

SENATE BILL No. 1461

September 26, 2002, Introduced by Senator BYRUM and referred to the Committee on Government Operations.

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 497, 499, 504, 509n, 509o, 509p, 509q, 509r, 509s, 509t, 509u, 509v, 509w, 509x, and 509y (MCL 168.497, 168.499, 168.504, 168.509n, 168.509o, 168.509p, 168.509q, 168.509r, 168.509s, 168.509t, 168.509u, 168.509v, 168.509w, 168.509x, and 168.509y), section 497 as amended by 1989 PA 142, section 499 as amended by 1995 PA 213, sections 504 and 509t as amended by 1998 PA 21, section 509n as amended by 1999 PA 216, and sections 509o, 509p, 509q, 509r, 509s, 509u, 509v, 509w, 509x, and 509y as added by 1994 PA 44.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 497. (1) A person who is not registered but possesses
2 the qualifications of an elector as set forth in section 492 —
3 may apply for registration to the clerk of the county, township,

1 city, or village in which he or she resides on a day other than
2 Saturday, Sunday, a legal holiday, or the day of a regular, pri-
3 mary, school, or special election. Registrations accepted
4 between the thirtieth day preceding an election and the day of
5 the election, unless the thirtieth day falls on a Saturday,
6 Sunday, or legal holiday, in which event registration shall be
7 accepted during the following day, are not valid for the election
8 but are valid for subsequent regular, primary, school, or special
9 elections that are held so that not less than 30 days intervene
10 between the date the person registered and the date of the
11 election.

12 (2) Except as otherwise provided in sections ~~499a to 499c~~
13 499, 500a to 500j, ~~and~~ 504, 509o, AND 509V, an application for
14 registration shall not be executed at a place other than the
15 office of the county, township, city, or village clerk or a
16 public place or places designated by the clerk or deputy regis-
17 trar for receiving registrations, but the clerk or deputy regis-
18 trar may receive an application wherever he or she may be. If a
19 county, township, city, or village clerk does not regularly keep
20 his or her office open daily during certain hours, the clerk
21 shall not be required to be at his or her office for the purpose
22 of receiving applications for registration on a particular day
23 nor during specific hours of a day, except as provided in section
24 498. Registrations taken after the time of closing registrations
25 before an election need not be processed until the date immedi-
26 ately following that election. A registration shall not be
27 placed in a precinct registration file until the date immediately

1 following that election. If a person registers at a time that
2 registrations are closed for an election, the person shall be
3 given a notice, signed by the clerk, on a form developed by the
4 secretary of state, informing him or her that he or she is not
5 eligible to vote in the election and indicating the first date on
6 which he or she is eligible to vote. Except as provided in sec-
7 tions 500a to 500j, the provisions of this section relating to
8 registration shall apply.

9 Sec. 499. (1) An elector entitled to registration in an
10 election precinct may become registered in the precinct by
11 ~~applying~~ DOING EITHER OF THE FOLLOWING:

12 (A) APPLYING in person and signing the registration applica-
13 tion before the clerk or assistant clerk of the township, city,
14 or village in which the precinct is located. ~~For the per-~~
15 ~~formance of his or her duties under this act, each~~

16 (B) ACCESSING THE SECRETARY OF STATE WEBSITE CREATED UNDER
17 SECTION 509o AND COMPLETING THE ONLINE REGISTRATION APPLICATION.

18 (2) EACH clerk and assistant clerk ~~has the power to~~ MAY
19 administer oaths and ~~to~~ swear persons as to the truth of state-
20 ments contained in ~~an~~ THE REGISTRATION application. For a
21 better examination of the applicant, a clerk may employ and swear
22 an interpreter to interpret all questions put to applicants and
23 the answers to those questions. If the applicant, in answer to a
24 question or in the registration application, makes a material
25 statement that is false, the applicant is guilty of a
26 misdemeanor.

1 (3) ~~-(2)-~~ A clerk or assistant clerk shall not accept a fee
2 from an elector applying for registration, either for the
3 registering of the elector or for the taking of the acknowledg-
4 ment on the application. A person who violates this subsection
5 is guilty of a misdemeanor.

