

HOUSE BILL No. 5198

October 1, 1991, Introduced by Reps. Niederstadt, Porreca, Profit, Bennett, Weeks, Randall, Palamara, McNutt, Bender, Olshove, Anthony, Griffin and Byrum and referred to the Committee on Elections.

A bill to amend sections 495, 495a, 499, 499c, 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 and section 499c as added by Act No. 142 of the Public Acts of 1989, being sections 168.495, 168.495a, 168.499, 168.499c, 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, 499c, 500a, 501a, 523,
2 and 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 and section 499c
5 as added by Act No. 142 of the Public Acts of 1989, being

1 sections 168.495, 168.495a, 168.499, 168.499c, 168.500a,
2 168.501a, 168.523, and 168.615a of the Michigan Compiled Laws,
3 are amended to read as follows:

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

6 (a) The name of the elector. .

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

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

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

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

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

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

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

25 (i) A statement that the elector is or will be a qualified
26 elector of the township, city, or village on the date of the next
27 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. 499c. (1) A county, township, or city clerk may accept
8 a registration application under this section from any person who
9 possesses the qualifications of an elector and shall forward the
10 application to the appropriate township or city clerk. Except as
11 provided in subsection (6), a deputy registrar shall not accept a
12 registration application from an elector who resides outside of
13 the county, township, or city for which he or she was appointed
14 deputy registrar.

15 (2) A person may complete an application to register to vote
16 or to change the person's voter registration name or address, if
17 the applicant possesses the qualifications of an elector on the
18 date of application or will possess the qualifications at the
19 next election. This subsection shall 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 and the apartment
26 number, if any.

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

3 (d) The birthplace and ~~birth~~ date OF BIRTH of the
4 applicant.

5 (e) The driver's license or state personal identification
6 card number of the applicant, if available.

7 (f) A statement that the applicant has the qualifications of
8 an elector as of the date of applying for registration or will
9 have the qualifications of an elector at the next election.

10 (g) A statement that the applicant, if qualified, may vote
11 at an election occurring not less than 30 days after the date of
12 completing the application.

13 (h) A space to indicate the applicant's last place of regis-
14 tration, if known, or the last place of residence.

15 (i) A statement authorizing the cancellation of registration
16 at the applicant's last place of registration.

17 (j) A space for the applicant to sign and certify to the
18 truth of the statements on the application.

19 (k) A space to record a serial number assigned to the
20 applicant.

21 ~~(l) For the purpose of voting in a presidential primary~~
22 ~~election, a space for the elector to declare a party preference~~
23 ~~or that the elector has no party preference and the notice~~
24 ~~required by section 495(2).~~

25 (3) A county, township, or city clerk or deputy registrar
26 receiving a completed application shall require the applicant to
27 certify to the truth of the statements contained in the

1 application. The clerk or deputy shall validate the application
2 with his or her signature and printed name and provide the appli-
3 cant with a receipt verifying the registration application.

4 (4) A deputy registrar shall return a completed voter regis-
5 tration application to his or her appointing clerk within the
6 time prescribed by the appointing clerk, but not later than 4
7 p.m. on the first business day after the last day to register for
8 an election.

9 (5) A county clerk shall forward a completed application to
10 the appropriate local clerk as soon as possible, but not later
11 than 4 p.m. on the second business day after the last day to reg-
12 ister for an election.

13 (6) A township or city clerk may enter into a written agree-
14 ment with another township or city clerk to permit a deputy reg-
15 istrar appointed in the township or city of 1 clerk to take voter
16 registration applications in the other clerk's jurisdiction. An
17 application received by a township or city clerk under an agree-
18 ment described in this subsection shall be promptly forwarded to
19 the appropriate township or city clerk.

20 (7) After ~~the effective date of the amendatory act that~~
21 ~~added this section~~ AUGUST 29, 1989, a person who registers to
22 vote in a township ~~shall be~~ IS considered registered to vote in
23 a village within that township in which the person resides. The
24 clerk of the township shall transmit to the village clerk all
25 information necessary to complete the village registration. A
26 person who registers to vote in a village ~~shall be~~ IS
27 considered registered to vote in the township in which the person

1 resides. The clerk of the village shall transmit to the township
2 clerk all information necessary to complete the township regis-
3 tration if the person is not already registered in the township.

4 (8) The secretary of state shall develop, print, and dis-
5 tribute to county, township, and city clerks a uniform registra-
6 tion application form for use in registering voters under this
7 section. A county, township, or city clerk shall not impose
8 unreasonable limits on the number of registration application
9 forms provided to a deputy registrar but may maintain a record of
10 the forms provided to each deputy registrar.

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

- 1 (a) The name of the applicant.
- 2 (b) The residence address of the applicant, including THE
3 street and number or rural route and box number, if any.
- 4 (c) The city or township and county of residence of the
5 applicant, and the school district of the applicant, if known.
- 6 (d) The date of birth of the applicant.
- 7 (e) The birthplace of the applicant.
- 8 (f) The driver's license or state personal identification
9 card number of the applicant, if available.
- 10 (g) A statement that the applicant has the qualifications of
11 an elector as of the date of applying for registration, or will
12 have the qualifications of an elector at the next election.
- 13 ~~(h) A space for the applicant to declare, for the purpose~~
14 ~~of voting in a presidential primary election, a party preference~~
15 ~~or that the applicant has no party preference.~~
- 16 (H) ~~(i)~~ A statement that the registration is not effective
17 until processed by the clerk of the city or township in which the
18 applicant resides.
- 19 (I) ~~(j)~~ A statement that the applicant, if qualified, may
20 vote at an election occurring not less than 30 days after the
21 date of completing the application.
- 22 (J) ~~(k)~~ A space to indicate the applicant's last place of
23 registration, IF ANY.
- 24 (K) ~~(l)~~ A statement authorizing the cancellation of regis-
25 tration at the applicant's last place of registration.
- 26 (L) ~~(m)~~ A space for the applicant to sign and certify to
27 the truth of the statements on the application.

