

SENATE BILL No. 469

September 11, 1991, Introduced by Senators N. SMITH, SCHWARZ, GAST, EMMONS, CISKY, FAUST, BARCIA, KOIVISTO, DE GROW, CARL, HONIGMAN, STABENOW, BERRYMAN and GEAKE and referred to the Committee on Government Operations.

A bill to amend sections 495, 500a, 506a, and 523 of Act No. 116 of the Public Acts of 1954, entitled "Michigan election law," sections 495, 500a, and 523 as amended and section 506a as added by Act No. 275 of the Public Acts of 1988, being sections 168.495, 168.500a, 168.506a, and 168.523 of the Michigan Compiled Laws; and to add section 506b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 495, 500a, 506a, and 523 of Act No. 116
2 of the Public Acts of 1954, sections 495, 500a, and 523 as
3 amended and section 506a as added by Act No. 275 of the Public
4 Acts of 1988, being sections 168.495, 168.500a, 168.506a, and
5 168.523 of the Michigan Compiled Laws, are amended and section
6 506b is added to read as follows:

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

3 (a) The name of the elector.

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

7 (c) The birthplace and ~~birth~~ date OF BIRTH of the
8 elector.

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

11 (e) A statement that the elector is a citizen of the United
12 States.

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

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

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

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

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

1 (k) 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.

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

8 (a) That, for the purpose of voting in a presidential pri-
9 mary election, the 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~~ TO
14 THE CITY OR TOWNSHIP CLERK BEFORE THE DAY OF THE PRESIDENTIAL
15 PRIMARY ELECTION OR TO AN ELECTION OFFICIAL AT THE POLLS IN THAT
16 PERSON'S PRECINCT ON THE DAY OF THE PRESIDENTIAL PRIMARY
17 ELECTION.

18 (c) That, even if currently registered to vote, the elector
19 is not eligible to vote in a presidential primary election unless
20 the elector declares ~~in writing to the city or township clerk a~~
21 ~~party preference at least 30 days before the presidential primary~~
22 ~~election~~ A PARTY PREFERENCE TO THE CITY OR TOWNSHIP CLERK BEFORE
23 THE DAY OF THE PRESIDENTIAL PRIMARY ELECTION OR TO AN ELECTION
24 OFFICIAL AT THE POLLS IN THAT PERSON'S PRECINCT ON THE DAY OF THE
25 PRESIDENTIAL PRIMARY ELECTION.

26 (d) That, if the elector declares a party preference or
27 declares that the elector has no party preference, that

1 declaration ~~of preference~~ remains as that elector's
2 ~~preference~~ DECLARATION until the elector changes ~~his or her~~
3 ~~party preference or declares that he or she has no party prefer-~~
4 ~~ence on a form prescribed by the secretary of state or in writing~~
5 ~~to the city or township clerk~~ IT BY APPLICATION TO THE CITY OR
6 TOWNSHIP CLERK BEFORE THE DAY OF THE PRESIDENTIAL PRIMARY ELEC-
7 TION OR TO AN ELECTION OFFICIAL AT THE POLLS IN THAT PERSON'S
8 PRECINCT ON THE DAY OF THE PRESIDENTIAL PRIMARY ELECTION.

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

16 (4) The secretary of state shall provide to each county
17 clerk for distribution to the city and township clerks in the
18 county a sufficient number of the notices required for distribu-
19 tion to electors under subsections (2) and (3).

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

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

- 9 (a) The name of the applicant.
- 10 (b) The residence address of the applicant including street
11 and number or rural route and box number, if any.
- 12 (c) The city or township and county of residence of the
13 applicant, and the school district of the applicant if known.
- 14 (d) The BIRTHPLACE AND date of birth of the applicant.
- 15 ~~(e) The birthplace of the applicant.~~
- 16 (E) ~~-(f)-~~ The driver's license or state personal identifica-
17 tion card number of the applicant, if available.
- 18 (F) ~~-(g)-~~ A statement that the applicant has the qualifica-
19 tions of an elector as of the date of applying for registration,
20 or will have the qualifications of an elector at the next
21 election.
- 22 (G) ~~-(h)-~~ A space for the applicant to declare, for the pur-
23 pose of voting in a presidential primary election, a party pref-
24 erence or that the applicant has no party preference.
- 25 (H) ~~-(i)-~~ A statement that the registration is not effective
26 until processed by the clerk of the city or township in which the
27 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~~ TO

1 THE CITY OR TOWNSHIP CLERK BEFORE THE DAY OF THE PRESIDENTIAL
2 PRIMARY ELECTION OR TO AN ELECTION OFFICIAL AT THE POLLS IN THAT
3 PERSON'S PRECINCT ON THE DAY OF THE PRESIDENTIAL PRIMARY
4 ELECTION.

