

## **HOUSE BILL No. 4172**

February 4, 1993, Introduced by Reps. Alley, Middaugh and DeMars and referred to the Committee on House Oversight and Ethics.

A bill to amend sections 495, 499, 499c, 500a, 501a, 509f, 523, 562b, 619, and 821 of Act No. 116 of the Public Acts of 1954, entitled

"Michigan election law,"

sections 495, 499, 500a, 501a, 523, 619, and 821 as amended and section 562b 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, 168.562b, 168.619, and 168.821 of the Michigan Compiled Laws; and to repeal certain acts and parts of acts.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Section 1. Sections 495, 499, 499c, 500a, 501a, 509f, 523, 2 562b, 619, and 821 of Act No. 116 of the Public Acts of 1954, 3 sections 495, 499, 500a, 501a, 523, 619, and 821 as amended and

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- 1 section 562b as added by Act No. 275 of the Public Acts of 1988
- 2 and sections 499c and 509f as added by Act No. 142 of the Public
- 3 Acts of 1989, being sections 168.495, 168.499, 168.499c,
- 4 168.500a, 168.501a, 168.509f, 168.523, 168.562b, 168.619, and
- 5 168.821 of the Michigan Compiled Laws, are amended to read as
- 6 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 AND THE APARTMENT
- 12 NUMBER, if any. -, of the elector.
- (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.
- (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 (q) 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.

- (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.
- (j) A space in which the elector shall state the place of 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.
- (2) Until February 15, 1992, the secretary of state or the secretary of state's agent shall print a notice that shall be provided to each person applying for registration. The notice shall contain all of the following information:
- (a) That, for the purpose of voting in a presidential pri14 mary election, the elector must declare a party preference.
- (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.

- (c) That, even if currently registered to vote, the elector
  to is not eligible to vote in a presidential primary election unless
  the elector declares in writing to the city or township clerk a
  party preference at least 30 days before the presidential primary
- 23 <del>election.</del>
- 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 CONCERNING the elector's qualification as
- 23 an elector. For the performance of their HIS OR HER duties
- 24 under this act, -every EACH clerk and assistant clerk has the
- 25 power to administer oaths and to swear persons as to the truth of
- 26 statements contained in affidavits. For the more perfect A
- 27 BETTER examination of the applicant, a clerk may employ and swear

- 1 an interpreter to interpret all questions put to applicants and 2 the 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.
- (2) After the registration affidavit is executed in dupli7 cate by the applicant, if the applicant is entitled to registra8 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.
- (3) The A clerk OR ASSISTANT CLERK shall not accept a fee from an applicant ELECTOR applying for registration, either for 18 the registering of the elector or for the taking of the acknowledgment 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 reg22 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 on
- 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:
- (a) The name of the applicant.
- (b) The residence address of the applicant, including the fitteet and number or rural route and box number and the apartment number, if any.
- g (c) The city or township and county of residence of the gapplicant, and the school district of the applicant, if known.
- (d) The birthplace and -birth date of BIRTH OF the applicant.
- (e) The driver's license or state personal identification as a card number of the applicant, if available.
- (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.
- (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.
- 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.
- (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 IS consid8 ered registered to vote in the township in which the person
  9 resides. The clerk of the village shall transmit to the township
  10 clerk all information necessary to complete the township regis11 tration if the person is not already registered in the township.
- (8) The secretary of state shall develop, print, and dis13 tribute to county, township, and city clerks a uniform registra14 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.
- 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, 1909, 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 DOES not -be construed to 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 THE
- 10 street and number or rural route and box number AND THE APARTMENT
- 11 NUMBER, if any.
- (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 date of birth of the applicant.
- 15 (e) The birthplace of the applicant.
- 16 (f) The driver's license or state personal identification
- 17 card number of the applicant, if available.
- 18 (g) A statement that the applicant has the qualifications of
- 19 an elector as of the date of applying for registration, or will
- 20 have the qualifications of an elector at the next election.
- 21 (h) A space for the applicant to declare, for the purpose
- 22 of voting in a presidential primary election, a party preference
- 23 or that the applicant has no party preference.
- 24 (H)  $\frac{(i)}{(i)}$  A statement that the registration is not effective
- 25 until processed by the clerk of the city or township in which the
- 26 applicant resides.

- (I) (j) A statement that the applicant, if qualified, may vote at an election occurring not less than 30 days after the date of completing the application.
- (J)  $\overline{(k)}$  A space to indicate the applicant's last place of sregistration, IF ANY.
- 6. (K)  $\frac{(\ell)}{(\ell)}$  A statement authorizing the cancellation of regis-7 tration at the applicant's last place of registration.
- (2)  $\overline{\text{(m)}}$  A space for the applicant to sign and certify to g the truth of the statements on the application.
- (2) The applicant shall sign the application. Upon receipt of the application, the agent shall sign the application, stamp the application with a validation stamp, and provide the applicant with a receipt verifying the registration application. The agent shall promptly forward the application to the county clerk of the applicant's residence or to a city or township clerk designated 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.

