

Act No. 441  
Public Acts of 1994  
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**STATE OF MICHIGAN  
87TH LEGISLATURE  
REGULAR SESSION OF 1994**

Introduced by Reps Dobronski Brackenridge Dolan Ciaramitaro Byrum DeLange Wallace Leland  
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Wetters McBryde Kilpatrick Gubow Gaghardi Parks Points Price DeMars Scott Hood Baade  
and Emerson

# ENROLLED HOUSE BILL No. 5531

AN ACT to amend the title of Act No 116 of the Public Acts of 1954 entitled An act to reorganize consolidate and add to the election laws to provide for election officials and prescribe their powers and duties to provide for the nomination and election of candidates for public office to provide for the resignation removal and recall of certain public officers to provide for the filling of vacancies in public office to provide for and regulate primaries and elections to provide for the purity of elections to guard against the abuse of the elective franchise to define violations of this act to prescribe the penalties therefor and to repeal certain acts and all other acts inconsistent herewith as amended being sections 168 1 to 168 992 of the Michigan Compiled Laws to add sections 509m 509n 509o 509p 509q 509r 509s 509t 509u 509v 509w 509x 509y 509z 509aa 509bb 509cc 509dd 509ee 509ff and 509gg to repeal certain parts of the act and to repeal certain parts of the act on a specific date

*The People of the State of Michigan enact*

Section 1 The title of Act No 116 of the Public Acts of 1954 as amended being sections 168 1 to 168 992 of the Michigan Compiled Laws is amended and sections 509m 509n 509o 509p 509q 509r 509s 509t 509u 509v 509w 509x 509y 509z 509aa 509bb 509cc 509dd 509ee 509ff and 509gg are added to read as follows

## TITLE

An act to reorganize consolidate and add to the election laws to provide for election officials and prescribe their powers and duties to prescribe the powers and duties of certain state departments state agencies and state and local officials and employees to provide for the nomination and election of candidates for public office to provide for the resignation removal and recall of certain public officers to provide for the filling of vacancies in public office to provide for and regulate primaries and elections to provide for the purity of elections to guard against the abuse of the elective franchise to define violations of this act to provide appropriations to prescribe penalties and provide remedies and to repeal certain acts and all other acts inconsistent with this act

Sec 509m (1) The purposes of this section and sections 509n to 509gg are all of the following

(a) To establish a statewide qualified voter file that consists of all qualified electors who wish to be registered to vote in local state and federal elections

(b) To ensure the integrity of elections by creating and maintaining a statewide file of qualified voters

(c) To increase the efficiency and decrease the public cost of maintaining voter registration files and implementing the national voter registration act of 1993

(d) To increase the integrity of the voting process by creating a single qualified voter file that will permit the name of each citizen of this state to appear only once and that is compiled from other state files that require citizens to verify their identity and residence

(e) To apply technology and information gathered by principal executive departments state agencies and county city township and village clerks in a manner that ensures that accurate and current records of qualified voters are maintained

(2) As used in sections 509n to 509gg

(a) Designated voter registration agency means an office designated under section 509u to perform voter registration activities in this state

(b) National voter registration act of 1993 means the national voter registration act of 1993 Public Law 103 31 107 Stat 77

(c) Qualified voter file means the statewide qualified voter file established pursuant to section 509o

Sec 509n The secretary of state is responsible for the coordination of the requirements imposed under this chapter and the national voter registration act of 1993 The secretary of state shall do all of the following

(a) Develop a mail registration form and make the form available for distribution through governmental and private entities with special emphasis on making the form available to voter registration programs established for the purpose of registering citizens of this state to vote

(b) Instruct designated voter registration agencies county city township and village clerks and school officials regarding the voter registration procedures and requirements imposed by law