5 (c) That, even if the elector is currently registered to
6 vote, the elector is not eligible to vote in a presidential pri-
7 mary election unless the elector declares ~~in writing to the city~~
8 ~~or township clerk a party preference at least 30 days before the~~
9 ~~presidential primary election~~ A PARTY PREFERENCE TO THE CITY OR
10 TOWNSHIP CLERK BEFORE THE DAY OF THE PRESIDENTIAL PRIMARY ELEC-
11 TION OR TO AN ELECTION OFFICIAL AT THE POLLS IN THAT PERSON'S
12 PRECINCT ON THE DAY OF THE PRESIDENTIAL PRIMARY ELECTION.

13 (d) That, if the elector declares a party preference or
14 declares that the elector has no party preference, that declara-
15 tion ~~of preference~~ remains as that elector's ~~preference~~
16 DECLARATION until the elector changes ~~his or her party prefer-~~
17 ~~ence or declares that he or she has no party preference on a form~~
18 ~~prescribed by the secretary of state or in writing to the city or~~
19 ~~township clerk~~ IT BY APPLICATION TO THE CITY OR TOWNSHIP CLERK
20 BEFORE THE DAY OF THE PRESIDENTIAL PRIMARY ELECTION OR TO AN
21 ELECTION OFFICIAL AT THE POLLS IN THAT PERSON'S PRECINCT ON THE
22 DAY OF THE PRESIDENTIAL PRIMARY ELECTION.

23 Sec. 506a. (1) Except as provided in subsection (2), a reg-
24 istered elector of a city or township may declare or change his
25 or her party preference or declare that he or she has no party
26 preference for the purpose of voting in a presidential primary
27 election by applying in person with the city or township clerk ON

1 A FORM PRESCRIBED BY THE SECRETARY OF STATE or by sending to the
2 city or township a signed written request that includes ALL OF
3 the following information:

4 (a) The elector's name.

5 (b) The elector's address.

6 (c) The elector's date of birth.

7 (d) The elector's party preference or that the elector has
8 no party preference.

9 (e) The elector's signature.

10 (2) If the elector fails to include his or her date of birth
11 in the written request under subsection (1), the city or township
12 clerk shall record the elector's party preference or declaration
13 of no party preference if the clerk can otherwise determine the
14 elector's identity under subsection (3).

15 (3) Upon receipt of a COMPLETED FORM OR A signed written
16 request under subsection (1), the city or township clerk shall
17 compare the signature on the FORM OR request against the signa-
18 ture on the registration record. If the signatures correspond,
19 the city or township clerk shall strike through the last party
20 preference or declaration of no party preference, if any, and
21 record the elector's new party preference or declaration of no
22 party preference on the original and duplicate registration cards
23 in a manner prescribed by the secretary of state. ~~—A— IF A FORM~~
24 ~~OR written request IS received by the city or township clerk —or~~
25 ~~the secretary of state after the thirtieth day~~ UNDER SUBSECTION
26 (1) BEFORE THE DAY OF THE PRESIDENTIAL PRIMARY ELECTION OR A FORM
27 FOR THE PURPOSE OF CHANGING THE APPLICANT'S PARTY PREFERENCE

1 UNDER SECTION 500A(1) IS RECEIVED BY THE CITY OR TOWNSHIP CLERK
2 FROM THE SECRETARY OF STATE'S AGENT OR THE COUNTY CLERK before
3 ~~a~~ THE DAY OF THE presidential primary election, THEN THE DECLA-
4 RATION OR CHANGE OF PARTY PREFERENCE OR DECLARATION OF NO PARTY
5 PREFERENCE is ~~not~~ effective for that election. ~~However, if~~
6 ~~the thirtieth day before a presidential primary election falls on~~
7 ~~a Saturday, Sunday, or legal holiday, the city or township clerk~~
8 ~~shall accept applications to change party preference or to~~
9 ~~declare no party preference the next business day.~~

10 (4) The city or township clerk shall mail to the elector a
11 corrected voter identification card as required in section 499,
12 to inform the elector of the DECLARATION OR change of party pref-
13 erence or declaration of no party preference.

