



SENATE BILL No. 775

November 29, 1995, Introduced by Senators BENNETT,
MC MANUS, STEIL, SCHUETTE, GAST, STILLE, GOUGEON,
SHUGARS and SCHWARZ and referred to the Committee on
Government Operations.

A bill to amend sections 30a, 500f, 500g, 501a, 505, 509n,
509r, 509gg, 544c, 644k, 690, 862, 863, 954, and 972 of Act
No. 116 of the Public Acts of 1954, entitled as amended
"Michigan election law,"
section 501a as amended by Act No. 87 of the Public Acts of 1995,
sections 509n, 509r, and 509gg as added by Act No. 441 of the
Public Acts of 1994, section 544c as amended by Act No. 137 of
the Public Acts of 1993, and section 972 as amended by Act No. 26
of the Public Acts of 1989, being sections 168.30a, 168.500f,
168.500g, 168.501a, 168.505, 168.509n, 168.509r, 168.509gg,
168.544c, 168.644k, 168.690, 168.862, 168.863, 168.954, and
168.972 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 30a, 500f, 500g, 501a, 505, 509n, 509r,
2 509gg, 544c, 644k, 690, 862, 863, 954, and 972 of Act No. 116 of

1 the Public Acts of 1954, section 501a as amended by Act No. 87 of
 2 the Public Acts of 1995, sections 509n, 509r, and 509gg as added
 3 by Act No. 441 of the Public Acts of 1994, section 544c as
 4 amended by Act No. 137 of the Public Acts of 1993, and section
 5 972 as amended by Act No. 26 of the Public Acts of 1989, being
 6 sections 168.30a, 168.500f, 168.500g, 168.501a, 168.505,
 7 168.509n, 168.509r, 168.509gg, 168.544c, 168.644k, 168.690,
 8 168.862, 168.863, 168.954, and 168.972 of the Michigan Compiled
 9 Laws, are amended to read as follows:

10 Sec. 30a. (1) A 4-member board of canvassers is established
 11 in every city and township having more than 5 precincts, notwith-
 12 standing any statutory or charter provision, or any other rule or
 13 law to the contrary. All of the powers granted to and duties
 14 required by law to be performed by city and township boards of
 15 canvassers are granted to and required to be performed by the
 16 boards of city and township canvassers in cities and townships
 17 having more than 5 precincts. ~~School district elections in~~
 18 ~~cities of over 5 precincts which are held in conjunction with the~~
 19 ~~city elections shall be canvassed by the city board of~~
 20 ~~canvassers.~~ Members of the board OF CANVASSERS shall be
 21 appointed for terms of 4 years beginning January 1 next following
 22 their appointment. ~~Of the members first appointed, 1 member of~~
 23 ~~each of the political parties represented on the canvassing board~~
 24 ~~shall be appointed for a term ending December 31, 1967, and 1 for~~
 25 ~~a term ending December 31, 1965.~~ Members of the board OF
 26 CANVASSERS shall be notified of their appointment within 5 days
 27 ~~thereafter~~ AFTER APPOINTMENT by their city or township clerk.

1 (2) The city council or the township board of any city or
2 township having more than 5 precincts may contract with the board
3 of supervisors of the county in which all or the greater portion
4 of the city or township's population resides to provide that the
5 board of county canvassers of that county shall perform all the
6 functions of the board of city or township canvassers. Financial
7 arrangements of such a contract may provide that the city or
8 township shall bear all or part of cost of such work.

9 Sec. 500f. The clerk of a township shall transmit to the
10 village clerk of a village, the whole or part of which lies in
11 the township, information necessary to complete the village reg-
12 istration of a person registered under sections 500a to 500j.

13 ~~The clerk of a city or township shall transmit to the secretary~~
14 ~~of a school district, where applicable, the information on the~~
15 ~~application of a person residing within the school district and~~
16 ~~registered under sections 500a to 500j.~~

17 Sec. 500g. A registration card prepared under sections 500a
18 to 500j shall be sworn to and signed by the voter at the first
19 election during which the voter appears at the polls, or may be
20 signed in the ~~office of the secretary of the school district or~~
21 ~~in the~~ clerk's office. The application shall be retained by the
22 city or township clerk for signature purposes until the registra-
23 tion card is signed, except that the application shall be sent to
24 the appropriate precinct for each election until the registration
25 card is signed. The secretary of state may provide an applica-
26 tion form ~~which~~ THAT allows a completed affidavit to be
27 attached to a registration card prepared by a local clerk. The

1 registrant shall not be required to sign a registration card if
2 the completed affidavit is attached.