Sec 509o (1) The secretary of state shall direct and supervise the establishment and maintenance of a statewide qualified voter file The secretary of state shall establish the technology to implement the qualified voter file on or before January 1 1997 The qualified voter file shall be the official file for the conduct of all elections held in this state on or after January 1 1998 The secretary of state may direct that all or any part of the city township or village registration files shall be used in conjunction with the qualified voter file at the first state primary and election held after the creation of the qualified voter file

(2) Notwithstanding any other provision of law to the contrary beginning January 1 1998 a person who appears to vote in an election and whose name appears in the qualified voter file for that city township village or school district is considered a registered voter of that city township village or school district under this act

(3) The secretary of state a designated voter registration agency or a county city township or village clerk shall not place a name of an individual into the qualified voter file unless that person signs an application as prescribed in section 509r(3) The secretary of state or a designated voter registration agency shall not allow a person to indicate a different address than the address in either the secretary of state s or designated voter registration agency s files to be placed in the qualified voter file

Sec 509p The qualified voter file shall consist of all of the following components

(a) A computer file that has the capacity to maintain a number of records equal to or greater than the voting age population of this state

(b) An electronic network that allows participating designated executive departments state agencies and county city township and village clerks to electronically add change or delete records contained in the qualified voter file

(c) An interactive electronic communication system that allows access to records in the file of qualified voters residing in a county city or township for the purpose of receiving copies of the county city or township file transmitting data to the county city or township file or reviewing and printing the county city or township file The interactive electronic communication system shall be designed to permit counties cities or townships that are capable of accessing the interactive electronic communication system to add change or delete records regarding qualified voters in the qualified voter file

(d) A statewide street address index in an electronic medium that will accurately identify the city or township of each record and by January 1 1998 accurately identify the precinct of each record in the qualified voter file

Sec 509q The qualified voter file shall contain all of the following information for each qualified voter

(a) The name residence address including house number and street name or rural route and box number and the apartment number if any city state zip code and date of birth

(b) The driver's license number or state personal identification card number or similar number issued by a designated voter registration agency

- (c) Jurisdictional information including county and city or township village if any and school district
- (d) Precinct numbers and ward numbers if any
- (e) Any other information that the secretary of state determines is necessary to assess the eligibility of qualified electors or to administer voter registration or other aspects of the election process
- (f) Voting history for a 5 year period

Sec 509r (1) The secretary of state shall establish and maintain the computer system and programs necessary to the operation of the qualified voter file. The secretary of state shall allow each county city township or village access to the qualified voter file. The county city township and village clerks shall verify the accuracy of the names and addresses of registered voters in the qualified voter file.

(2) Subject to subsection (3) the secretary of state and county city township and village clerks shall compile the qualified voter file that consists of all qualified electors from the following sources and in the following priority

(a) A driver's license or if there is no driver's license a state personal identification card including renewals and changes of address with the department of state

(b) An application for benefits or services including renewals and changes of address taken by a designated voter registration agency

(c) An application to register to vote taken by a county city township or village clerk or secretary of a school board

(3) A person whose name does not otherwise appear in the qualified voter file shall be placed in the qualified voter file only if the person signs under penalty of perjury an application that contains an attestation that the applicant meets all of the following requirements

(a) Is 17 1/2 years of age or older

(b) Is a citizen of the United States and this state

(c) Is a resident of the city or township where the person's street address is located

(4) A designated voter registration agency or a county city township or village clerk shall not add to delete from or change any information contained in the qualified voter file during the period beginning on the seventh day before an election and ending on the day of the election

Sec 509s (1) The secretary of state shall secure the necessary assistance to have an implementation study of the qualified voter file conducted before July 1 1995 to do all of the following

(a) Assess the hardware and software required to establish and maintain the qualified voter file

(b) Determine the utility of any existing or planned communication networks that will enable electronic communication among designated voter registration agencies that are involved with the qualified voter file

(c) Survey all available or planned communication networks that will allow the counties cities and townships to communicate with the qualified voter file

(2) The secretary of state shall present the results of the implementation study to the governor the senate majority leader and the speaker of the house of representatives on or before October 1 1995

