

ALLOW VOTER REGISTRATION ON ELECTION DAY

House Bill 4342

Sponsor: Rep. Edward LaForge

Committee: Constitutional Law and Ethics

Complete to 4-14-99

A SUMMARY OF HOUSE BILL 4342 AS INTRODUCED 2-16-99

The bill would amend the Michigan Election Law to allow people to register to vote at a polling place on the day of an election.

The Michigan Election Law defines "qualified elector" to mean any person who possesses the qualifications of an elector as prescribed in Section 1 of Article 2 of the state constitution and who has resided in the city or township for 30 days (MCL 169.10). Article 1, section 2 of the state constitution says that *"Every citizen of the United States who has attained the age of 21 years, who has resided in this state at least six months, and who meets the requirements of local residence provided by law, shall be an elector and qualified to vote in any election except as otherwise provided in this constitution. The legislature shall define residence for voting purposes."* Section 492 of the act says that every person who has the following qualifications of an elector (or who will have those qualifications at the next election) is entitled to be registered as an elector in the township, city, or village in which he or she resides: He or she must be a United States citizen at least 18 years old and a resident both of the state for at least 30 days and of the township, city or village on or before the 30th day before the next election. Someone who isn't registered but who otherwise meets the qualifications of an elector can apply for registration to the county, township, city, or village clerk where the applicant resides, though registrations accepted between the 30th day before an election and the day of the election aren't valid for that election (but are valid for subsequent elections held at least 30 days after the registration is accepted). The one exception to this 30-day registration requirement was added by a 1989 amendment to the law (Public Act 142 of 1989), so that a registered and qualified elector who moves from the township or city of a county in which he or she is registered after the 60th day before an election and who hasn't registered in the new township or city by the close of registration for an election must be allowed to register and to vote in the election if all of the following conditions apply: The elector applies for registration in person, executes the registration affidavit before the clerk (or the clerk's agent) of the new township or city, and provides proof of identification "sufficient to satisfy the township or city clerk as to [his or her] identity and residency"; and the township or city clerk determines to his or her satisfaction that the elector is currently registered to vote in another township or city in the same county. (MCL 168.507b) The election board cannot accept the vote of someone whose name isn't registered in the registration book or listed on the computer voter registration precinct list of the township, ward, or precinct in which he or she wishes to vote unless he or she has met the requirements of section 507b.

The bill would amend the law to allow a second exemption to the prohibition upon boards of election inspectors from accepting the vote of someone whose name wasn't registered in the registration book or listed on the computer registration precinct list. In addition to the current exemption under section 507b for a qualified and registered elector who moved within a county, a new exemption would be added for people who had registered at the polling place on the day of the election under the bill's provisions. The bill also would amend the law's 30-day prior registration requirement to allow someone who wasn't registered but who met the qualifications of an elector as prescribed in section 492 to apply for registration to the clerk (or his or her authorized assistant) of the township, city, or village at the polling place on the day of an election, and to specify that a registration accepted at the polling place on the day of an election would be valid for that and any subsequent elections.

Procedure for election-day registration. The bill would add a new section to the act allowing, in addition to all other rights to registration under this chapter of the act, an elector entitled to registration in an election precinct to become registered in the precinct by applying in person to a clerk or assistant clerk at the polling place on the day of an election. The bill would require city, township, or village clerks or assistant clerks to be present at polling places while the polling place was open on an election day, and to receive applications for voter registration as required under the bill.

The elector would have to execute in duplicate a registration affidavit and swear to and sign the affidavit in the presence of the clerk or assistant clerk, who would be authorized to administer oaths and swear people as to the truth of statements contained in registration affidavits. The clerk or assistant clerk would have to require the applicant for registration to answer under oath a question concerning the elector's qualification as an elector, and could use and swear an interpreter to interpret questions to applicants and their answers. An applicant who made a material statement that was false in answer to a question, or in the registration affidavit, would be guilty of a misdemeanor.

If an applicant were entitled to registration, the clerk or assistant clerk would have to sign ("in his or her own hand"), and note on the card, the acceptance of the registration. If the registration were refused, the clerk or assistant clerk would have to destroy the applicant's card. Cards validated under the bill would have to be designated as prescribed by the secretary of state.

A clerk or assistant clerk would be prohibited from accepting a fee from an applicant for registration, either for registering the elector or for taking the acknowledgment on the affidavit. A clerk or assistant clerk who accepted a fee would be guilty of a misdemeanor.

Immediately after approving a registration application under the bill, the clerk or assistant clerk would have to prepare a registration card or an insert to a registration list ("in a form provided by the secretary of state"), and transfer the card or insert to the board of election inspectors at the polling place in order for the newly registered elector to apply to vote. (At each election, before being given a ballot, each registered elector must present an official state identification card, a driver's license, or other generally recognized picture identification card and execute an application showing his or her signature and residential address in the presence of an election official. The election official then compares the signature on either the voter registration

card or voter registration list, depending on which the precinct uses, with the signature on the application before issuing a ballot.) As soon as practical after the election, the clerk would have to prepare and send a voter identification card in the manner prescribed by the act for corrected voter identification cards.

MCL 168.491, 168.497, 169.497a and 168.499e

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.