

# HOUSE BILL No. 5807

May 6, 1992, Introduced by Reps. DeBeaussaert, Hickner, Ciaramitaro, Weeks, Pitoniak, Gire, Kosteva, Baade, DeMars, Anthony and Gubow and referred to the Committee on Elections.

A bill to amend sections 495, 499, 499c, 500a, 501a, 509f, 523, 613a, 615a, 616a, and 619 of Act No. 116 of the Public Acts of 1954, entitled

"Michigan election law,"

sections 495, 499, 500a, 501a, 523, and 619 as amended and sections 613a, 615a, and 616a as added by Act No. 275 of the Public Acts of 1988 and sections 499c and 509f as added by Act No. 142 of the Public Acts of 1989, being sections 168.495, 168.499, 168.499c, 168.500a, 168.501a, 168.509f, 168.523, 168.613a, 168.615a, 168.616a, and 168.619 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, 499, 499c, 500a, 501a, 509f, 523,  
2 613a, 615a, 616a, and 619 of Act No. 116 of the Public Acts of  
3 1954, sections 495, 499, 500a, 501a, 523, and 619 as amended and

1 sections 613a, 615a, and 616a as added by Act No. 275 of the  
2 Public Acts of 1988 and sections 499c and 509f as added by Act  
3 No. 142 of the Public Acts of 1989, being sections 168.495,  
4 168.499, 168.499c, 168.500a, 168.501a, 168.509f, 168.523,  
5 168.613a, 168.615a, 168.616a, and 168.619 of the Michigan  
6 Compiled Laws, are amended to read as follows:

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

9       (a) The name of the elector.

10       (b) The residence address OF THE ELECTOR, INCLUDING THE  
11 street and number or rural route and box number, if any. ~~—of~~  
12 ~~the elector.~~

13       (c) The birthplace and ~~birth~~ date OF BIRTH of the  
14 elector.

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

17       (e) A statement that the elector is a citizen of the United  
18 States.

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

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

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

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

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

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

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

13 ~~(a) That, for the purpose of voting in a presidential pri-~~  
14 ~~mary election, the 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 currently registered to vote, the elector~~  
20 ~~is not eligible to vote in a presidential primary election unless~~  
21 ~~the elector declares in writing to the city or township clerk a~~  
22 ~~party preference at least 30 days before the presidential primary~~  
23 ~~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 (3) Until February 15, 1992, the city or township clerk  
4 shall provide each elector who votes in an election in that city  
5 or township the notice required under subsection (2) on a form  
6 prescribed by the secretary of state on which an elector may  
7 declare his or her party preference or that the elector has no  
8 party preference for the purpose of voting in a presidential pri-  
9 mary election.~~

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

14 Sec. 499. (1) An elector entitled to registration in an  
15 election precinct may become registered in the precinct by apply-  
16 ing in person and executing in duplicate the registration affida-  
17 vit and swearing to and signing the affidavit before the clerk or  
18 assistant clerk of the township, city, or village in which the  
19 precinct is located. ~~Every~~ THE clerk ~~and~~ OR assistant clerk  
20 ~~of the townships, cities, and villages in this state~~ shall  
21 require ~~an~~ THE applicant for registration to answer under oath  
22 a question touching the elector's qualification as an elector.  
23 For the performance of ~~their~~ HIS OR HER duties under this act,  
24 ~~every~~ EACH clerk and assistant clerk has the power to adminis-  
25 ter oaths and to swear persons as to the truth of statements con-  
26 tained in affidavits. For ~~the more perfect~~ A BETTER  
27 examination of the applicant, a clerk may employ and swear an

1 interpreter to interpret all questions put to applicants and the  
2 answers to those questions. If the applicant, in answer to a  
3 question or in the registration affidavit, makes a material  
4 statement that is false, the applicant is guilty of a  
5 misdemeanor.

6 (2) After the registration affidavit is executed in dupli-  
7 cate by the applicant, if the applicant is entitled to registra-  
8 tion, the clerk or assistant clerk shall sign in his or her own  
9 hand and note on the card the acceptance of the registration. If  
10 the registration is refused, the clerk shall destroy the card of  
11 the applicant. A registration card accepted before January 15,  
12 1964, on which the signature of the clerk or assistant clerk is  
13 typewritten or stamped is valid as to that signature. ~~All~~  
14 ~~cards~~ CARDS validated by this section shall be designated as  
15 prescribed by the secretary of state.

