying for registration not less than 30
23 days before the next election.

24 (i) A statement that the elector is or will be a qualified
25 elector of the township, city, or village on the date of the next
26 election.

1 (j) A space in which the elector shall state the place of
2 the elector's last registration, IF ANY.

3 ~~(k) For the purpose of voting in a presidential primary~~
4 ~~election, a space for the elector to declare a party preference~~
5 ~~or that the elector has no party preference.~~

6 ~~(2) Until February 15, 1992, the secretary of state or the~~
7 ~~secretary of state's agent shall print a notice that shall be~~
8 ~~provided to each person applying for registration. The notice~~
9 ~~shall contain all of the following information:~~

10 ~~(a) That, for the purpose of voting in a presidential pri-~~
11 ~~mary election, the elector must declare a party preference.~~

12 ~~(b) That, if the elector prefers to register with no party~~
13 ~~preference, the elector is not eligible to vote in a presidential~~
14 ~~primary election unless the elector declares a party preference~~
15 ~~at least 30 days before the presidential primary election.~~

16 ~~(c) That, even if currently registered to vote, the elector~~
17 ~~is not eligible to vote in a presidential primary election unless~~
18 ~~the elector declares in writing to the city or township clerk a~~
19 ~~party preference at least 30 days before the presidential primary~~
20 ~~election.~~

21 ~~(d) That, if the elector declares a party preference or~~
22 ~~declares that the elector has no party preference, that declara-~~
23 ~~tion of preference remains as that elector's preference until the~~
24 ~~elector changes his or her party preference or declares that he~~
25 ~~or she has no party preference on a form prescribed by the secre-~~
26 ~~tary of state or in writing to the city or township clerk.~~

1 ~~(3) Until February 15, 1992, the city or township clerk~~
2 ~~shall provide each elector who votes in an election in that city~~
3 ~~or township the notice required under subsection (2) on a form~~
4 ~~prescribed by the secretary of state on which an elector may~~
5 ~~declare his or her party preference or that the elector has no~~
6 ~~party preference for the purpose of voting in a presidential pri-~~
7 ~~mary election.~~

8 ~~(4) The secretary of state shall provide to each county~~
9 ~~clerk for distribution to the city and township clerks in the~~
10 ~~county a sufficient number of the notices required for distribu-~~
11 ~~tion to electors under subsections (2) and (3).~~

12 Sec. 495a. ~~-(+)~~ If an elector ~~declares~~ DECLARED a party
13 preference or no party preference AS PREVIOUSLY PROVIDED under
14 this act FOR THE PURPOSE OF VOTING IN A PRESIDENTIAL PRIMARY
15 ELECTION, that ~~preference~~ DECLARATION shall be ~~placed on and~~
16 ~~remain on~~ REMOVED FROM the precinct registration file and the
17 master registration file of that elector ~~until the elector~~
18 ~~changes his or her party preference or declaration of no party~~
19 ~~preference under this act~~ AND THE PRECINCT REGISTRATION LIST, IF
20 ANY, WITHIN 90 DAYS AFTER THE EFFECTIVE DATE OF THE AMENDATORY
21 ACT THAT AMENDED THIS SECTION TO PROVIDE FOR THE REMOVAL.

22 ~~-(2) If an elector does not make a declaration regarding a~~
23 ~~party preference or no party preference under this act, the elec-~~
24 ~~tor is considered to have declared no party preference.~~

25 ~~(3) If a registration list is used in the precinct for a~~
26 ~~presidential primary election instead of the precinct~~
27 ~~registration file, as allowed under section 501a, the~~

1 ~~registration list provided to the precinct shall include the~~
2 ~~party preference or declaration of no party preference of the~~
3 ~~elector.~~

