

Act No. 213
Public Acts of 1995
Approved by the Governor
November 29, 1995
Filed with the Secretary of State
November 29, 1995

STATE OF MICHIGAN
88TH LEGISLATURE
REGULAR SESSION OF 1995

Introduced by Rep. Brackenridge

Reps. Anthony, Baade, Bodem, Cherry, Crissman, Curtis, Dalman, DeHart, DeLange, DeMars, Dobronski, Freeman, Gagliardi, Gernaat, Gnodtke, Goschka, Green, Hammerstrom, Harder, Horton, Jaye, Jersevic, Kukuk, Law, McBryde, Middleton, Olshove, Palamara, Perricone, Porreca, Prusi, Randall, Rocca, Tesanovich, Vaughn, Voorhees, Weeks and Wetters named co-sponsors

ENROLLED HOUSE BILL No. 5096

AN ACT to amend sections 495a and 499 of Act No. 116 of the Public Acts of 1954, entitled as amended "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," section 495a as added and section 499 as amended by Act No. 275 of the Public Acts of 1988, being sections 168.495a and 168.499 of the Michigan Compiled Laws.

The People of the State of Michigan enact:

Section 1. Sections 495a and 499 of Act No. 116 of the Public Acts of 1954, section 495a as added and section 499 as amended by Act No. 275 of the Public Acts of 1988, being sections 168.495a and 168.499 of the Michigan Compiled Laws, are amended to read as follows:

Sec. 495a. (1) If an elector declared a party preference or no party preference as previously provided under this act for the purpose of voting in a statewide presidential primary election, a clerk or authorized assistant to the clerk may remove that declaration from the precinct registration file and the master registration file of that elector and the precinct registration list, if applicable.

(2) Beginning on the effective date of the amendatory act that added this sentence, a person making a request under 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, is not entitled to receive a copy of a portion of a voter registration record that contains a declaration of party preference or no party preference of an elector. Beginning on the effective date of the amendatory act that added this sentence, a clerk or any other person shall not release a copy of a portion of a voter registration record that contains a declaration of party preference or no party preference of an elector.

Sec. 499. (1) An elector entitled to registration in an election precinct may become registered in the precinct by applying in person and signing the registration application before the clerk or assistant clerk of the township, city, or village in which the precinct is located. For the performance of his or her duties under this act, each clerk and assistant clerk has the power to administer oaths and to swear persons as to the truth of statements contained in an application.

For a better examination of the applicant, a clerk may employ and swear an interpreter to interpret all questions put to applicants and the answers to those questions. If the applicant, in answer to a question or in the registration application, makes a material statement that is false, the applicant is guilty of a misdemeanor.

(2) A clerk or assistant clerk shall not accept a fee from an elector applying for registration, either for the registering of the elector or for the taking of the acknowledgment on the application. A person who violates this subsection is guilty of a misdemeanor.

(3) The clerk, immediately after receiving the registration or change of address of an elector, shall prepare a voter identification card for the elector. The clerk shall also prepare and send a corrected voter identification card to an elector affected by a change in United States representative, state senatorial, state representative, or county commissioner district or precinct. Unless otherwise required under the provisions of this subsection, a clerk is not required to prepare and send a corrected voter identification card to an elector who made a declaration of party preference or no party preference as previously provided under this act. The clerk shall forward by first-class mail the identification card to the elector at the elector's registration address. The identification card shall contain the name and address of the registrant and the United States representative, state senatorial, state representative, or county commissioner district and precinct in which the registrant is an elector. Except as provided in section 500c, if the original identification card is returned to the clerk by the post office, the clerk shall accept this as information that the elector has moved and the clerk shall proceed in conformity with section 509aa.

This act is ordered to take immediate effect.

Clerk of the House of Representatives.

Secretary of the Senate.

Approved -----

Governor.