3 Sec. 501a. The BOARD OF election ~~commission~~ COMMISSIONERS
4 of a city, village, or township may authorize the clerk of the
5 city, village, or township to create a registration list. The
6 registration list shall be alphabetically arranged and shall con-
7 tain the name of each registered elector in a precinct. The name
8 shall be followed by the address and date of birth of the
9 elector. The BOARD OF election ~~commission~~ COMMISSIONERS may
10 also provide that the registration list may be used instead of
11 the precinct registration file when this act provides for the use
12 of a precinct registration file. ~~A school district or an inter-~~
13 ~~mediate school district may also use a registration list instead~~
14 ~~of the precinct registration file when a precinct registration~~
15 ~~file is required.~~ A city, village, or township shall maintain a
16 file containing the signature of each elector registered in the
17 city, village, or township.

18 Sec. 505. (1) At the time an elector is applying for regis-
19 tration, the registration officer shall ascertain if the elector
20 is already registered as a voter. If the elector is previously
21 registered, the elector shall at the time of applying for regis-
22 tration sign an authorization to cancel any previous
23 registration. The secretary of state shall prescribe forms for
24 this purpose. The form may be a part of the application or a
25 separate form. The clerk of the city or township in which the
26 elector is newly registered shall notify the registration officer

1 of the place of previous registration of the authorization to
2 cancel.

3 (2) An authorization to cancel ~~which~~ THAT indicates a pre-
4 vious address in a state other than this state shall be forwarded
5 to the secretary of state of that state. Notice may be made by
6 forwarding the separate cancellation form, by forwarding the por-
7 tion of an application listing a previous place of registration
8 or by forwarding a list certified by the clerk containing the
9 names of people authorizing cancellation.

10 (3) Notices of cancellation shall contain the name, birth
11 date, and address at which the elector was previously registered,
12 and the name of the city or township of previous registration of
13 all persons authorizing cancellations. Notices shall be sent
14 within 30 days after receipt, but not later than 5 days after the
15 close of registration.

16 (4) Upon receipt of the notice, the clerk shall cancel the
17 registration of the persons listed on the notice. The clerk
18 shall also notify the registration officer of each village ~~and~~
19 ~~school district~~ in which the person resides of receipt of an
20 authorization to cancel. An authorization to cancel a voter reg-
21 istration signed by the voter and received from another state or
22 a notice from an election official of another state that an elec-
23 tor has registered in that state shall have the same force and
24 effect as the notice of authorization to cancel of this state.

25 Sec. 509n. The secretary of state is responsible for the
26 coordination of the requirements imposed under this chapter and

1 the national voter registration act of 1993. The secretary of
2 state shall do all of the following:

3 (a) Develop a mail registration form and make the form
4 available for distribution through governmental and private enti-
5 ties, with special emphasis on making the form available to voter
6 registration programs established for the purpose of registering
7 citizens of this state to vote.

8 (b) Instruct designated voter registration agencies, ~~AND~~
9 county, city, township, and village clerks ~~and school~~
10 ~~officials~~ regarding the voter registration procedures and
11 requirements imposed by law.

12 Sec. 509r. (1) The secretary of state shall establish and
13 maintain the computer system and programs necessary to the opera-
14 tion of the qualified voter file. The secretary of state shall
15 allow each county, city, township, or village access to the qual-
16 ified voter file. The county, city, township, and village clerks
17 shall verify the accuracy of the names and addresses of regis-
18 tered voters in the qualified voter file.

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

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

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

4 (c) An application to register to vote taken by a county,
5 city, township, or village clerk. ~~or secretary of a school~~
6 ~~board.~~

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

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

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

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

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

21 Sec. 509gg. The information described in this section that
22 is contained in a registration record is exempt from the freedom
23 of information act, Act No. 442 of the Public Acts of 1976, being
24 sections 15.231 to 15.246 of the Michigan Compiled Laws. The
25 secretary of state, a designated voter registration agency ~~—~~ OR
26 a county, city, township, or village clerk ~~—, or the secretary of~~

1 ~~a school board~~ shall not release a copy of that portion of a
2 registration record that contains any of the following:

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

4 (b) The office that received a registered voter's
5 application.

