



HOUSE BILL No. 5096

September 21, 1995, Introduced by Rep. Brackenridge and referred to the Committee on Local Government.

A bill to amend sections 495a and 499 of Act No. 116 of the Public Acts of 1954, entitled as amended "Michigan election law," 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:

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

6 Sec. 495a. (1) If an elector ~~declares~~ DECLARED a party
7 preference or no party preference AS PREVIOUSLY PROVIDED under
8 this act FOR THE PURPOSE OF VOTING IN A STATEWIDE PRESIDENTIAL

1 PRIMARY ELECTION, A CLERK OR AUTHORIZED ASSISTANT TO THE CLERK
2 MAY REMOVE that ~~preference shall be placed on and remain on~~
3 DECLARATION FROM the precinct registration file and the master
4 registration file of that elector ~~until the elector changes his~~
5 ~~or her party preference or declaration of no party preference~~
6 ~~under this act~~ AND THE PRECINCT REGISTRATION LIST, IF
7 APPLICABLE.

8 ~~(2) If an elector does not make a declaration regarding a~~
9 ~~party preference or no party preference under this act, the elec-~~
10 ~~tor is considered to have declared no party preference.~~

11 ~~(3) If a registration list is used in the precinct for a~~
12 ~~presidential primary election instead of the precinct registra-~~
13 ~~tion file, as allowed under section 501a, the registration list~~
14 ~~provided to the precinct shall include the party preference or~~
15 ~~declaration of no party preference of the elector.~~

16 (2) BEGINNING ON THE EFFECTIVE DATE OF THE AMENDATORY ACT
17 THAT ADDED THIS SENTENCE, A PERSON MAKING A REQUEST UNDER THE
18 FREEDOM OF INFORMATION ACT, ACT NO. 442 OF THE PUBLIC ACTS OF
19 1976, BEING SECTIONS 15.231 TO 15.246 OF THE MICHIGAN COMPILED
20 LAWS, IS NOT ENTITLED TO RECEIVE A COPY OF OR VIEW A PORTION OF A
21 VOTER REGISTRATION RECORD THAT CONTAINS A DECLARATION OF PARTY
22 PREFERENCE OR NO PARTY PREFERENCE OF AN ELECTOR. BEGINNING ON
23 THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SEN-
24 TENCE, A CLERK OR ANY OTHER PERSON SHALL NOT RELEASE A COPY OF OR
25 OTHERWISE DISCLOSE A PORTION OF A VOTER REGISTRATION RECORD THAT
26 CONTAINS A DECLARATION OF PARTY PREFERENCE OR NO PARTY PREFERENCE
27 OF AN ELECTOR.

1 Sec. 499. (1) An elector entitled to registration in an
2 election precinct may become registered in the precinct by apply-
3 ing in person and executing in duplicate the registration affida-
4 vit and swearing to and signing the affidavit before the clerk or
5 assistant clerk of the township, city, or village in which the
6 precinct is located. ~~Every~~ THE clerk ~~and~~ OR assistant clerk
7 ~~of the townships, cities, and villages in this state~~ shall
8 require ~~an~~ THE applicant for registration to answer under oath
9 a question ~~touching~~ CONCERNING the elector's qualification as
10 an elector. For the performance of ~~their~~ HIS OR HER duties
11 under this act, ~~every~~ EACH clerk and assistant clerk has the
12 power to administer oaths and to swear persons as to the truth of
13 statements contained in affidavits. For ~~the more perfect~~ A
14 BETTER examination of the applicant, a clerk may employ and swear
15 an interpreter to interpret all questions put to applicants and
16 the answers to those questions. If the applicant, in answer to a
17 question or in the registration affidavit, makes a material
18 statement that is false, the applicant is guilty of a
19 misdemeanor.

20 (2) After the registration affidavit is executed in dupli-
21 cate by the applicant, if the applicant is entitled to registra-
22 tion, the clerk or assistant clerk shall sign in his or her own
23 hand and note on the card the acceptance of the registration. If
24 the registration is refused, the clerk shall destroy the card of
25 the applicant. A registration card accepted before January 15,
26 1964, on which the signature of the clerk or assistant clerk is
27 typewritten or stamped is valid as to that signature. ~~All~~

1 ~~cards~~ CARDS validated by this section shall be designated as
2 prescribed by the secretary of state.

3 (3) ~~The~~ A clerk OR ASSISTANT CLERK shall not accept a fee
4 from an ~~applicant~~ ELECTOR applying for registration, either for
5 the registering of the elector or for the taking of the acknowl-
6 edgment on the affidavit. A person ~~accepting a fee~~ WHO VIO-
7 LATES THIS SUBSECTION is guilty of a misdemeanor.

8 (4) The clerk, ~~shall,~~ immediately after receiving the reg-
9 istration or change of address of an elector, SHALL prepare a
10 voter identification card for the elector. The clerk shall also
11 prepare and send a corrected voter identification card to an
12 elector affected by a change in United States representative,
13 state senatorial, state representative, or county commissioner
14 district or precinct. ~~The clerk shall also prepare and send a~~
15 ~~corrected voter identification card to an elector who changes or~~
16 ~~adds a declaration of party preference or no party preference for~~
17 ~~the purpose of voting in a presidential primary election.~~ UNLESS
18 OTHERWISE REQUIRED UNDER THE PROVISIONS OF THIS SUBSECTION, A
19 CLERK IS NOT REQUIRED TO PREPARE AND SEND A CORRECTED VOTER IDEN-
20 TIFICATION CARD TO AN ELECTOR WHO MADE A DECLARATION OF PARTY
21 PREFERENCE OR NO PARTY PREFERENCE AS PREVIOUSLY PROVIDED UNDER
22 THIS ACT. The clerk shall forward by first-class mail the identi-
23 fication card to the elector at the elector's registration
24 address. The identification card shall contain the name and
25 address of the registrant ~~—~~ AND the United States representa-
26 tive, state senatorial, state representative, or county
27 commissioner district and precinct in which the registrant is an

1 elector. ~~7 and the party preference declared by the elector, if~~
2 ~~any.~~ Except as provided in section 500c, if the original identi-
3 fication card is returned to the clerk by the post office, the
4 clerk shall accept this as information that the elector has moved
5 and the clerk shall proceed in conformity with section ~~5+3-~~
6 509AA.