(3) The secretary of state shall create a system design and cost analysis for the establishment and maintenance of the qualified voter file on or before October 1 1995. The secretary of state shall create a design and programming schedule to establish the qualified voter file on or before October 1 1995

Sec 509t (1) Notwithstanding any other provision of law to the contrary a person who is a qualified elector in this state and who registers to vote in a manner consistent with the national voter registration act of 1993 is considered a registered voter under this act

(2) A person who registers to vote in a jurisdiction in this state by mail shall vote in person if that person has not previously voted in person in that jurisdiction. This subsection does not apply to any of the following registered voters

(a) A person entitled to vote by absentee ballot under the uniformed and overseas citizens absentee voting act Public Law 99 410 100 Stat 924

(b) A person who has a handicap as defined in section 103 of the Michigan handicappers civil rights act Act No 220 of the Public Acts of 1976 being section 37 1103 of the Michigan Compiled Laws or who is 60 years of age or older

(c) A person who is entitled to vote other than in person under any other federal law

(3) This section does not preclude this state from prosecuting a violation of this act that is also a violation of any federal election or voting rights law

Sec 509u (1) Not later than the thirtieth day after the effective date of this section the governor shall provide a list to the secretary of state designating the executive departments state agencies or other offices that will perform voter registration activities in this state

(2) Pursuant to the national voter registration act of 1993 a recruitment office of the armed forces of the United States is a designated voter registration agency under this act

Sec 509v (1) A person who is not registered to vote at the address where he or she resides may apply to register to vote by submitting an application at any of the following locations

(a) The office of the clerk of a county or the office of the clerk of the city or township in which the applicant resides during regular office hours of that clerk

(b) A department of state office

(c) A designated voter registration agency when submitting an application recertification renewal or change of address at the voter registration agency

(2) A person who is not registered to vote at the address where he or she resides may apply for registration by submitting a completed mail registration application A person may request a mail registration application from and submit the application to any of the following

(a) The secretary of state

(b) The clerk of the county city or township in which the applicant resides

(c) A designated voter registration agency

Sec 509w (1) The person processing an application submitted in person at a department of state office a designated voter registration agency or the office of a county clerk shall do all of the following

(a) Validate the application in the manner prescribed by the secretary of state

(b) Issue a receipt to the applicant verifying the acceptance of the application

(2) Except as otherwise provided in subsection (3) the department of state office the designated voter registration agency or the county clerk shall transmit the application not later than 7 days after receipt of the application to the clerk of the county city or township where the applicant resides

(3) If an application under subsection (1) is made within 7 days before the close of registration for a federal election the department of state office the designated voter registration agency or the county clerk shall transmit the application not later than 1 business day to the clerk of the county city or township where the applicant resides

(4) If a completed application is transmitted by the secretary of state or a designated voter registration agency to a county clerk the secretary of state to the extent funds are appropriated shall compensate the county clerk for the cost of forwarding the application to the proper city or township clerk of the applicant's residence from funds appropriated to the secretary of state for that purpose

Sec 509x An application for registration is considered to be received on or before the close of registration if 1 of the following requirements is met

(a) An application is received at a department of state office a designated voter registration agency or the office of a county city or township clerk on or before the close of registration

(b) An application is received through the mail that is postmarked on or before the close of registration

(c) An application is received through the mail on or before the seventh day immediately following the close of registration if the postmark is missing or is unclear and the application on its face is dated by the applicant on or before the close of registration The clerk shall consider an application received pursuant to this subdivision as received before the close of registration

Sec 509y If a voter who has applied to register to vote as provided in this chapter on or before the close of registration appears at a polling place on election day and is not listed in the registration records or precinct voting list the inspectors of election shall allow the person to vote if 1 of the following requirements is met

(a) The voter presents a receipt issued by a department of state office a designated voter registration agency or the office of the voter's county clerk verifying the acceptance of an application the voter completes a new application and the voter otherwise meets the qualifications to vote in that city or township

(b) The voter is unable to present a receipt issued under this chapter verifying the acceptance of an application the voter otherwise meets the qualifications to vote in that city or township and at the polling place or at a place as designated by the clerk within that jurisdiction the voter does all of the following

(i) Signs an affidavit affirming that the person submitted an application to a department of state office a designated voter registration agency or the office of his or her county clerk or mailed an application as provided in this act on or

before the close of registration. A person who provides information in a signed affidavit under this subparagraph that is false is guilty of perjury.