4 Sec. 499. (1) An elector entitled to registration in an
5 election precinct may become registered in the precinct by apply-
6 ing in person and executing in duplicate the registration affida-
7 vit and swearing to and signing the affidavit before the clerk or
8 assistant clerk of the township, city, or village in which the
9 precinct is located. ~~Every~~ THE clerk ~~and~~ OR assistant clerk
10 ~~of the townships, cities, and villages in this state~~ shall
11 require ~~an~~ THE applicant for registration to answer under oath
12 a question touching the elector's qualification as an elector.
13 For the performance of ~~their~~ HIS OR HER duties under this act,
14 ~~every~~ EACH clerk and assistant clerk has the power to adminis-
15 ter oaths and to swear persons as to the truth of statements con-
16 tained in affidavits. For ~~the more perfect~~ A BETTER examina-
17 tion of the applicant, a clerk may employ and swear an inter-
18 preter to interpret all questions put to applicants and the
19 answers to those questions. If the applicant, in answer to a
20 question or in the registration affidavit, makes a material
21 statement that is false, the applicant is guilty of a
22 misdemeanor.

23 (2) After the registration affidavit is executed in dupli-
24 cate by the applicant, if the applicant is entitled to registra-
25 tion, the clerk or assistant clerk shall sign in his or her own
26 hand and note on the card the acceptance of the registration. If
27 the registration is refused, the clerk shall destroy the card of

1 the applicant. A registration card accepted before January 15,
2 1964, on which the signature of the clerk or assistant clerk is
3 typewritten or stamped is valid as to that signature. ~~All~~
4 ~~cards~~ CARDS validated by this section shall be designated as
5 prescribed by the secretary of state.

6 (3) ~~The~~ A clerk OR ASSISTANT CLERK shall not accept a fee
7 from an ~~applicant~~ ELECTOR applying for registration, either for
8 the registering of the elector or for the taking of the acknowl-
9 edgment on the affidavit. A person ~~accepting a fee~~ WHO VIO-
10 LATES THIS SUBSECTION is guilty of a misdemeanor.

11 (4) The clerk, ~~shall,~~ immediately after receiving the reg-
12 istration or change of address of an elector, SHALL prepare a
13 voter identification card for the elector. The clerk shall also
14 prepare and send a corrected voter identification card to an
15 elector affected by a change in United States representative,
16 state senatorial, state representative, or county commissioner
17 district or precinct. The clerk shall also prepare and send a
18 ~~corrected~~ voter identification card CONTAINING NO REFERENCE TO
19 A DECLARATION OF PARTY PREFERENCE to an elector who ~~changes or~~
20 ~~adds~~ MADE a declaration of party preference or no party prefer-
21 ence AS PREVIOUSLY PROVIDED UNDER THIS ACT for the purpose of
22 voting in a presidential primary election. The clerk shall for-
23 ward by first class mail the identification card to the elector
24 at the elector's registration address. The identification card
25 shall contain the name and address of the registrant ~~—~~ AND the
26 United States representative, state senatorial, state
27 representative, or county commissioner district and precinct in

1 which the registrant is an elector. ~~, and the party preference~~
2 ~~declared by the elector, if any.~~ Except as provided in section
3 500c, if the original identification card is returned to the
4 clerk by the post office, the clerk shall accept this as informa-
5 tion that the elector has moved and the clerk shall proceed in
6 conformity with section 513.

7 Sec. 500a. (1) The secretary of state or the secretary of
8 state's agent shall afford a person who appears in a department
9 of state branch office or ~~, beginning March 1, 1989,~~ a person
10 who applies for renewal of an operator's or chauffeur's license
11 under section 307 of the Michigan vehicle code, Act No. 300 of
12 the Public Acts of 1949, being section 257.307 of the Michigan
13 Compiled Laws, an opportunity to complete an application to reg-
14 ister to vote or to change the person's voting registration name
15 ~~, OR address, or, for the purpose of voting in a presidential~~
16 ~~primary election, party preference,~~ if the applicant possesses
17 the qualifications of an elector on the date of application or
18 will possess the qualifications at the next election. This sub-
19 section ~~shall not be construed to~~ DOES NOT require a registered
20 elector to periodically reregister or to renew his or her
21 registration. The application for registration made under this
22 section shall contain all of the following:

23 (a) The name of the applicant.

24 (b) The residence address of the applicant, including THE
25 street and number or rural route and box number, if any.

26 (c) The city or township and county of residence of the
27 applicant, and the school district of the applicant, if known.

1 (d) The date of birth of the applicant.

2 (e) The birthplace of the applicant.