14 SEC. 506B. (1) A REGISTERED ELECTOR OF A CITY OR TOWNSHIP
15 MAY DECLARE OR CHANGE HIS OR HER PARTY PREFERENCE OR DECLARE THAT
16 HE OR SHE HAS NO PARTY PREFERENCE FOR THE PURPOSE OF VOTING IN A
17 PRESIDENTIAL PRIMARY ELECTION BY APPLYING IN PERSON WITH AN ELEC-
18 TION OFFICIAL AT THE POLLS IN THAT PERSON'S PRECINCT ON THE DAY
19 OF THE PRESIDENTIAL PRIMARY ELECTION ON A FORM PRESCRIBED BY THE
20 SECRETARY OF STATE.

21 (2) UPON RECEIPT OF A COMPLETED FORM UNDER SUBSECTION (1),
22 THE ELECTION OFFICIAL SHALL COMPARE IDENTIFYING INFORMATION PRO-
23 VIDED BY THE APPLICANT WITH INFORMATION ON THE VOTER REGISTRATION
24 CARDS OR VOTER REGISTRATION LIST IN THE MANNER SET FORTH IN
25 SECTION 523. IF THE IDENTIFYING INFORMATION CORRESPONDS, THE
26 ELECTION OFFICIAL SHALL WRITE HIS OR HER INITIALS ON THE FORM AND
27 FORWARD IT TO THE CITY OR TOWNSHIP CLERK. THE CITY OR TOWNSHIP

1 CLERK SHALL STRIKE THROUGH THE LAST PARTY PREFERENCE OR
2 DECLARATION OF NO PARTY PREFERENCE, IF ANY, AND RECORD THE
3 ELECTOR'S NEW PARTY PREFERENCE OR DECLARATION OF NO PARTY PREFER-
4 ENCE ON THE ORIGINAL AND DUPLICATE REGISTRATION CARDS IN A MANNER
5 PRESCRIBED BY THE SECRETARY OF STATE.

6 (3) THE CITY OR TOWNSHIP CLERK SHALL MAIL TO THE ELECTOR A
7 CORRECTED VOTER IDENTIFICATION CARD AS REQUIRED IN SECTION 499,
8 TO INFORM THE ELECTOR OF THE DECLARATION OR CHANGE OF PARTY PREF-
9 ERENCE OR DECLARATION OF NO PARTY PREFERENCE.

10 Sec. 523. (1) At each election, before being given a
11 ballot, each registered elector offering to vote shall identify
12 himself or herself by executing an application showing his or her
13 signature or mark and address of residence in the presence of an
14 election official. If the voter registration cards are used in
15 the precinct, the election official in charge of the precinct
16 registration file shall compare the signature upon the applica-
17 tion with the signature upon the registration card. If voter
18 registration lists are used in the precinct, the election inspec-
19 tor shall determine if the name on the application to vote
20 appears on the voter registration list. If the name appears on
21 the voter registration list, the elector shall provide further
22 identification by giving his or her date of birth or other infor-
23 mation stated upon the voter registration list. In ~~precincts~~ A
24 PRECINCT using A voter registration ~~lists~~ LIST, the date of
25 birth may be required to be placed on the application to vote.
26 If the signature or an item of information does not correspond,
27 the vote of the person shall be challenged, and the same

1 procedure shall be followed as provided in this act for the
2 challenging of an elector. If the person offering to vote has
3 signed the registration card or application by making a mark, the
4 person shall identify himself or herself by giving his or her
5 date of birth, which shall be compared with the date of birth
6 stated upon the registration card or voter registration list, or
7 shall give other identification as may be referred to upon the
8 registration card or voter registration list.

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

26 (3) In addition to the requirements of subsection (1),
27 UNLESS AN ELECTOR COMPLETES A FORM UNDER SECTION 506B, the

1 election official in a presidential primary election shall only
2 allow an elector to vote the presidential primary ballot of the
3 party preference shown on the precinct registration file of that
4 elector under section 495a. If an elector is registered with no
5 party preference shown on the precinct registration file of that
6 elector, the elector shall not be allowed to vote a presidential
7 primary ballot. IF AN ELECTOR COMPLETES A FORM UNDER
8 SECTION 506B, THE ELECTION OFFICIAL SHALL ONLY ALLOW THE ELECTOR
9 TO VOTE THE PRESIDENTIAL PRIMARY BALLOT OF THE PARTY PREFERENCE
10 SHOWN ON THE FORM. IF NO PARTY PREFERENCE IS SHOWN ON THE FORM,
11 THE ELECTOR SHALL NOT BE ALLOWED TO VOTE A PRESIDENTIAL PRIMARY
12 BALLOT.

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