

HOUSE BILL No. 4342

February 25, 1999, Introduced by Reps. LaForge, Kelly, Hale, Rivet, Martinez, Quarles, Brewer, Cherry, Brater, Baird, Switalski, Jacobs, Schermesser, Kilpatrick and Thomas and referred to the Committee on Constitutional Law and Ethics.

A bill to amend 1954 PA 116, entitled
"Michigan election law,"
by amending sections 491, 497, and 497a (MCL 168.491, 168.497,
and 168.497a), sections 491 and 497 as amended by 1989 PA 142 and
section 497a as amended by 1986 PA 220, and by adding section
499e.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 491. The BOARD OF ELECTION inspectors ~~of election~~ at
2 an election ~~or primary election~~ in this state, or in a dis-
3 trict, county, township, city, or village in this state, shall
4 not receive the vote of a person whose name is not registered in
5 the registration book or listed on the computer voter registra-
6 tion precinct list of the township, ward, or precinct in which he
7 or she offers to vote unless the person has met the requirements

1 of section 507b OR HAS REGISTERED AT THE POLLING PLACE ON THE DAY
2 OF THE ELECTION AS PROVIDED IN SECTION 499E.

3 Sec. 497. (1) A person who is not registered but
4 ~~possesses~~ MEETS the qualifications of an elector as ~~set forth~~
5 PROVIDED in section 492 ~~—~~ may apply for registration to the
6 clerk of the county, township, city, or village in which he or
7 she resides on a day other than Saturday, Sunday, OR a legal
8 holiday. ~~—, or the day of a regular, primary, school, or special~~
9 ~~election.~~ Registrations accepted between the thirtieth day pre-
10 ceding an election and the day ~~of~~ BEFORE the election, unless
11 the thirtieth day falls on a Saturday, Sunday, or legal holiday,
12 in which event registration shall be accepted during the follow-
13 ing day, are not valid for the election but are valid for subse-
14 quent regular, primary, school, or special elections that are
15 held so that not less than 30 days intervene between the date the
16 person registered and the date of the election. A PERSON WHO IS
17 NOT REGISTERED BUT MEETS THE QUALIFICATIONS OF AN ELECTOR AS PRO-
18 VIDED IN SECTION 492 MAY APPLY FOR REGISTRATION TO THE CLERK OF
19 THE TOWNSHIP, CITY, OR VILLAGE, OR AUTHORIZED ASSISTANT TO THE
20 CLERK AT THE POLLING PLACE ON THE DAY OF AN ELECTION AS PROVIDED
21 IN SECTION 499E. A REGISTRATION ACCEPTED AT THE POLLING PLACE ON
22 THE DAY OF AN ELECTION IS VALID FOR THAT ELECTION AND ANY SUBSE-
23 QUENT ELECTIONS.

24 (2) Except as otherwise provided in THIS SECTION AND sec-
25 tions ~~499a to 499e~~ 499E, 500a to 500j, and 504, an application
26 for registration shall not be executed at a place other than the
27 office of the county, township, city, or village clerk or a

1 public place or places designated by the clerk ~~or deputy~~
2 ~~registrar~~ for receiving registrations. ~~, but the~~ HOWEVER, A
3 clerk or ~~deputy registrar~~ ASSISTANT CLERK may receive an appli-
4 cation wherever he or she may be. If a county, township, city,
5 or village clerk does not regularly keep his or her office open
6 daily during certain hours, the clerk shall not be required to be
7 at his or her office for the purpose of receiving applications
8 for registration on a particular day nor during specific hours of
9 a day, except as provided in section 498. Registrations taken
10 after the time of closing registrations before an election need
11 not be processed until the date immediately following that
12 election. A registration shall not be placed in a precinct reg-
13 istration file until the date immediately following that
14 election. If a person registers at a time that registrations are
15 closed for an election, the person shall be given a notice,
16 signed by the clerk, on a form developed by the secretary of
17 state, informing him or her that, UNLESS THE PERSON REGISTERS AT
18 THE POLLING PLACE ON THE DAY OF THE ELECTION, he or she is not
19 eligible to vote in the election and indicating the first date on
20 which he or she is eligible to vote. Except as provided in
21 sections 500a to 500j, the provisions of this section relating to
22 registration shall apply.

23 Sec. 497a. The 30-day limitation contained in section 497
24 ~~shall~~ DOES not apply to a second school millage election allow-
25 able under section 36(3) of the general property tax act, ~~Act~~
26 ~~No. 206 of the Public Acts of 1893, as amended, being~~
27 ~~section 211.36 of the Michigan Compiled Laws, or to a first~~

~~1 school millage election held under section 36(2) during calendar~~
~~2 year 1986 if a school district's operating revenue is less than~~
~~3 the total operating revenue for the previous school year 1893 PA~~
4 206, MCL 211.36. For those elections, a registration taken on
5 the days intervening between the tenth day preceding the election
6 and the day of the election ~~shall~~ IS not ~~be~~ valid for that
7 election but ~~shall be~~ IS valid for a subsequent regular, pri-
8 mary, or special election of the district. A PERSON MAY REGISTER
9 AT THE POLLING PLACE ON THE DAY OF THE ELECTION AS PROVIDED IN
10 SECTION 499E.