(ii) Completes a new application.

(iii) Provides proof of identification sufficient to satisfy the clerk as to the identity and residence of the voter.

Sec 509z. The secretary of state shall notify each clerk of the following information regarding residents or former residents of the clerk's city or township:

(a) Driver license or state personal identification card changes of address received by the secretary of state and whether the person submitted an application for the new address.

(b) The names and addresses in this state of persons who have been issued a driver license in another state.

(c) Death notices received by the secretary of state.

Sec 509aa. (1) A clerk may use change of address information supplied by the United States postal service or other reliable information received by the clerk that identifies registered voters whose addresses may have changed as provided in this section.

(2) A clerk shall update the registration of a voter upon the receipt of reliable information that the voter has changed his or her residence within the city or township. The clerk shall send by forwardable mail to the voter a notice of the transfer informing the voter that he or she is registered at the new address. The clerk shall include with the notice a postage prepaid and preaddressed return card on which the voter may verify or correct the address information.

(3) Upon the receipt of reliable information that a registered voter has moved his or her residence to another city or township, the clerk shall send by forwardable mail all of the following to the voter:

(a) A notice that the clerk has received information indicating that the voter has moved to another city or township.

(b) A postage prepaid and preaddressed return card on which the voter may verify or correct the address information.

(c) A notice containing all of the following information:

(i) If the address information is incorrect and the voter has not moved to another city or township and wishes to remain registered to vote, the voter should complete and return the card to the clerk with a postmark of 30 days or more before the date of the next election. If the card is not completed and returned with a postmark of 30 days or more before the date of the next election, the voter may be required to affirm his or her current address before being permitted to vote. Further, if the voter does not vote in an election within the period beginning on the date of the notice and ending on the first business day immediately following the second November general election that is held after the date on the notice, the registration of the voter will be canceled and his or her name will be removed from the registration record of that city or township.

(ii) If the voter has moved his or her residence to another city or township, information on how the voter can become registered to vote at the next election in his or her new city or township.

(4) If a notice sent under this section is returned to the clerk by the post office as undeliverable, the clerk shall identify the registration record of a voter as challenged as provided in this act. The clerk shall instruct the board of election inspectors to challenge that voter at the first election at which the voter appears to vote. If in response to the challenge the voter indicates that he or she resides at the registration address or has changed addresses within the city or township, the voter shall be permitted to vote a regular ballot rather than a challenged ballot. The voter shall complete a change of address form at the polling place, if applicable. If the person does not appear to vote in an election within the period beginning on the date of the notice and ending on the first business day immediately following the second November general election that is held after the date of the notice, the clerk shall cancel the registration of the voter and remove his or her name from the registration record of the city or township.

Sec 509bb. A clerk shall not cancel or cause the cancellation of the registration of a voter from the registration record of the city or township based solely upon that registered voter's failure to vote.

Sec 509cc. (1) If a registration is challenged under this act and the challenged voter does not respond in the manner provided in this act, the registration record of that voter remains challenged and election officials shall not allow the challenged voter to vote until he or she answers the grounds of the challenge in the manner provided in this act. If a registration is challenged under this act and an election official determines, based upon the response of the challenged voter, that the voter is qualified to vote, the election official shall allow the voter to vote and the clerk shall remove the identification as challenged from the registration record of that voter.