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

21 (4) The clerk, ~~shall,~~ immediately after receiving the reg-  
22 istration or change of address of an elector, SHALL prepare a  
23 voter identification card for the elector. The clerk shall also  
24 prepare and send a corrected voter identification card to an  
25 elector affected by a change in United States representative,  
26 state senatorial, state representative, or county commissioner  
27 district or precinct. ~~The clerk shall also prepare and send a~~

~~1 corrected voter identification card to an elector who changes or~~  
~~2 adds a declaration of party preference or no party preference for~~  
~~3 the purpose of voting in a presidential primary election.~~ The  
4 clerk shall forward by first-class mail the identification card  
5 to the elector at the elector's registration address. The iden-  
6 tification card shall contain the name and address of the regis-  
7 trant ~~—~~ AND the United States representative, state senatorial,  
8 state representative, or county commissioner district and pre-  
9 cinct in which the registrant is an elector. ~~—, and the party~~  
10 ~~preference declared by the elector, if any.~~ Except as provided  
11 in section 500c, if the original identification card is returned  
12 to the clerk by the post office, the clerk shall accept this as  
13 information that the elector has moved and the clerk shall pro-  
14 ceed in conformity with section 513.

15       Sec. 499c. (1) A county, township, or city clerk may accept  
16 a registration application under this section from any person who  
17 possesses the qualifications of an elector and shall forward the  
18 application to the appropriate township or city clerk. Except as  
19 provided in subsection (6), a deputy registrar shall not accept a  
20 registration application from an elector who resides outside of  
21 the county, township, or city for which he or she was appointed  
22 deputy registrar.

23       (2) A person may complete an application to register to vote  
24 or to change the person's voter registration name or address, if  
25 the applicant possesses the qualifications of an elector on the  
26 date of application or will possess the qualifications at the  
27 next election. This subsection ~~shall~~ DOES not require a

1 registered elector to periodically reregister or to renew his or  
2 her registration. The application for registration made under  
3 this section shall contain all of the following:

4 (a) The name of the applicant.

5 (b) The residence address of the applicant, including the  
6 street and number or rural route and box number and the apartment  
7 number, if any.

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

10 (d) The birthplace and ~~birth~~ date OF BIRTH of the  
11 applicant.

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

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

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

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

22 (i) A statement authorizing the cancellation of registration  
23 at the applicant's last place of registration, IF ANY.

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

26 (k) A space to record a serial number assigned to the  
27 applicant.

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

5       (3) A county, township, or city clerk or deputy registrar  
6 receiving a completed application shall require the applicant to  
7 certify to the truth of the statements contained in the  
8 application. The clerk or deputy shall validate the application  
9 with his or her signature and printed name and provide the appli-  
10 cant with a receipt verifying the registration application.

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

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

20       (6) A township or city clerk may enter into a written agree-  
21 ment with another township or city clerk to permit a deputy reg-  
22 istrar appointed in the township or city of 1 clerk to take voter  
23 registration applications in the other clerk's jurisdiction. An  
24 application received by a township or city clerk under an agree-  
25 ment described in this subsection shall be promptly forwarded to  
26 the appropriate township or city clerk.



1 (7) After ~~the effective date of the amendatory act that~~  
2 ~~added this section~~ AUGUST 29, 1989, a person who registers to  
3 vote in a township ~~shall be~~ IS considered registered to vote in  
4 a village within that township in which the person resides. The  
5 clerk of the township shall transmit to the village clerk all  
6 information necessary to complete the village registration. A  
7 person who registers to vote in a village shall be considered  
8 registered to vote in the township in which the person resides.  
9 The clerk of the village shall transmit to the township clerk all  
10 information necessary to complete the township registration if  
11 the person is not already registered in the township.

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

19 Sec. 500a. (1) The secretary of state or the secretary of  
20 state's agent shall afford a person who appears in a department  
21 of state branch office or ~~, beginning March 1, 1989,~~ a person  
22 who applies for renewal of an operator's or chauffeur's license  
23 under section 307 of the Michigan vehicle code, Act No. 300 of  
24 the Public Acts of 1949, being section 257.307 of the Michigan  
25 Compiled Laws, an opportunity to complete an application to reg-  
26 ister to vote or to change the person's voting registration name  
27 ~~OR address, or, for the purpose of voting in a presidential~~

1 ~~primary election, party preference,~~ if the applicant possesses  
2 the qualifications of an elector on the date of application or  
3 will possess the qualifications at the next election. This sub-  
4 section ~~shall not be construed to~~ DOES NOT require a registered  
5 elector to periodically reregister or to renew his or her  
6 registration. The application for registration made under this  
7 section shall contain all of the following:

8 (a) The name of the applicant.