6 (4) ~~-(3)-~~ The clerk, immediately after receiving the regis-
7 tration or change of address of an elector, shall prepare a voter
8 identification card for the elector. The clerk shall also pre-
9 pare and send a corrected voter identification card to an elector
10 affected by a change in United States representative, state sena-
11 torial, state representative, or county commissioner district or
12 precinct. Unless otherwise required under the provisions of this
13 subsection, a clerk is not required to prepare and send a cor-
14 rected voter identification card to an elector who made a decla-
15 ration of party preference or no party preference as previously
16 provided under this act. The clerk shall forward by first-class
17 mail the identification card to the elector at the elector's reg-
18 istration address. The identification card shall contain the
19 name and address of the registrant and the United States repre-
20 sentative, state senatorial, state representative, or county com-
21 missioner district and precinct in which the registrant is an
22 elector. Except as provided in section 500c, if the original
23 identification card is returned to the clerk by the post office,
24 the clerk shall accept this as information that the elector has
25 moved and the clerk shall proceed in conformity with section
26 509aa.

1 Sec. 504. (1) An elector who is unable to apply for
2 registration in person because of physical disability or absence
3 from the township, city, or village in which his or her legal
4 residence is located may be registered before the close of regis-
5 tration before any election or primary election by ~~securing~~
6 DOING EITHER OF THE FOLLOWING:

7 (A) SECURING duplicate registration cards from the clerk of
8 the township, city, or village in which ~~his or her~~ THE
9 ELECTOR'S legal residence is located, executing in duplicate the
10 registration affidavit before a notary public or other officer
11 legally authorized to administer oaths, and returning the regis-
12 tration cards to the clerk of the township, city, or village
13 before the close of office hours on the last day of registration
14 before any election or primary election. The notary public or
15 other officer administering the oath shall sign his or her name
16 on the line for the signature of the registration officer and
17 designate his or her title.

18 (B) ACCESSING THE SECRETARY OF STATE WEBSITE CREATED UNDER
19 SECTION 509o AND COMPLETING THE ONLINE REGISTRATION APPLICATION.

20 (2) The notarization requirements of this section do not
21 apply to an elector who lives or is stationed in a foreign coun-
22 try or who ~~has~~ IS A PERSON WITH a disability as defined in
23 section 103 of the persons with disabilities civil rights act,
24 1976 PA 220, MCL 37.1103.

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) DEVELOP AN INTERNET REGISTRATION FORM AND MAKE THE FORM
9 AVAILABLE TO THE PUBLIC THROUGH THE SECRETARY OF STATE WEBSITE
10 CREATED UNDER SECTION 509o.

11 (C) ~~(b)~~ Instruct designated voter registration agencies;
12 county, city, township, and village clerks; and school officials
13 regarding the voter registration procedures and requirements
14 imposed by law.

15 (D) ~~(c)~~ By June 15 of each odd numbered year, submit to
16 each member of the committees of the senate and house of repre-
17 sentatives with primary responsibility for election matters a
18 report on the qualified voter file. The report shall include,
19 but ~~need~~ IS not ~~be~~ limited to, ~~both of~~ the following:

20 (i) Information on the efficiency and effectiveness of the
21 qualified voter file as a voter registration system.

22 (ii) INFORMATION ON THE EFFICIENCY AND EFFECTIVENESS OF THE
23 WEBSITE PROVIDING ACCESS TO THE QUALIFIED VOTER FILE AS A VOTER
24 REGISTRATION SYSTEM.

25 (iii) ~~(ii)~~ Any recommendations of the secretary of state
26 for amendments to this act to increase the efficiency and

1 effectiveness of the qualified voter file as a voter registration
2 system.

3 Sec. 509o. (1) The secretary of state shall direct and
4 supervise the ~~establishment and~~ maintenance of a statewide
5 qualified voter file. ~~The secretary of state shall establish~~
6 ~~the technology to implement the qualified voter file on or before~~
7 ~~January 1, 1997.~~ The qualified voter file ~~shall be~~ IS the
8 official file for the conduct of all elections held in this state
9 on or after January 1, 1998. ~~The secretary of state may direct~~
10 ~~that all or any part of the city, township, or village registra-~~
11 ~~tion files shall be used in conjunction with the qualified voter~~
12 ~~file at the first state primary and election held after the cre-~~
13 ~~ation of the qualified voter file.~~ THE SECRETARY OF STATE SHALL
14 DIRECT AND SUPERVISE THE ESTABLISHMENT AND MAINTENANCE OF AN
15 INTERNET WEBSITE THAT IS AVAILABLE TO THE PUBLIC. THE STATEWIDE
16 QUALIFIED VOTER FILE SHALL BE ACCESSIBLE FROM THIS WEBSITE. THIS
17 WEBSITE SHALL INCLUDE, BUT IS NOT LIMITED TO, THE NAME OF EACH
18 REGISTERED ELECTOR, THE POLLING PLACE OF EACH REGISTERED ELECTOR,
19 AND AN ONLINE REGISTRATION APPLICATION THAT MAY BE COMPLETED AND
20 SUBMITTED BY A PERSON WHO IS NOT REGISTERED, BUT POSSESSES THE
21 QUALIFICATIONS SET FORTH IN SECTION 492. A REVISION, CHANGE,
22 DELETION, OR ADDITION TO THE QUALIFIED VOTER FILE SHALL BE MADE
23 AVAILABLE TO THE PUBLIC IN THE SHORTEST FEASIBLE TIME AFTER THE
24 INFORMATION IS MADE AVAILABLE TO THE SECRETARY OF STATE AND PRO-
25 CESSSED IN ACCORDANCE WITH THIS ACT.