3 (f) The driver's license or state personal identification
4 card number of the applicant, if available.

5 (g) A statement that the applicant has the qualifications of
6 an elector as of the date of applying for registration, or will
7 have the qualifications of an elector at the next election.

8 ~~(h) A space for the applicant to declare, for the purpose~~
9 ~~of voting in a presidential primary election, a party preference~~
10 ~~or that the applicant has no party preference.~~

11 (H) ~~(i)~~ A statement that the registration is not effective
12 until processed by the clerk of the city or township in which the
13 applicant resides.

14 (I) ~~(j)~~ A statement that the applicant, if qualified, may
15 vote at an election occurring not less than 30 days after the
16 date of completing the application.

17 (J) ~~(k)~~ A space to indicate the applicant's last place of
18 registration, IF ANY.

19 (K) ~~(l)~~ A statement authorizing the cancellation of regis-
20 tration at the applicant's last place of registration.

21 (L) ~~(m)~~ A space for the applicant to sign and certify to
22 the truth of the statements on the application.

23 (2) The applicant shall sign the application. Upon receipt
24 of the application, the agent shall sign the application, stamp
25 the application with a validation stamp, and provide the appli-
26 cant with a receipt verifying the registration application. The
27 agent shall promptly forward the application to the county clerk

1 of the applicant's residence or to a city or township clerk
2 designated by the secretary of state.

3 ~~(3) Until February 15, 1992, the secretary of state or the~~
4 ~~secretary of state's agent shall provide along with the applica-~~
5 ~~tion to register to vote or to change a registration under sub-~~
6 ~~section (1) a notice that contains all of the following~~
7 ~~information:~~

8 ~~(a) That, for the purpose of voting in a presidential pri-~~
9 ~~mary election, an elector must declare a party preference.~~

10 ~~(b) That, if the elector prefers to register with no party~~
11 ~~preference, the elector is not eligible to vote in a presidential~~
12 ~~primary election unless the elector declares a party preference~~
13 ~~at least 30 days before the presidential primary election.~~

14 ~~(c) That, even if the elector is currently registered to~~
15 ~~vote, the elector is not eligible to vote in a presidential pri-~~
16 ~~mary election unless the elector declares in writing to the city~~
17 ~~or township clerk a party preference at least 30 days before the~~
18 ~~presidential primary election.~~

19 ~~(d) That, if the elector declares a party preference or~~
20 ~~declares that the elector has no party preference, that declara-~~
21 ~~tion of preference remains as that elector's preference until the~~
22 ~~elector changes his or her party preference or declares that he~~
23 ~~or she has no party preference on a form prescribed by the secre-~~
24 ~~tary of state or in writing to the city or township clerk.~~

25 Sec. 501a. The election commission of a city, village, or
26 township may authorize the clerk of the city, village, or
27 township to create a registration list. The registration list

1 shall be alphabetically arranged and shall contain the name of
2 each registered elector in a precinct. The name shall be fol-
3 lowed by the address and date of birth of the elector. ~~and, for~~
4 ~~the purpose of voting in a presidential primary election, the~~
5 ~~party preference or declaration of no party preference of the~~
6 ~~elector, if any.~~ The election commission may also provide that
7 the registration list may be used instead of the precinct regis-
8 tration file wherever this act provides for the use of a precinct
9 registration file. A school district or an intermediate school
10 district may also use a registration list instead of the precinct
11 registration file ~~whenever~~ WHEREVER a precinct registration
12 file is required. A city, village, or township shall maintain a
13 file containing the signature of each elector registered in the
14 city, village, or township.

15 Sec. 523. (1) At each election, before being given a
16 ballot, each registered elector offering to vote shall identify
17 himself or herself by executing an application showing his or her
18 signature or mark and address of residence in the presence of an
19 election official. If the voter registration cards are used in
20 the precinct, the election official in charge of the precinct
21 registration file shall compare the signature upon the applica-
22 tion with the signature upon the registration card. If voter
23 registration lists are used in the precinct, the election inspec-
24 tor shall determine if the name on the application to vote
25 appears on the voter registration list. If the name appears on
26 the voter registration list, the elector shall provide further
27 identification by giving his or her date of birth or other

1 information stated upon the voter registration list. In
2 precincts using voter registration lists, the date of birth may
3 be required to be placed on the application to vote. If the sig-
4 nature or an item of information does not correspond, the vote of
5 the person shall be challenged, and the same procedure shall be
6 followed as provided in this act for the challenging of an
7 elector. If the person offering to vote has signed the registra-
8 tion card or application by making a mark, the person shall iden-
9 tify himself or herself by giving his or her date of birth, which
10 shall be compared with the date of birth stated upon the regis-
11 tration card or voter registration list, or shall give other
12 identification as may be referred to upon the registration card
13 or voter registration list.