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

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

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

14 (e) The birthplace of the applicant.

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

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

20 ~~-(h) A space for the applicant to declare, for the purpose~~  
21 ~~of voting in a presidential primary election, a party preference~~  
22 ~~or that the applicant has no party preference.~~

23 (H) ~~-(i)~~ A statement that the registration is not effective  
24 until processed by the clerk of the city or township in which the  
25 applicant resides.

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

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

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

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

10 (2) The applicant shall sign the application. Upon receipt  
11 of the application, the agent shall sign the application, stamp  
12 the application with a validation stamp, and provide the appli-  
13 cant with a receipt verifying the registration application. The  
14 agent shall promptly forward the application to the county clerk  
15 of the applicant's residence or to a city or township clerk des-  
16 ignated by the secretary of state.

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

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

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

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

6       ~~(d) That, if the elector declares a party preference or~~  
7 ~~declares that the elector has no party preference, that declara-~~  
8 ~~tion of preference remains as that elector's preference until the~~  
9 ~~elector changes his or her party preference or declares that he~~  
10 ~~or she has no party preference on a form prescribed by the secre-~~  
11 ~~tary of state or in writing to the city or township clerk.~~

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

1 containing the signature of each elector registered in the city,  
2 village, or township.

3 Sec. 509f. In standard computer file format, the state and  
4 each county file shall contain all of the following information  
5 for each registered ~~voter~~ ELECTOR:

6 (a) The driver's license number or state personal identifi-  
7 cation card number issued by the secretary of state, if  
8 available. The secretary of state may require an additional  
9 identification number for processing purposes.

10 (b) The name; residence address, including the street and  
11 number or rural route and box number and the apartment number, if  
12 any; city; state; zip code; sex; and date of birth.

13 (c) Jurisdictional information including county, township,  
14 city, village, and school district of residence.

15 (d) Precinct number and ward number, if applicable.

16 (e) Date of last registration transaction.

17 (f) Voting history for a 5-year period, except that the  
18 voting history shall not begin earlier than the 1989 August pri-  
19 mary election. ~~after the effective date of the amendatory act~~  
20 ~~that added this section.~~

21 (g) Elective district information including state senate,  
22 state representative, congressional, and county commissioner dis-  
23 tricts of residence.

24 ~~(h) For the purpose of voting in a presidential primary~~  
25 ~~election, the voter's party preference or that the voter has no~~  
26 ~~party preference.~~

1 (H) ~~(i)~~ Any other information to facilitate the election  
2 process as prescribed by the secretary of state.

3 Sec. 523. (1) At each election, before being given a  
4 ballot, each registered elector offering to vote shall identify  
5 himself or herself by executing an application showing his or her  
6 signature or mark and address of residence in the presence of an  
7 election official. AT A STATEWIDE PRESIDENTIAL PRIMARY ELECTION,  
8 THE APPLICATION SHALL CONTAIN A SPACE FOR THE ELECTOR TO DECLARE  
9 THAT HE OR SHE IS APPLYING TO VOTE IN THE CLOSED DEMOCRATIC PRES-  
10 IDENTIAL PRIMARY ELECTION, THE CLOSED REPUBLICAN PRESIDENTIAL  
11 PRIMARY ELECTION, OR THE INDEPENDENT PRESIDENTIAL PRIMARY  
12 ELECTION. If ~~the~~ voter registration cards are used in the pre-  
13 cinct, the election official in charge of the precinct registra-  
14 tion file shall compare the signature upon the application with  
15 the signature upon the registration card. If A voter registra-  
16 tion ~~lists are~~ LIST IS used in the precinct, the election  
17 inspector shall determine if the name on the application to vote  
18 appears on the voter registration list. If the name appears on  
19 the voter registration list, the elector shall provide further  
20 identification by giving his or her date of birth or other infor-  
21 mation stated upon the voter registration list. In ~~precincts~~ A  
22 PRECINCT using A voter registration ~~lists~~ LIST, the date of  
23 birth may be required to be placed on the application to vote.  
24 If the signature or an item of information does not correspond,  
25 the vote of the person shall be challenged, and the same proce-  
26 dure shall be followed as provided in this act for the  
27 challenging of an elector. If the person offering to vote has

1 signed the registration card or application by making a mark, the  
2 person shall identify himself or herself by giving his or her  
3 date of birth, which shall be compared with the date of birth  
4 stated upon the registration card or voter registration list, or  
5 shall give other identification as may be referred to upon the  
6 registration card or voter registration list.