26 (2) Notwithstanding any other provision of law to the
27 contrary, beginning January 1, 1998, a person who appears to vote

1 in an election and whose name appears in the qualified voter file
2 for that city, township, village, or school district is consid-
3 ered a registered voter of that city, township, village, or
4 school district under this act.

5 (3) The secretary of state, a designated voter registration
6 agency, or a county, city, township, or village clerk shall not
7 place a name of an individual into the qualified voter file
8 unless that person signs an application as prescribed in section
9 509r(3). The secretary of state or a designated voter registra-
10 tion agency shall not allow a person to indicate a different
11 address than the address in either the secretary of state's or
12 designated voter registration agency's files to be placed in the
13 qualified voter file.

14 Sec. 509p. The qualified voter file shall consist of all of
15 the following components:

16 (a) A computer file that has the capacity to maintain a
17 number of records equal to or greater than the voting age popula-
18 tion of this state.

19 (b) An electronic network that allows participating desig-
20 nated executive departments, state agencies, and county, city,
21 township, and village clerks to electronically add, change, or
22 delete records contained in the qualified voter file.

23 (c) An interactive electronic communication system that
24 allows access to records in the file of qualified voters residing
25 in a county, city, or township for the purpose of receiving
26 copies of the county, city, or township file, transmitting data
27 to the county, city, or township file, or reviewing and printing

1 the county, city, or township file. The interactive electronic
2 communication system shall be designed to permit counties,
3 cities, or townships that are capable of accessing the interac-
4 tive electronic communication system to add, change, or delete
5 records regarding qualified voters in the qualified voter file.

6 (D) AN INTERACTIVE ELECTRONIC COMMUNICATION SYSTEM THAT
7 COORDINATES WITH THE INTERNET WEBSITE CREATED UNDER SECTION 509o
8 AND ALLOWS AN ELECTOR ACCESS TO THE RECORDS IN THE FILE OF QUALI-
9 FIED VOTERS FOR THE PURPOSE OF VERIFYING HIS OR HER REGISTRATION,
10 ADDRESS, AND APPLICABLE POLLING SITE.

11 (E) ~~(d)~~ A statewide street address index in an electronic
12 medium that will accurately identify the city or township of each
13 record and ~~by January 1, 1998,~~ accurately identify the precinct
14 of each record in the qualified voter file.

15 Sec. 509q. The qualified voter file shall contain all of
16 the following information for each qualified voter:

17 (a) The name; residence address including house number and
18 street name or rural route and box number, and the apartment
19 number, if any; city; state; zip code; and date of birth.

20 (b) The driver's license number, ~~or~~ state personal identi-
21 fication card number, or similar number issued by a designated
22 voter registration agency.

23 (c) Jurisdictional information including county and city or
24 township; village, if any; and school district.

25 (d) Precinct numbers and ward numbers, if any.

26 (e) Any other information that the secretary of state
27 determines is necessary to assess the eligibility of qualified

1 electors or to administer voter registration or other aspects of
2 the election process.

3 (f) Voting history for a 5-year period.

4 Sec. 509r. (1) The secretary of state shall establish and
5 maintain the computer system and programs necessary to the opera-
6 tion of the qualified voter file AND THE WEBSITE CREATED UNDER
7 SECTION 509o. The secretary of state shall allow each county,
8 city, township, or village access to the qualified voter file.
9 The county, city, township, and village clerks shall verify the
10 accuracy of the names and addresses of registered voters in the
11 qualified voter file. THE SECRETARY OF STATE SHALL ALLOW THE
12 PUBLIC INTERNET ACCESS TO THE QUALIFIED VOTER FILE.