(2) If a clerk does not independently determine that a challenged voter is qualified to vote or if the challenged voter does not respond to the challenge or fails to prove in his or her response to the challenge that he or she is qualified to vote during the period beginning on the date of the notice of challenge under this act and ending on the first business

day immediately following the second November general election that is held after the date of the notice the clerk shall cancel the registration of the voter and remove his or her name from the registration record of the city or township

Sec 509dd (1) A clerk may conduct a program to register qualified electors or to remove names of registered voters who are no longer qualified to vote in the city or township from the registration records of that city or township A clerk who conducts a program to register voters or to remove names under this section shall administer the program in a uniform manner to the entire city or township The clerk shall use nondiscriminatory procedures that comply with the requirements of the voting rights act of 1965 Public Law 89 110 79 Stat 437

(2) The clerk shall complete any program to remove names conducted under this section 90 days or more before the date of a federal election The 90 day deadline under this subsection does not apply to the removal of names from the registration records of a city or township under 1 of the following circumstances

(a) At the request or authorization of a voter

(b) Upon the death of a voter

(c) Upon notice that a voter has moved from the city or township and has completed an application at the new address

(3) Subject to the requirements of this section a clerk may use 1 or more of the following to conduct a program to register voters or remove names under this section

(a) A house to house canvass

(b) A general mailing to voters for address verifications

(c) Participation in the national change of address program established by the postal service

(d) Other means the clerk considers appropriate

Sec 509ee Not later than 90 days after the request of the secretary of state a designated voter registration agency shall transmit to the secretary of state a report including all of the following

(a) Information requested by the secretary of state necessary to administer the provisions of sections 509m to 509gg and the national voter registration act of 1993

(b) Any other information considered necessary by the secretary of state

Sec 509ff (1) The secretary of state and each county city township or village clerk shall maintain all records concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of registration records under this chapter for 2 years or more Except to the extent that the records maintained pursuant to this section relate to a declination to register to vote or to the identity of a designated voter registration agency through which any particular voter applied for registration pursuant to section 509gg the secretary of state or a county city township or village clerk shall make the records available for public inspection under reasonable conditions and if available for photocopying at a reasonable cost

(2) The secretary of state or a county city township or village clerk shall include in the records maintained under this section a list of the names and addresses of all persons to whom a notice under section 509aa is sent and if the person has responded to the notice as of the date the inspection of the records is made

Sec 509gg The information described in this section that is contained in a registration record is exempt from the freedom of information act Act No 442 of the Public Acts of 1976 being sections 15 231 to 15 246 of the Michigan Compiled Laws The secretary of state a designated voter registration agency a county city township or village clerk or the secretary of a school board shall not release a copy of that portion of a registration record that contains any of the following

(a) The record that a person declined to register to vote

(b) The office that received a registered voter s application

(c) A registered voter s driver license or state personal identification card number

(d) The month and day of birth of a registered voter

(e) The telephone number provided by the registered voter

Section 2 Sections 509n 509t 509u 509v and 509ee of Act No 116 of the Public Acts of 1954 being sections 168 509n 168 509t 168 509u 168 509v and 168 509ee of the Michigan Compiled Laws are repealed if the national voter registration act of 1993 Public Law 103 31 107 Stat 77 is found to be unconstitutional by a court of competent jurisdiction and the allowable time for filing an appeal has expired or the appellant has exhausted all of his or her avenues of appeal

Section 3 Sections 493 499a 499b 499c 499d 506a 508 509b 509c 509d 509e 509f 509g 509h 509i 509j 509k 509l and 513 of Act No 116 of the Public Acts of 1954 being sections 168 493 168 499a 168 499b 168 499c 168 499d 168 506a 168 508 168 509b 168 509c 168 509d 168 509e 168 509f 168 509g 168 509h 168 509i 168 509j 168 509k 168 509l and 168 513 of the Michigan Compiled Laws are repealed

Section 4 This amendatory act shall take effect January 1 1995

This act is ordered to take immediate effect

Co Clerk of the House of Representatives

Secretary of the Senate

Approved

Governor