(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. (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 BOARD OF election -commission COMMISSIONERS 13 of a city, village, or township may authorize the clerk of the 14 city, village, or township to create a registration list. 15 registration list shall be alphabetically arranged and shall con-16 tain the name of each registered elector in a precinct. 17 shall be followed by the address and date of birth of the 18 elector. - and, for the purpose of voting in a presidential pri-19 mary election, the party preference or declaration of no party 20 preference of the elector, if any. The BOARD OF election 21 -commission - COMMISSIONERS may also provide that the registration 22 list may be used instead of the precinct registration file 23 -wherever WHEN this act provides for the use of a precinct reg-24 istration file. A school district or an intermediate school dis-25 trict may also use a registration list instead of the precinct 26 registration file -whenever WHEN a precinct registration file is 27 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.
- Sec. 509f. In standard computer file format, the state and each county file shall contain all of the following information for each registered voter ELECTOR:
- (a) The driver's license number or state personal identifi7 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.
- (b) The name; residence address, including the street and number or rural route and box number and the apartment number, if any; city; state; zip code; sex; and date of birth.
- (c) Jurisdictional information including county, township, 14 city, village, and school district of residence.
- (d) Precinct number and ward number, if applicable.
- (e) Date of last registration transaction.
- (f) Voting history for a 5-year period, except that the 18 voting history shall not begin earlier than the 1989 August pri19 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 dis23 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. If the voter registration cards are used in 8 the precinct, the election official in charge of the precinct 9 registration file shall compare the signature upon the applica-10 tion with the signature upon the registration card. If voter 11 registration lists are used in the precinct, the election inspec-12 tor shall determine if the name on the application to vote 13 appears on the voter registration list. If the name appears on 14 the voter registration list, the elector shall provide further 15 identification by giving his or her date of birth or other infor-16 mation stated upon the voter registration list. In precincts 17 using voter registration lists, the date of birth may be required 18 to be placed on the application to vote. If the signature or an

22 person offering to vote has signed the registration card or

21 provided in this act for the challenging of an elector.

19 item of information does not correspond, the vote of the person

20 shall be challenged, and the same procedure shall be followed as

- 23 application by making a mark, the person shall identify himself
- 24 or herself by giving his or her date of birth, which shall be
- 25 compared with the date of birth stated upon the registration card
- 26 or voter registration list, or shall give other identification as

- $_{1\,\,\mathrm{may}}$  be referred to upon the registration card or voter  $_{2\,\,\mathrm{registration}}$  list.
- (2) If, upon a comparison of the signature or other identi-4 fication, it is found that the applicant is entitled to vote, the 5 election officer having charge of the registration list shall 6 approve the application and write his or her initials on the 7 application, after which the number on the ballot issued shall be g noted on the application. The application shall serve as 1 of g the 2 poll lists required to be kept as a record of a person who 10 has voted. The application shall be filed with the township, 11 city, or village clerk. If voter registration cards are used in 12 the precinct, the date of the election shall be noted by 1 of the 13 election officials upon the precinct registration card of each 14 elector voting at an election. If voter registration lists are 15 used in the precinct, the election official shall clearly indi-16 cate upon the list each elector voting at that election. 17 clerk of a city, village, or township shall maintain a record of 18 voting participation for each registered elector.
- (3) In addition to the requirements of subsection (1), the election official in a presidential primary election shall only allow an elector to vote the presidential primary ballot of the party preference shown on the precinct registration file of that elector under section 495a. If an elector is registered with no party preference shown on the precinct registration file of that elector, the elector shall not be allowed to vote a presidential primary ballot.

- 1 (3) -(-4)- The CLERK OF A CITY OR TOWNSHIP SHALL REMOVE FROM
- 2 THE record maintained by the clerk of a city or township under
- 3 subsection (2) -shall contain the name of the party ballot voted
- 4 -under-subsection (3) by the elector at the 1992 STATEWIDE pres-
- 5 idential primary election, IF ANY, WITHIN 90 DAYS AFTER THE
- 6 EFFECTIVE DATE OF THE AMENDATORY ACT THAT AMENDED THIS SUBSECTION
- 7 TO PROVIDE FOR THE REMOVAL. THE CLERK OF A CITY OR TOWNSHIP
- 8 SHALL NOT ENTER THE NAME OF THE PRIMARY BALLOT VOTED BY THE ELEC-
- 9 TOR AT ANY PRIMARY ELECTION IN THE RECORD MAINTAINED BY THE CLERK
- 10 UNDER SUBSECTION (2).
- 11 Sec. 562b. (1) Before an individual may be elected as a
- 12 delegate to the state convention or national convention of a
- 13 political party, that individual shall sign an affidavit includ-
- 14 ing 1 of the following:
- 15 (a) The name of a candidate for president of the United
- 16 States of that individual's political party that he or she is
- 17 bound to vote for at each stage of the nominating process until
- 18 the end of the first ballot at the national convention of that
- 19 political party unless otherwise released from that commitment
- 20 under subsection (3). The requirements of this subdivision are
- 21 met only if the designated presidential candidate's name appears
- 22 on the presidential primary election ballot.
- 23 (b) A statement that the individual is uncommitted regarding
- 24 the candidates for president of the United States.
- 25 (2) Except as provided in subsection (3), an individual
- 26 elected as a delegate to the state convention or national
- 27 convention of a political party is bound to vote at each stage of