1 (2) The applicant shall sign the application. Upon receipt
2 of the application, the agent shall sign the application, stamp
3 the application with a validation stamp, and provide the appli-
4 cant with a receipt verifying the registration application. The
5 agent shall promptly forward the application to the county clerk
6 of the applicant's residence or to a city or township clerk des-
7 igned by the secretary of state.

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

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

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

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

24 ~~(d) That, if the elector declares a party preference or~~
25 ~~declares that the elector has no party preference, that declara-~~
26 ~~tion of preference remains as that elector's preference until the~~
27 ~~elector changes his or her party preference or declares that he~~

~~1 or she has no party preference on a form prescribed by the~~
~~2 secretary of state or in writing to the city or township clerk.~~

3 Sec. 501a. The election commission of a city, village, or
4 township may authorize the clerk of the city, village, or town-
5 ship to create a registration list. The registration list shall
6 be alphabetically arranged and shall contain the name of each
7 registered elector in a precinct. The name shall be followed by
8 the address and date of birth of the elector. ~~and, for the pur-~~
9 ~~pose of voting in a presidential primary election, the party~~
10 ~~preference or declaration of no party preference of the elector,~~
11 ~~if any.~~ The election commission may also provide that the regis-
12 tration list may be used instead of the precinct registration
13 file wherever this act provides for the use of a precinct regis-
14 tration file. A school district or an intermediate school dis-
15 trict may also use a registration list instead of the precinct
16 registration file ~~whenever~~ WHEN a precinct registration file is
17 required. A city, village, or township shall maintain a file
18 containing the signature of each elector registered in the city,
19 village, or township.

20 Sec. 523. (1) At each election, before being given a
21 ballot, each registered elector offering to vote shall identify
22 himself or herself by executing an application showing his or her
23 signature or mark and address of residence in the presence of an
24 election official. If the voter registration cards are used in
25 the precinct, the election official in charge of the precinct
26 registration file shall compare the signature upon the
27 application with the signature upon the registration card. If

1 voter registration lists are used in the precinct, the election
2 inspector shall determine if the name on the application to vote
3 appears on the voter registration list. If the name appears on
4 the voter registration list, the elector shall provide further
5 identification by giving his or her date of birth or other infor-
6 mation stated upon the voter registration list. In precincts
7 using voter registration lists, the date of birth may be required
8 to be placed on the application to vote. If the signature or an
9 item of information does not correspond, the vote of the person
10 shall be challenged, and the same procedure shall be followed as
11 provided in this act for the challenging of an elector. If the
12 person offering to vote has signed the registration card or
13 application by making a mark, the person shall identify himself
14 or herself by giving his or her date of birth, which shall be
15 compared with the date of birth stated upon the registration card
16 or voter registration list, or shall give other identification as
17 may be referred to upon the registration card or voter registra-
18 tion list.

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

1 the precinct, the date of the election shall be noted by 1 of the
2 election officials upon the precinct registration card of each
3 elector voting at an election. If voter registration lists are
4 used in the precinct, the election official shall clearly indi-
5 cate upon the list each elector voting at that election. The
6 clerk of a city, village, or township shall maintain a record of
7 voting participation for each registered elector.

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

16 ~~(4) The record maintained by the clerk of a city or township~~
17 ~~under subsection (2) shall contain the name of the party ballot~~
18 ~~voted under subsection (3) by the elector at the presidential~~
19 ~~primary election.~~

20 Sec. 615a. (1) Except as provided in this section, the sec-
21 retary of state shall cause to be printed on the ~~ballots~~ BALLOT
22 for the presidential primary under the appropriate political
23 party heading the name of a presidential candidate notified by
24 the secretary of state under section 614a who has filed with the
25 secretary of state an affidavit indicating his or her party pref-
26 erence and willingness to have his or her name printed on ~~that~~
27 ~~party's~~ THE PRESIDENTIAL PRIMARY ballot. The affidavit shall be

1 filed with the secretary of state no later than 4 p.m. on the
2 second Friday in January in a presidential election year.

3 (2) The name of an individual who is not listed as a poten-
4 tial presidential candidate under section 614a shall be printed
5 on the ballot for the presidential primary ~~for~~ UNDER the appro-
6 priate political party HEADING if he or she files an affidavit as
7 required in subsection (1) and files a nominating petition with
8 the secretary of state no later than 4 p.m. on the second Friday
9 in January in a presidential election year. The nominating peti-
10 tion shall contain valid signatures of registered and qualified
11 electors equal to not less than $1/2$ of 1% of the total votes cast
12 in the state at the previous presidential election for the presi-
13 dential candidate of the political party for which the individual
14 is seeking this nomination. However, the total number of signa-
15 tures required on a nominating petition under this subsection
16 shall not exceed 1,000 times the total number of ~~Congressional~~
17 CONGRESSIONAL districts in this state. A signature on a nominat-
18 ing petition is not valid if obtained before November 1 of the
19 year before the presidential election year in which the individ-
20 ual seeks nomination. The nominating petitions shall conform to
21 the requirements of this act regarding nominating petitions which
22 requirements are not inconsistent with this subsection.

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

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