6 (c) A registered voter's driver license or state personal
7 identification card number.

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

9 (e) The telephone number provided by the registered voter.

10 Sec. 544c. (1) A nominating petition shall be 8-1/2 inches
11 by 14 inches in size. On a nominating petition, the words
12 "nominating petition" shall be printed in 24-point boldface
13 type. "We, the undersigned," et cetera shall be printed in
14 8-point type. "Warning" and language in the warning shall be
15 printed in 12-point boldface type. The balance of the petition
16 shall be printed in 8-point type. The name, address, and party
17 affiliation of the candidate and the office for which petitions
18 are signed shall be printed in type not larger than 24-point.
19 The petition shall be in the following form:

20

21

NOMINATING PETITION

22

(PARTISAN)

23

We, the undersigned, registered and qualified voters of

1 the city or township (STRIKE 1) of, THE SCHOOL DISTRICT
 2 OF, in the county of

3 ~~(strike 1)~~

4 and state of Michigan, nominate,

5 ,

6 (Name of Candidate)

7 ,

8 (Street Address or Rural Route) (Post Office)

9 as a candidate of the party for the office of

10 , ,

11 (District, if any)

12 to be voted for at the primary election to be held on the

13 day of , 19... .

14 WARNING

15 A person who knowingly signs more petitions for the same
 16 office than there are persons to be elected to the office or
 17 signs a name other than his or her own is violating the provi-
 18 sions of the Michigan election law.

1 _____

2 Printed Street Address

3 Name and or Post Office Date of Signing

4 Signature Rural Route Mo. Day Year

5 _____

6 1. _____

7 2. _____

8 3. _____

9 4. _____

10 numbered lines as above

11 CERTIFICATE OF CIRCULATOR

12 The undersigned circulator of the above petition asserts

13 that he or she is qualified to circulate this petition and that

14 each signature on the petition was signed in his or her presence;

15 and that, to his or her best knowledge and belief, each signature

16 is the genuine signature of the person purporting to sign the

17 petition, the person signing the petition was at the time of

18 signing a qualified registered elector of the city or township

19 listed in the heading of the petition, and the elector was quali-

20 fied to sign the petition.

1 Circulator--Do not sign or date certificate until after
2 circulating petition.

3 _____
4 (Printed Name and Signature of Circulator) (Date)

5 _____
6 (City or Township Where Registered)

7 _____
8 Complete Address (Street and Number or Rural Route)

9 _____
10 (Post Office)

11 Warning-A circulator WHO knowingly ~~making~~ MAKES a false
12 statement in the above certificate, a person not a circulator who
13 signs as ~~a~~ THE circulator, or a person who signs a name other
14 than his or her own as circulator is guilty of a misdemeanor.

15 (2) The petition shall be in a form providing a space for
16 the circulator and each elector who signs the petition to print
17 his or her name. The secretary of state shall prescribe the
18 location of the space for the printed name. The failure of the
19 circulator or an elector who signs the petition to print his or
20 her name or to print his or her name in the location prescribed
21 by the secretary of state does not affect the validity of the
22 signature of the circulator or the elector who signs the
23 petition. A printed name located in the space prescribed for

1 printed names does not constitute the signature of the circulator
2 or elector.

3 (3) At the time of circulation, the circulator of a petition
4 shall be a registered elector of this state. At the time of exe-
5 cuting the certificate of circulator, the circulator shall be
6 registered in the city or township indicated in the certificate
7 of circulator on the petition.

8 (4) The circulator of a petition shall sign and date the
9 certificate of circulator before the petition is filed. A circu-
10 lator shall not obtain electors' signatures after the circulator
11 has signed and dated the certificate of circulator. A filing
12 official shall not count electors' signatures that were obtained
13 after the date the circulator signed the certificate or that are
14 contained in a petition that the circulator did not sign and
15 date.

16 (5) Except as provided in section 544d, a petition sheet
17 shall not be circulated in more than 1 city or township and each
18 signer of a petition sheet shall be a registered elector of the
19 city or township indicated in the heading of the petition sheet.
20 The invalidity of 1 or more signatures on a petition does not
21 affect the validity of the remainder of the signatures on the
22 petition.