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

24       (3) In addition to the requirements of subsection (1), the  
25 election official in a STATEWIDE presidential primary election  
26 shall only allow an elector to vote the presidential primary  
27 ballot of the party ~~preference~~ shown on ~~the precinct~~

1 ~~registration file of that elector under section 495a~~ THAT  
2 ELECTOR'S APPLICATION TO VOTE UNDER SUBSECTION (1). If an elec-  
3 tor ~~is registered with no~~ DOES NOT DECLARE A party ~~preference~~  
4 ~~shown~~ BALLOT on the ~~precinct registration file of that elector~~  
5 APPLICATION TO VOTE, the elector shall ~~not~~ ONLY be allowed to  
6 vote ~~a~~ THE INDEPENDENT presidential primary ballot.

7 (4) The record maintained by the clerk of a city or township  
8 under subsection (2) shall contain the name of the ~~party~~ ballot  
9 voted under subsection (3) by the elector at the presidential  
10 primary election.

11 Sec. 613a. (1) A statewide presidential primary election  
12 shall be conducted under this act on the third Tuesday in March  
13 in each presidential election year.

14 (2) A political party that received 5% or less of the total  
15 vote cast nationwide for the office of president in the last  
16 presidential election shall not participate in the presidential  
17 primary election.

18 (3) THE STATEWIDE PRESIDENTIAL PRIMARY ELECTION SHALL CON-  
19 SIST OF THE FOLLOWING:

20 (A) A CLOSED DEMOCRATIC PRESIDENTIAL PRIMARY ELECTION IN  
21 WHICH ONLY THOSE ELECTORS WHO DECLARE THAT THEY ARE APPLYING TO  
22 VOTE IN THE CLOSED DEMOCRATIC PRESIDENTIAL PRIMARY ELECTION MAY  
23 VOTE. THE VOTES COMPILED FROM THE CLOSED DEMOCRATIC PRESIDENTIAL  
24 PRIMARY ELECTION MAY BE USED FOR THE SELECTION OF DELEGATES TO  
25 DEMOCRATIC CONVENTIONS.

26 (B) A CLOSED REPUBLICAN PRESIDENTIAL PRIMARY ELECTION IN  
27 WHICH ONLY THOSE ELECTORS WHO DECLARE THAT THEY ARE APPLYING TO



1 VOTE IN THE CLOSED REPUBLICAN PRESIDENTIAL PRIMARY ELECTION MAY  
2 VOTE. THE VOTES COMPILED FROM THE CLOSED REPUBLICAN PRESIDENTIAL  
3 PRIMARY ELECTION MAY BE USED FOR THE SELECTION OF DELEGATES TO  
4 REPUBLICAN CONVENTIONS.

5 (C) AN INDEPENDENT PRESIDENTIAL PRIMARY ELECTION IN WHICH  
6 THOSE ELECTORS WHO DECLARE THAT THEY ARE APPLYING TO VOTE IN THE  
7 INDEPENDENT PRESIDENTIAL PRIMARY ELECTION AND THOSE ELECTORS WHO  
8 DO NOT MAKE A DECLARATION MAY VOTE. THE VOTES COMPILED FROM THE  
9 INDEPENDENT PRESIDENTIAL PRIMARY ELECTION SHALL NOT BE USED FOR  
10 THE SELECTION OF DELEGATES TO ANY PARTY CONVENTION.

11 Sec. 615a. (1) Except as provided in this section, the sec-  
12 retary of state shall cause to be printed on the ballots for the  
13 presidential primary under the appropriate political party head-  
14 ing the name of a presidential candidate notified by the secre-  
15 tary of state under section 614a who has filed with the secretary  
16 of state an affidavit indicating his or her party preference and  
17 willingness to have his or her name printed on that party's  
18 ballot. The affidavit shall be filed with the secretary of state  
19 no later than 4 p.m. on the second Friday in January in a presi-  
20 dential election year. THE SECRETARY OF STATE SHALL CAUSE AN  
21 INDEPENDENT PRESIDENTIAL PRIMARY BALLOT TO BE PRINTED IN ORDER TO  
22 ACCOMMODATE ELECTORS WHO DO NOT WANT TO PARTICIPATE IN THE CLOSED  
23 DEMOCRATIC PRESIDENTIAL PRIMARY ELECTION OR THE CLOSED REPUBLICAN  
24 PRESIDENTIAL PRIMARY ELECTION AS PROVIDED IN SECTION 613A.