14 (2) If, upon a comparison of the signature or other identi-
15 fication, it is found that the applicant is entitled to vote, the
16 election officer having charge of the registration list shall
17 approve the application and write his or her initials on the
18 application, after which the number on the ballot issued shall be
19 noted on the application. The application shall serve as 1 of
20 the 2 poll lists required to be kept as a record of a person who
21 has voted. The application shall be filed with the township,
22 city, or village clerk. If voter registration cards are used in
23 the precinct, the date of the election shall be noted by 1 of the
24 election officials upon the precinct registration card of each
25 elector voting at an election. If voter registration lists are
26 used in the precinct, the election official shall clearly
27 indicate upon the list each elector voting at that election. The

1 clerk of a city, village, or township shall maintain a record of
2 voting participation for each registered elector.

3 ~~(3) In addition to the requirements of subsection (1), the~~
4 ~~election official in a presidential primary election shall only~~
5 ~~allow an elector to vote the presidential primary ballot of the~~
6 ~~party preference shown on the precinct registration file of that~~
7 ~~elector under section 495a. If an elector is registered with no~~
8 ~~party preference shown on the precinct registration file of that~~
9 ~~elector, the elector shall not be allowed to vote a presidential~~
10 ~~primary ballot.~~

11 ~~(4) The record maintained by the clerk of a city or township~~
12 ~~under subsection (2) shall contain the name of the party ballot~~
13 ~~voted under subsection (3) by the elector at the presidential~~
14 ~~primary election.~~

15 Sec. 615a. (1) Except as provided in this section, the sec-
16 retary of state shall cause to be printed on the ~~ballots~~ BALLOT
17 for the presidential primary under the appropriate political
18 party heading the name of a presidential candidate notified by
19 the secretary of state under section 614a who has filed with the
20 secretary of state an affidavit indicating his or her party pref-
21 erence and willingness to have his or her name printed on ~~that~~
22 ~~party's~~ THE PRESIDENTIAL PRIMARY ballot. The affidavit shall be
23 filed with the secretary of state no later than 4 p.m. on the
24 second Friday in January in a presidential election year.

25 (2) The name of an individual who is not listed as a poten-
26 tial presidential candidate under section 614a shall be printed
27 on the ballot for the presidential primary ~~for~~ UNDER the

1 appropriate political party HEADING if he or she files an
2 affidavit as required in subsection (1) and files a nominating
3 petition with the secretary of state no later than 4 p.m. on the
4 second Friday in January in a presidential election year. The
5 nominating petition shall contain valid signatures of registered
6 and qualified electors equal to not less than 1/2 of 1% of the
7 total votes cast in the state at the previous presidential elec-
8 tion for the presidential candidate of the political party for
9 which the individual is seeking this nomination. However, the
10 total number of signatures required on a nominating petition
11 under this subsection shall not exceed 1,000 times the total
12 number of ~~Congressional~~ CONGRESSIONAL districts in this state.
13 A signature on a nominating petition is not valid if obtained
14 before November 1 of the year before the presidential election
15 year in which the individual seeks nomination. The nominating
16 petitions shall conform to the requirements of this act regarding
17 nominating petitions which requirements are not inconsistent with
18 this subsection.

19 (3) The names of the presidential candidates UNDER EACH
20 POLITICAL PARTY HEADING shall be rotated on the ballot. The
21 ballot shall contain a space for an elector to vote uncommitted.

22 Section 2. Section 506a of Act No. 116 of the Public Acts
23 of 1954, being section 168.506a of the Michigan Compiled Laws, is
24 repealed.