23 (6) A person shall not sign more nominating petitions for
24 the same office than there are persons to be elected to the
25 office. A PERSON WHO VIOLATES THIS SUBSECTION IS GUILTY OF A
26 MISDEMEANOR.

1 (7) A person who signs a petition with a name other than his
2 or her own is guilty of a misdemeanor.

3 (8) A person who knowingly makes a false statement in a cer-
4 tificate on a petition, a person not a circulator who signs as a
5 circulator, or a person who signs a name as circulator other than
6 his or her own is guilty of a misdemeanor.

7 (9) A person who aids or abets another in an act that is
8 prohibited by this section is guilty of a misdemeanor.

9 (10) The provisions of this section except as otherwise
10 expressly provided apply to all petitions circulated under
11 authority of the election law.

12 Sec. 644k. (1) If all or portion of a ~~school district or~~
13 ~~a~~ community college district is wholly or partly within a city
14 or more than 1 city that elects city officers at the odd year
15 general election, the ~~school district or~~ community college dis-
16 trict ~~, except a first class school district,~~ may hold its
17 election biennially at the odd year general election if existing
18 law requires ~~or an agreement pursuant to section 533 of Act No.~~
19 ~~269 of the Public Acts of 1955, as amended, being section 340.533~~
20 ~~of the Michigan Compiled Laws, authorizes~~ each city to conduct
21 the ~~school or~~ community college election at the same time as
22 and in conjunction with the city election.

23 (2) The board of ~~education of a school district or the~~
24 ~~board of~~ trustees of a community college district may determine
25 by resolution whether the district shall hold its election as
26 provided in this section. The resolution shall be adopted
27 ~~before May 1, 1971, if it is to be applicable to the 1971 odd~~

1 ~~year general election, otherwise it shall be adopted~~ not less
2 than 6 months preceding the date of any regularly scheduled
3 ~~school or~~ community college district election. In its resolu-
4 tion the board shall provide that the term of office of members
5 of the ~~school district or~~ community college district board
6 shall be for an even number of years and shall provide for an
7 election schedule ~~which~~ THAT implements the change. A term may
8 be extended for not more than 1 year for this purpose. The board
9 may change the filing date of nominating petitions for board of
10 education candidates to conform with the filing dates of a city
11 election that is held in conjunction with the school board
12 election. ~~In the case of school elections held in accordance~~
13 ~~with this section, the last date for nomination shall not be more~~
14 ~~than 49 days before the scheduled school election.~~ The board may
15 provide that all members shall not be elected at the same
16 election. Incumbents' terms shall be ~~in accordance with~~
17 PURSUANT TO section 644g(1). The date for taking office shall be
18 as prescribed in section 644h.

19 (3) This section shall not be ~~deemed~~ CONSIDERED to change
20 the prior provisions of law regarding petitions, nominations, or
21 the conduct of ~~school district and~~ community college district
22 elections other than to allow a change in the date of the regular
23 district election and changes in the date for taking office and
24 the terms of office related to the change in election date.

25 Sec. 690. The APPROPRIATE township, city, or village board
26 of election commissioners, ~~as the case may be,~~ shall cause the
27 ballots required for any regular or special township, village,

1 ~~or~~ city, OR SCHOOL election, or official primary election for
2 the nomination of candidates for township, village, city, SCHOOL,
3 or ward offices, to be printed and delivered to the APPROPRIATE
4 township, village, or city clerk ~~, as the case may be,~~ at least
5 10 days before ~~any such~~ THE election. ~~, and like~~ SIMILAR
6 duties ~~as are hereinbefore enjoined~~ IMPOSED upon county boards
7 of election commissioners and upon county, township, and city
8 clerks relative to the printing, counting, packaging, sealing,
9 and delivery of official ballots, are ~~hereby enjoined~~ ALSO
10 IMPOSED upon the several township and municipal boards of elec-
11 tion commissioners and ~~upon~~ the several township, village, or
12 city clerks relative to the printing, counting, packaging,
13 sealing, and delivery of official ballots for use in each pre-
14 cinct of ~~such~~ THE township, village, or city at any ~~such~~
15 municipal, ~~or~~ township, OR SCHOOL election.