11 SEC. 499E. (1) THE CLERK OF A CITY, TOWNSHIP, OR VILLAGE
12 SHALL BE PRESENT OR CAUSE AN ASSISTANT CLERK TO BE PRESENT AT A
13 POLLING PLACE AT ALL TIMES THE POLLING PLACE IS OPEN ON THE DAY
14 OF AN ELECTION HELD PURSUANT TO THIS ACT. THE CLERK OR ASSISTANT
15 CLERK SHALL RECEIVE APPLICATIONS FOR REGISTRATION AS PROVIDED IN
16 THIS SECTION.

17 (2) IN ADDITION TO ALL OTHER RIGHTS TO REGISTRATION UNDER
18 THIS CHAPTER, AN ELECTOR ENTITLED TO REGISTRATION IN AN ELECTION
19 PRECINCT MAY BECOME REGISTERED IN THE PRECINCT BY APPLYING IN
20 PERSON TO A CLERK OR ASSISTANT CLERK AT THE POLLING PLACE ON THE
21 DAY OF AN ELECTION. THE ELECTOR SHALL EXECUTE IN DUPLICATE A
22 REGISTRATION AFFIDAVIT AND SWEAR TO AND SIGN THE AFFIDAVIT IN THE
23 PRESENCE OF THE CLERK OR ASSISTANT CLERK.

24 (3) THE CLERK OR ASSISTANT CLERK SHALL REQUIRE THE APPLICANT
25 FOR REGISTRATION TO ANSWER UNDER OATH A QUESTION CONCERNING THE
26 ELECTOR'S QUALIFICATION AS AN ELECTOR. THE CLERK OR ASSISTANT
27 CLERK MAY ADMINISTER OATHS AND SWEAR PERSONS AS TO THE TRUTH OF

1 STATEMENTS CONTAINED IN REGISTRATION AFFIDAVITS. THE CLERK MAY
2 EMPLOY AND SWEAR AN INTERPRETER TO INTERPRET ALL QUESTIONS PUT TO
3 APPLICANTS AND THE ANSWERS TO THOSE QUESTIONS. IF THE APPLICANT,
4 IN ANSWER TO A QUESTION OR IN THE REGISTRATION AFFIDAVIT, MAKES A
5 MATERIAL STATEMENT THAT IS FALSE, THE APPLICANT IS GUILTY OF A
6 MISDEMEANOR.

7 (4) IF THE APPLICANT IS ENTITLED TO REGISTRATION, THE CLERK
8 OR ASSISTANT CLERK SHALL SIGN IN HIS OR HER OWN HAND AND NOTE ON
9 THE CARD THE ACCEPTANCE OF THE REGISTRATION. IF THE REGISTRATION
10 IS REFUSED, THE CLERK OR ASSISTANT CLERK SHALL DESTROY THE CARD
11 OF THE APPLICANT. CARDS VALIDATED BY THIS SECTION SHALL BE DES-
12 IGNATED AS PRESCRIBED BY THE SECRETARY OF STATE. THE CLERK OR
13 ASSISTANT CLERK SHALL NOT ACCEPT A FEE FROM AN ELECTOR APPLYING
14 FOR REGISTRATION, EITHER FOR THE REGISTERING OF THE ELECTOR OR
15 FOR THE TAKING OF THE ACKNOWLEDGMENT ON THE AFFIDAVIT. A CLERK
16 OR ASSISTANT CLERK WHO ACCEPTS A FEE IS GUILTY OF A MISDEMEANOR.

17 (5) IMMEDIATELY AFTER APPROVING AN APPLICATION FOR REGISTRA-
18 TION UNDER SUBSECTION (4), THE CLERK OR ASSISTANT CLERK SHALL
19 PREPARE A REGISTRATION CARD OR AN INSERT TO A REGISTRATION LIST
20 IN A FORM PRESCRIBED BY THE SECRETARY OF STATE. THE CLERK OR
21 ASSISTANT CLERK SHALL CAUSE THE REGISTRATION CARD OR INSERT TO A
22 REGISTRATION LIST TO BE TRANSFERRED TO THE BOARD OF ELECTION
23 INSPECTORS AT THE POLLING PLACE IN ORDER FOR THE NEWLY REGISTERED
24 ELECTOR TO APPLY TO VOTE AS PROVIDED IN SECTION 523.

25 (6) THE CLERK SHALL PREPARE AND SEND A VOTER IDENTIFICATION
26 CARD IN THE MANNER PRESCRIBED FOR CORRECTED VOTER IDENTIFICATION
27 CARDS IN SECTION 499(3) AS SOON AS PRACTICAL AFTER THE ELECTION.