- the presidential nomination process until the end of the first ballot at the national convention of that political party for the candidate for president of the United States that he or she designated a commitment to by written affidavit as required in subsection (1), if any, before his or her election.
- (3) A delegate to the state convention or national conven7 tion is bound to vote for the presidential candidate the delegate
  8 is committed to under subsection (2) unless the delegate is
  9 released from that commitment by written notice to the chair10 person of the state central committee by the presidential candi11 date or the presidential candidate publicly withdraws from con12 tention for that party's nomination.
- (4) An individual seeking election as a delegate to the 14 state convention, or his or her designee, shall file the affidation vit required under subsection (1) with the county chairperson or 16 the chairperson of the district committee. The county chair-17 person or the chairperson of the district committee shall file a 18 copy of that affidavit with the chairperson of the state central 19 committee.
- 20 (5) An individual who has not filed an affidavit under sub21 section (4) and who is seeking election as a delegate to the
  22 national convention, or his or her designee, shall file the affi23 davit required under subsection (1) with the chairperson of the
  24 state central committee.
- Sec. 619. (1) National convention delegates elected under this act shall be elected on a basis that insures that the proportion of the total national convention delegation that is

- 1 uncommitted or is committed to each presidential candidate
- 2 equals, as near as is practicable, the proportion of the popular
- 3 vote that was cast as uncommitted or for each respective presi-
- 4 dential candidate of the particular political party's total popu-
- 5 lar vote. -at the presidential primary election. The determina-
- 6 tion of these proportions shall only include the votes cast as
- 7 uncommitted, or for a particular presidential candidate, if the
- 8 total vote cast as uncommitted, or for that particular presiden-
- 9 tial candidate, equals at least 5% of the total vote cast for all
- 10 presidential candidates or as uncommitted for that political
- 11 party. -at that presidential primary election.
- 12 (2) Before an individual may be elected as a delegate to the
- 13 national convention of a political party, that individual shall
- 14 file an affidavit as required under section 562b. If the indi-
- 15 vidual names a presidential candidate in the affidavit under
- 16 section 562b(1)(a), that individual shall also be certified by
- 17 the presidential candidate or the presidential candidate's desig-
- 18 nee as a delegate committed to that presidential candidate. A
- 19 national convention delegate shall be bound to vote for the pres-
- 20 idential candidate for whom he or she designated commitment, if
- 21 any, under section 562b and as certified by the presidential can-
- 22 didate or the presidential candidate's designee under this sec-
- 23 tion before the delegate is elected as a national delegate until
- 24 the end of the first ballot at the national convention. However
- 25 a national convention delegate is released from that commitment
- 26 by the withdrawal of that presidential candidate from contention
- 27 for that party's nomination or by written release of that

- presidential candidate to the chairperson of the national convention, whichever is earliest OCCURS FIRST.
- 3 (3) If a vacancy occurs in the elected delegation, it shall 4 be filled by an alternate selected by the caucus for the candi-5 date to whom the original delegate was committed, and the alter-6 nate shall be required to meet the same qualifications of the 7 delegate being replaced.
- (4) A person who is a delegate at large to a state conven9 tion of his or her political party only by virtue of being a
  10 member of the state legislature as provided in section 595a shall
  11 not participate in the selecting of delegates to his or her
  12 political party's national convention. This subsection does not
  13 prohibit that person from participating in other convention
  14 business. Neither this provision nor any other provision of law
  15 shall be understood to restrict the opportunity of any registered
  16 elector in the state, including all public officials, to be
  17 elected as a delegate to any county, district, state, or national
  18 convention of the elector's political party.
- Sec. 821. The board of county canvassers shall meet at the 20 office of the county clerk at 1 p.m. on the day succeeding the 21 day of any November general OR August primary or presiden 22 tial primary election in the county. For other elections the 23 board shall meet within 5 days following the election.
- 24 Section 2. Sections 495a, 506a, 613a, 614a, 615a, 616a, 25 624g, and 879a of Act No. 116 of the Public Acts of 1954, being 26 sections 168.495a, 168.506a, 168.613a, 168.614a, 168.615a,

1 168.616a, 168.624g, and 168.879a of the Michigan Compiled Laws, 2 are repealed.