16 Sec. 862. A candidate for any office AT AN ELECTION,
17 including a candidate at ~~all~~ A school ~~elections except an~~
18 ~~election for board members in a primary school district, at any~~
19 ~~primary or election, conceiving himself~~ ELECTION, WHO BELIEVES
20 HE OR SHE IS aggrieved on account of fraud or mistake in the can-
21 vass of the votes by the inspectors of election, or in the
22 returns made ~~thereon~~ ON THE ELECTION by the BOARD OF ELECTION
23 inspectors, may petition for a recount of the votes cast for that
24 office in any precinct or precincts as provided in this chapter.

25 Sec. 863. A qualified and registered elector voting in a
26 city, township, ~~school district other than a primary school~~
27 ~~district at an election for board members,~~ or village at the

1 last preceding election who believes there has been fraud or
 2 error committed by the inspectors of election in its canvass or
 3 returns of the votes cast at the election, upon a proposed amend-
 4 ment to the charter of the city or village or any other proposi-
 5 tion submitted to the voters of the county, city, township,
 6 school district, or village, may petition for a recount of the
 7 votes cast in any precinct or precincts of that county, city,
 8 township, school district, or village, upon that proposed amend-
 9 ment or other proposition as provided in this chapter.

10 Sec. 954. ~~The~~ RECALL petitions shall be signed by regis-
 11 tered and qualified electors of the electoral district of the
 12 official whose recall is sought. ~~In a school district where~~
 13 ~~school electors are not required to be registered, the signers of~~
 14 ~~the petition shall not be required to be registered electors and~~
 15 ~~the term "registered and qualified electors" shall mean~~
 16 ~~"qualified electors".~~ Each signer of ~~the~~ A RECALL petition
 17 shall affix his OR HER signature, address, and the date of
 18 signing. ~~The persons signing the~~ A PERSON WHO SIGNS A RECALL
 19 petition shall be A registered and qualified ~~electors~~ ELECTOR
 20 of the governmental subdivision designated in the heading of the
 21 petition.

22 Sec. 972. (1) Except as provided in subsection (2), a can-
 23 didate for a nonpartisan office shall be nominated and voted for
 24 in an election scheduled pursuant to section 971 by filing a nom-
 25 inating petition not later than 4 p.m. on the fifteenth day
 26 after the election is called. The nominating petition shall be
 27 filed with the clerk or secretary of the electoral district and

1 signed by not less than 3% of the registered and qualified
2 electors of the electoral district. However, a nominating peti-
3 tion for the office of district library board member shall be
4 signed by not less than 3% of the number of persons voting in the
5 district library district at the last election at which district
6 library board members were elected and filed with the clerk of
7 the largest county or, if a school district is a participating
8 municipality, with the secretary of the largest participating
9 school district. For the purposes of this subsection, the term
10 "largest" has the meaning ascribed to it in section 2 of the dis-
11 trict library establishment act, ACT NO. 24 OF THE PUBLIC ACTS OF
12 1989, BEING SECTION 397.172 OF THE MICHIGAN COMPILED LAWS.

13 (2) This subsection applies to an election to fill a vacancy
14 for an unexpired term created by a recall of a SCHOOL BOARD
15 member, ~~of a board of education of a school district,~~ if the
16 election is scheduled to be held on the same date as ~~an annual~~
17 ~~school election or~~ a general election. A petition filed by a
18 candidate shall be signed by a number of registered and qualified
19 electors of the school district equal to not less than 1% of the
20 total number of votes received by the candidate for SCHOOL BOARD
21 member ~~of the board of education~~ who received the greatest
22 number of votes at the last election at which members of the
23 SCHOOL board ~~of education~~ were elected, but the number shall
24 not be less than 20. The petition shall clearly state that it
25 relates to the filling of a vacancy for an unexpired term and
26 shall be filed with the ~~secretary of the board or in the office~~
27 ~~of the board of education~~ FILING OFFICIAL WHO RECEIVES

1 NOMINATING PETITIONS UNDER SECTION 302 not later than 4 p.m. on
2 the fifteenth day after the election is called.

3 Section 2. This amendatory act shall not take effect unless
4 all of the following bills of the 88th Legislature are enacted
5 into law:

6 (a) Senate Bill No. 773.

7

8 (b) Senate Bill No. 774.

9