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

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

20 (b) An application for benefits or services, including
21 renewals and changes of address, taken by a designated voter reg-
22 istration agency.

23 (c) An application to register to vote taken by a county,
24 city, township, or village clerk or secretary of a school board.

25 (D) AN APPLICATION TO REGISTER TO VOTE SUBMITTED ONLINE.

26 (3) A person whose name does not otherwise appear in the
27 qualified voter file shall be placed in the qualified voter file

1 only if the person signs under penalty of perjury an application
2 that contains an attestation that the applicant meets all of the
3 following requirements:

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

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

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

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

13 Sec. 509s. (1) The secretary of state shall secure the nec-
14 essary assistance to have an implementation study of the quali-
15 fied voter file WEBSITE conducted before ~~July 1, 1995~~ JULY 1,
16 2003 to do all of the following:

17 (a) Assess the hardware and software required to establish
18 and maintain the qualified voter file AND THE WEBSITE.

19 (b) Determine the utility of any existing or planned commu-
20 nication networks that will enable electronic communication among
21 designated voter registration agencies that are involved with the
22 qualified voter file.

23 (c) Survey all available or planned communication networks
24 that will allow the counties, cities, and townships to communi-
25 cate with the qualified voter file.

1 (D) SURVEY AND DETERMINE THE UTILITY OF THE INTERNET WEBSITE
2 THAT ALLOWS THE PUBLIC ACCESS TO THE QUALIFIED VOTER FILE AND
3 PERMITS ONLINE APPLICATION REGISTRATION TO VOTE.

4 (2) The secretary of state shall present the results of the
5 implementation study to the governor, the senate majority leader,
6 and the speaker of the house of representatives on or before
7 ~~October 1, 1995~~ OCTOBER 1, 2003.

8 (3) The secretary of state shall create a system design and
9 cost analysis for the establishment and maintenance of the quali-
10 fied voter file WEBSITE on or before ~~October 1, 1995~~ OCTOBER 1,
11 2003. The secretary of state shall create a design and program-
12 ming schedule to establish AND MAINTAIN the qualified voter file
13 AND WEBSITE on or before ~~October 1, 1995~~ OCTOBER 1, 2003.

14 Sec. 509t. (1) Notwithstanding any other provision of law
15 to the contrary, a person who is a qualified elector in this
16 state and who registers to vote in a manner consistent with the
17 national voter registration act of 1993 ~~—~~ is considered a reg-
18 istered voter under this act.

19 (2) A person who registers to vote in a jurisdiction in this
20 state by mail OR BY INTERNET shall vote in person if that person
21 has not previously voted in person in that jurisdiction. This
22 subsection does not apply to any of the following registered
23 voters:

24 (a) A person entitled to vote by absentee ballot under the
25 uniformed and overseas citizens absentee voting act, Public Law
26 99-410, 100 Stat. 924.

1 (b) A person ~~who has~~ WITH a disability as defined in
2 section 103 of the persons with disabilities civil rights act,
3 1976 PA 220, MCL 37.1103. ~~, or~~

4 (C) A PERSON who is 60 years of age or older.

5 (D) ~~(c)~~ A person who is entitled to vote other than in
6 person under any other federal law.

7 (3) This section does not preclude this state from prosecut-
8 ing a violation of this act that is also a violation of ~~any~~ A
9 federal election or voting rights law.

10 Sec. 509u. (1) Not later than the thirtieth day after ~~the~~
11 ~~effective date of this section~~ JANUARY 10, 1995, the governor
12 shall provide a list to the secretary of state designating the
13 executive departments, state agencies, or other offices that will
14 perform voter registration activities in this state.

15 (2) Pursuant to the national voter registration act of 1993,
16 a recruitment office of the armed forces of the United States is
17 a designated voter registration agency under this act.

18 Sec. 509v. (1) A person who is not registered to vote at
19 the address where he or she resides may apply to register to vote
20 by submitting an application at any of the following locations:

21 (a) The office of the clerk of a county or the office of the
22 clerk of the city or township in which the applicant resides,
23 during regular office hours of that clerk.

24 (b) A department of state office.

25 (c) A designated voter registration agency when submitting
26 an application, recertification, renewal, or change of address at
27 the voter registration agency.