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 the appropriate

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

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

22 Sec. 616a. (1) The board of state canvassers shall canvass  
23 the returns received from the boards of county canvassers and  
24 certify the statewide and congressional district results of the  
25 CLOSED DEMOCRATIC PRESIDENTIAL PRIMARY ELECTION, THE CLOSED  
26 REPUBLICAN PRESIDENTIAL PRIMARY ELECTION, AND THE INDEPENDENT  
27 presidential primary election to the secretary of state.

1 (2) The secretary of state shall certify the statewide and  
2 congressional district results of the presidential primary elec-  
3 tion to the chairperson of the state central committee of each  
4 participating political party.

5 (3) Notwithstanding sections 831 and 847 or an administra-  
6 tive rule promulgated pursuant to section 794c, after the canvass  
7 by the board of state canvassers under subsection (1), the secre-  
8 tary of state may authorize the immediate release of all ballots,  
9 ballot boxes, voting machines, and equipment used in each pre-  
10 cinct of a city that conducts a city election in the first week  
11 of April if both of the following requirements are met:

12 (a) The county clerk certifies that no defect in or mechani-  
13 cal malfunction of a voting machine, voting device, ballot, or  
14 other election equipment or material was discovered or alleged  
15 before the date of the completion of the state canvass.

16 (b) The county clerk certifies that no other election for  
17 offices or questions appeared on the same election equipment used  
18 in the precinct for the presidential primary election.

19 Sec. 619. (1) National convention delegates elected under  
20 this act shall be elected on a basis that insures that the pro-  
21 portion of the total national convention delegation that is  
22 uncommitted or is committed to each presidential candidate  
23 equals, as near as is practicable, the proportion of the popular  
24 vote that was cast as uncommitted or for each respective presi-  
25 dential candidate of the particular political party's total popu-  
26 lar vote at ~~the~~ THAT POLITICAL PARTY'S CLOSED presidential  
27 primary election. The determination of these proportions shall

1 only include the votes cast as uncommitted, or for a particular  
2 presidential candidate, if the total vote cast as uncommitted, or  
3 for that particular presidential candidate, equals at least 5% of  
4 the total vote cast for all presidential candidates or as uncom-  
5 mitted for that political party at that PARTY'S CLOSED presiden-  
6 tial primary election.

7       (2) Before an individual may be elected as a delegate to the  
8 national convention of a political party, that individual shall  
9 file an affidavit as required under section 562b. If the indi-  
10 vidual names a presidential candidate in the affidavit under  
11 section 562b(1)(a), that individual shall also be certified by  
12 the presidential candidate or the presidential candidate's desig-  
13 nee as a delegate committed to that presidential candidate. A  
14 national convention delegate shall be bound to vote for the pres-  
15 idential candidate for whom he or she designated commitment, if  
16 any, under section 562b and as certified by the presidential can-  
17 didate or the presidential candidate's designee under this sec-  
18 tion before the delegate is elected as a national delegate until  
19 the end of the first ballot at the national convention. However,  
20 a national convention delegate is released from that commitment  
21 by the withdrawal of that presidential candidate from contention  
22 for that party's nomination or by written release of that presi-  
23 dential candidate to the chairperson of the national convention,  
24 whichever is earliest.

25       (3) If a vacancy occurs in the elected delegation, it shall  
26 be filled by an alternate selected by the caucus for the  
27 candidate to whom the original delegate was committed, and the

1 alternate shall be required to meet the same qualifications of  
2 the delegate being replaced.

3       (4) A person who is a delegate at large to a state conven-  
4 tion of his or her political party only by virtue of being a  
5 member of the state legislature as provided in section 595a shall  
6 not participate in the selecting of delegates to his or her  
7 political party's national convention. This subsection does not  
8 prohibit that person from participating in other convention  
9 business. Neither this provision nor any other provision of law  
10 shall be understood to restrict the opportunity of any registered  
11 elector in the state, including all public officials, to be  
12 elected as a delegate to any county, district, state, or national  
13 convention of the elector's political party.

14       Section 2. Sections 495a and 506a of Act No. 116 of the  
15 Public Acts of 1954, being sections 168.495a and 168.506a of the  
16 Michigan Compiled Laws, are repealed.