

SENATE BILL No. 842

March 31, 1992, Introduced by Seantors DI NELLO and CARL
and referred to the Committee on Finance.

A bill to amend sections 10 and 492 of Act No. 116 of the
Public Acts of 1954, entitled
"Michigan election law,"
section 492 as amended by Act No. 142 of the Public Acts of 1989,
being sections 168.10 and 168.492 of the Michigan Compiled Laws;
and to add section 488.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 10 and 492 of Act No. 116 of the Public
2 Acts of 1954, section 492 as amended by Act No. 142 of the Public
3 Acts of 1989, being sections 168.10 and 168.492 of the Michigan
4 Compiled Laws, are amended and section 488 is added to read as
5 follows:

6 Sec. 10. The term "qualified elector", as used in this act,
7 shall be construed to mean any person who possesses the
8 qualifications of an elector as prescribed in section 1 of

1 article ~~2~~ II of the state constitution OF 1963 and who, EXCEPT
2 AS PROVIDED BY SECTION 492(2), has resided in the city or town-
3 ship 30 days.

4 SEC. 488. (1) A REFERENDUM ON AN ORDINANCE TO IMPOSE, OR AN
5 AMENDMENT TO SUCH AN ORDINANCE TO INCREASE THE RATE OF, A CITY
6 INCOME TAX WHICH REFERENDUM IS REQUIRED UNDER THE CITY INCOME TAX
7 ACT, ACT NO. 284 OF THE PUBLIC ACTS OF 1964, BEING SECTIONS
8 141.501 TO 141.787 OF THE MICHIGAN COMPILED LAWS, SHALL BE HELD
9 AS PROVIDED IN THIS SECTION.

10 (2) A REFERENDUM UNDER THIS SECTION FOR RESIDENT ELECTORS OF
11 A CITY SHALL BE CONDUCTED IN THE SAME MANNER AS ANY REFERENDUM ON
12 A CITY ORDINANCE. A REFERENDUM UNDER THIS SECTION FOR QUALIFIED
13 NONRESIDENT ELECTORS SHALL BE CONDUCTED AS PROVIDED IN THIS SEC-
14 TION AND IN THE ABSENTEE BALLOT PROVISIONS OF THIS ACT.

15 (3) EVIDENCE OF EMPLOYMENT, AS REQUIRED UNDER SECTION 492,
16 SHALL BE INCLUDED WITH THE APPLICATION FOR AN ABSENTEE BALLOT BY
17 A QUALIFIED NONRESIDENT ELECTOR. THE CITY CLERK OF A CITY CON-
18 DUCTING A REFERENDUM UNDER THIS SECTION SHALL ACCEPT AS ESTAB-
19 LISHING THAT AN INDIVIDUAL IS EMPLOYED IN THAT CITY ANY REASON-
20 ABLE EVIDENCE OF EMPLOYMENT THAT SHOWS THE INDIVIDUAL'S EMPLOY-
21 MENT ADDRESS. REASONABLE EVIDENCE OF EMPLOYMENT UNDER THIS SEC-
22 TION INCLUDES, BUT IS NOT LIMITED TO, ANY OF THE FOLLOWING:

23 (A) A COPY OF THE INDIVIDUAL'S FEDERAL, STATE, OR CITY
24 INCOME TAX FORM FROM THE IMMEDIATELY PRECEDING TAX YEAR.

25 (B) A COPY OF THE INDIVIDUAL'S W-2 FORM FROM THE IMMEDIATELY
26 PRECEDING TAX YEAR.

1 (C) A COPY OF THE INDIVIDUAL'S PAYCHECK OR PAYCHECK
2 WITHHOLDING INFORMATION THAT WAS ISSUED WITHIN THE IMMEDIATELY
3 PRECEDING 30 DAYS.