1 (2) A person who is not registered to vote at the address
2 where he or she resides may apply for registration by submitting
3 a completed mail registration application. A person may request
4 a mail registration application from and submit the application
5 to any of the following:

6 (a) The secretary of state.

7 (b) The clerk of the county, city, or township in which the
8 applicant resides.

9 (c) A designated voter registration agency.

10 (3) A PERSON WHO IS NOT REGISTERED TO VOTE AT THE ADDRESS
11 WHERE HE OR SHE RESIDES MAY APPLY FOR REGISTRATION BY SUBMITTING
12 A COMPLETED INTERNET REGISTRATION APPLICATION THAT IS AVAILABLE
13 AT THE WEBSITE CREATED UNDER SECTION 509o.

14 Sec. 509w. (1) The person processing an application THAT IS
15 SUBMITTED ONLINE OR submitted in person at a department of state
16 office, a designated voter registration agency, or the office of
17 a county clerk shall do all of the following:

18 (a) Validate the application in the manner prescribed by the
19 secretary of state.

20 (b) Issue a receipt to the applicant verifying the accep-
21 tance of the application. IF THE APPLICATION WAS SUBMITTED
22 ONLINE, THE RECEIPT SHALL BE MAILED TO THE APPLICANT VERIFYING
23 THE ACCEPTANCE OF THE APPLICATION.

24 (2) Except as otherwise provided in subsection (3), the
25 department of state office, the designated voter registration
26 agency, or the county clerk shall transmit the application not

1 later than 7 days after receipt of the application to the clerk
2 of the county, city, or township where the applicant resides.

3 (3) If an application under subsection (1) is made within 7
4 days before the close of registration for a federal election, the
5 department of state office, the designated voter registration
6 agency, or the county clerk shall transmit the application not
7 later than 1 business day to the clerk of the county, city, or
8 township where the applicant resides.

9 (4) If a completed application is transmitted by the secre-
10 tary of state or a designated voter registration agency to a
11 county clerk, the secretary of state, to the extent funds are
12 appropriated, shall compensate the county clerk for the cost of
13 forwarding the application to the proper city or township clerk
14 of the applicant's residence from funds appropriated to the sec-
15 retary of state for that purpose.

16 Sec. 509x. An application for registration is considered to
17 be received on or before the close of registration, if 1 of the
18 following requirements is met:

19 (a) ~~An~~ THE application is received at a department of
20 state office, a designated voter registration agency, or the
21 office of a county, city, or township clerk on or before the
22 close of registration.

23 (b) ~~An~~ THE application is received through the mail ~~that~~
24 AND is postmarked on or before the close of registration.

25 (c) ~~An~~ THE application is received through the mail on or
26 before the seventh day immediately following the close of
27 registration, if the postmark is missing or is unclear and the

1 application, on its face, is dated by the applicant on or before
2 the close of registration. The clerk shall consider an applica-
3 tion received pursuant to this subdivision as received before the
4 close of registration.

5 Sec. 509y. If a voter who has applied to register to vote
6 as provided in this chapter on or before the close of registra-
7 tion appears at a polling place on election day and is not listed
8 in the registration records or precinct voting list, the inspec-
9 tors of election shall allow the person to vote if 1 of the fol-
10 lowing requirements is met:

11 (a) The voter presents a receipt issued by a department of
12 state office, a designated voter registration agency, or the
13 office of the voter's county clerk verifying the acceptance of an
14 application, the voter completes a new application, and the voter
15 otherwise meets the qualifications to vote in that city or
16 township.

17 (b) The voter is unable to present a receipt issued under
18 this chapter verifying the acceptance of an application, the
19 voter otherwise meets the qualifications to vote in that city or
20 township, and, at the polling place or at a place as designated
21 by the clerk within that jurisdiction, the voter does all of the
22 following:

23 (i) Signs an affidavit affirming that the person submitted
24 an application to a department of state office, a designated
25 voter registration agency, or the office of his or her county
26 clerk; ~~—or—~~ mailed an application; OR SUBMITTED AN APPLICATION
27 ONLINE as provided in this act, on or before the close of

1 registration. ~~A person~~ AN INDIVIDUAL who provides information
2 in a signed affidavit under this subparagraph that is false is
3 guilty of perjury.

4 (ii) Completes a new application.

5 (iii) Provides ~~proof of~~ PICTURE identification sufficient
6 to ~~satisfy the clerk as to the~~ VERIFY THE VOTER'S identity and
7 residence. ~~of the voter.~~