4 (4) A CITY MAY INCLUDE IN THE APPLICATION FOR AN ABSENTEE
5 BALLOT FOR QUALIFIED NONRESIDENT ELECTORS A STATEMENT FOR THE
6 INDIVIDUAL TO SIGN CERTIFYING THAT HE OR SHE MEETS THE REQUIRE-
7 MENTS OF SECTION 492. AS PART OF THE APPLICATION, A CITY SHALL
8 REQUIRE THAT THE NONRESIDENT ELECTOR IS A REGISTERED ELECTOR OF
9 THE CITY, TOWNSHIP, OR VILLAGE IN WHICH THE ELECTOR RESIDES.

10 (5) A CITY HOLDING A REFERENDUM UNDER THIS SECTION ON A
11 PROPOSITION THAT INCLUDES THE IMPOSITION, INCREASE, OR RENEWAL IN
12 THE RATE OF A NONRESIDENT CITY INCOME TAX SHALL PUBLISH IN A
13 NEWSPAPER OF GENERAL CIRCULATION A FIRST NOTICE FOR THE REFEREN-
14 DUM NOT MORE THAN 60 DAYS BEFORE THE DATE OF THE REFERENDUM AND
15 AT LEAST 1 ADDITIONAL NOTICE NOT MORE THAN 30 AND NOT LESS THAN
16 20 DAYS BEFORE THE DATE OF THE REFERENDUM. A NOTICE UNDER THIS
17 SUBSECTION SHALL APPEAR SEPARATELY FROM A NOTICE FOR AN ELECTION
18 OTHER THAN THE REFERENDUM EVEN IF THE ELECTION IS HELD ON THE
19 SAME DATE.

20 (6) A REFERENDUM UNDER THIS SECTION ON A PROPOSITION THAT
21 INCLUDES THE IMPOSITION, INCREASE, OR RENEWAL IN THE RATE OF A
22 NONRESIDENT CITY INCOME TAX SHALL NOT BE HELD WITHIN 45 DAYS
23 AFTER THE FIRST NOTICE OF THAT REFERENDUM. THE CITY CLERK SHALL
24 NOT ACCEPT THE APPLICATION FOR AN ABSENTEE BALLOT BY A QUALIFIED
25 NONRESIDENT ELECTOR AFTER 15 DAYS BEFORE THE DATE OF THE
26 REFERENDUM.

1 Sec. 492. (1) Every person who has the following
2 qualifications of an elector, or who will have those
3 qualifications at the next election or primary election, ~~shall~~
4 ~~be~~ IS entitled to be registered as an elector in the township,
5 city, or village in which he or she resides. The person shall be
6 a citizen of the United States; not less than 18 years of age; a
7 resident of the state for not less than 30 days; and, EXCEPT AS
8 PROVIDED IN SUBSECTION (2), a resident of the township, city, or
9 village on or before the thirtieth day before the next regular or
10 special election or primary election.

11 (2) IF AN INDIVIDUAL MEETS THE REQUIREMENTS OF SUBSECTION
12 (1) OTHER THAN BEING A RESIDENT OF THE CITY AND ESTABLISHES, AS
13 PROVIDED IN SECTION 488, THAT HE OR SHE IS EMPLOYED IN THAT CITY,
14 THEN THE INDIVIDUAL IS A QUALIFIED NONRESIDENT ELECTOR AND MAY
15 VOTE IN A REFERENDUM ON AN ORDINANCE OF THE CITY IMPOSING, OR AN
16 AMENDMENT TO SUCH AN ORDINANCE WHICH AMENDMENT INCREASES OR
17 RENEWS THE RATE OF, A NONRESIDENT CITY INCOME TAX PROPOSED UNDER
18 THE CITY INCOME TAX ACT, ACT NO. 284 OF THE PUBLIC ACTS OF 1964,
19 BEING SECTIONS 141.501 TO 141.787 OF THE MICHIGAN COMPILED LAWS.
20 AN INDIVIDUAL IS NOT QUALIFIED TO VOTE UNDER THIS SUBSECTION
21 UNLESS THE INDIVIDUAL IS A REGISTERED ELECTOR.

22 Section 2. This amendatory act shall not take effect unless
23 Senate Bill No. 841
24 of the 86th Legislature is enacted into law.