

HOUSE BILL No. 5736

January 13, 2010, Introduced by Reps. Donigan, Angerer, Slavens, Smith, Lisa Brown, Miller, Ebli, Liss, Valentine and Hammel and referred to the Committee on Ethics and Elections.

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 an
2 election ~~or primary election~~ in this state, or in a district,
3 county, township, city, or village in this state, shall not receive
4 the vote of a person whose name is not registered in the
5 registration book or listed on the computer voter registration
6 precinct list of the township, ward, or precinct in which he or she
7 offers to vote unless the person has met the requirements of

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

3 Sec. 497. (1) A person who is not registered **TO VOTE** but
 4 ~~possesses~~ **MEETS** the qualifications of an elector as ~~set forth~~
 5 **PROVIDED** in section 492 ~~, may~~ apply for registration to the clerk
 6 of the county, township, city, or village in which he or she
 7 resides on a day other than Saturday, Sunday, **OR** a legal holiday. ~~or the day of a regular, primary, school, or special election.~~

9 Registrations accepted between the thirtieth day ~~preceeding~~ **BEFORE**
 10 an election and the day ~~of~~ **BEFORE** the election, unless the
 11 thirtieth day falls on a Saturday, Sunday, or legal holiday, in
 12 which event registration shall be accepted during the following
 13 day, are not valid for the election but are valid for **A** subsequent
 14 regular, primary, school, or special ~~elections that are~~ **ELECTION**
 15 **THAT IS** held ~~so that not less~~ **MORE** than 30 days ~~intervene between~~
 16 **AFTER** the date the person registered. ~~and the date of the election.~~

17 **A PERSON WHO IS NOT REGISTERED TO VOTE BUT MEETS THE QUALIFICATIONS**
 18 **OF AN ELECTOR AS PROVIDED IN SECTION 492 MAY APPLY FOR REGISTRATION**
 19 **TO THE CLERK OF THE TOWNSHIP, CITY, OR VILLAGE, OR AUTHORIZED**
 20 **ASSISTANT TO THE CLERK AT THE POLLING PLACE ON THE DAY OF AN**
 21 **ELECTION AS PROVIDED IN SECTION 499E. A REGISTRATION ACCEPTED AT**
 22 **THE POLLING PLACE ON THE DAY OF AN ELECTION IS VALID FOR THAT**
 23 **ELECTION AND ALL SUBSEQUENT ELECTIONS.**

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

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

22 Sec. 497a. The 30-day limitation contained in section 497
 23 ~~shall~~ **DOES** not apply to a second school millage election allowable
 24 under section 36(3) of the general property tax act, ~~Act No. 206 of~~
 25 ~~the Public Acts of 1893, as amended, being section 211.36 of the~~
 26 ~~Michigan Compiled Laws, or to a first school millage election held~~
 27 ~~under section 36(2) during calendar year 1986 if a school~~

~~district's operating revenue is less than the total operating~~
~~revenue for the previous school year 1893 PA 206, MCL 211.36. For~~
~~those elections, a registration taken on the days intervening~~
~~ACCEPTED~~ between the tenth day ~~preceding~~ ~~BEFORE~~ the election and
the day ~~of~~ ~~BEFORE~~ the election ~~shall~~ ~~IS~~ not ~~be~~ valid for that
election but ~~shall be~~ ~~IS~~ valid for a subsequent regular, primary,
or special election of the district. **A PERSON MAY REGISTER AT THE**
POLLING PLACE ON THE DAY OF THE ELECTION AS PROVIDED IN SECTION
499E.

SEC. 499E. (1) THE CLERK OF A CITY, TOWNSHIP, OR VILLAGE SHALL
BE PRESENT OR HAVE AN ASSISTANT CLERK BE PRESENT AT A POLLING PLACE
AT ALL TIMES THE POLLING PLACE IS OPEN ON THE DAY OF AN ELECTION
HELD UNDER THIS ACT. THE CLERK OR ASSISTANT CLERK SHALL RECEIVE
APPLICATIONS FOR REGISTRATION AS PROVIDED IN THIS SECTION.

(2) IN ADDITION TO ALL OTHER RIGHTS TO REGISTRATION UNDER THIS
CHAPTER, AN ELECTOR ENTITLED TO REGISTRATION IN AN ELECTION
PRECINCT MAY 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 ELECTOR SHALL EXECUTE IN DUPLICATE A
REGISTRATION SWORN STATEMENT AND SWEAR TO AND SIGN THE SWORN
STATEMENT IN THE PRESENCE OF THE CLERK OR ASSISTANT CLERK.

(3) THE CLERK OR ASSISTANT CLERK SHALL REQUIRE THE APPLICANT
FOR REGISTRATION TO ANSWER UNDER OATH A QUESTION CONCERNING THE
ELECTOR'S QUALIFICATION AS AN ELECTOR. THE CLERK OR ASSISTANT CLERK
MAY ADMINISTER OATHS AND SWEAR PERSONS AS TO THE TRUTH OF
STATEMENTS CONTAINED IN REGISTRATION SWORN STATEMENTS. THE CLERK
MAY EMPLOY AND SWEAR AN INTERPRETER TO INTERPRET ALL QUESTIONS PUT

1 TO AN APPLICANT AND THE ANSWERS TO THOSE QUESTIONS. IF THE
2 APPLICANT, IN ANSWER TO A QUESTION OR IN THE REGISTRATION SWORN
3 STATEMENT, KNOWINGLY MAKES A MATERIAL STATEMENT THAT IS FALSE, THE
4 APPLICANT IS GUILTY OF A MISDEMEANOR.

5 (4) IF THE APPLICANT IS ENTITLED TO REGISTRATION, THE CLERK OR
6 ASSISTANT CLERK SHALL PERSONALLY SIGN AND NOTE ON THE REGISTRATION
7 SWORN STATEMENT THE ACCEPTANCE OF THE REGISTRATION. IF THE
8 REGISTRATION IS REFUSED, THE CLERK OR ASSISTANT CLERK SHALL DESTROY
9 THE APPLICANT'S REGISTRATION SWORN STATEMENT. THE CLERK OR
10 ASSISTANT CLERK SHALL NOT ACCEPT A FEE FROM AN ELECTOR APPLYING FOR
11 REGISTRATION, EITHER FOR THE REGISTERING OF THE ELECTOR OR FOR THE
12 TAKING OF THE ACKNOWLEDGMENT ON THE SWORN STATEMENT. A CLERK OR
13 ASSISTANT CLERK WHO ACCEPTS A FEE IS GUILTY OF A MISDEMEANOR.

14 (5) IMMEDIATELY AFTER APPROVING AN APPLICATION FOR
15 REGISTRATION UNDER SUBSECTION (4), THE CLERK OR ASSISTANT CLERK
16 SHALL PREPARE A REGISTRATION CARD OR AN INSERT TO A REGISTRATION
17 LIST IN A FORM PRESCRIBED BY THE SECRETARY OF STATE. THE CLERK OR
18 ASSISTANT CLERK SHALL HAVE THE REGISTRATION CARD OR INSERT TO A
19 REGISTRATION LIST TRANSFERRED TO THE BOARD OF ELECTION INSPECTORS
20 AT THE POLLING PLACE TO ALLOW THE NEWLY REGISTERED ELECTOR TO APPLY
21 TO VOTE AS PROVIDED IN SECTION 523.

22 (6) THE CLERK SHALL PREPARE AND SEND A VOTER IDENTIFICATION
23 CARD IN THE MANNER PRESCRIBED FOR CORRECTED VOTER IDENTIFICATION
24 CARDS IN SECTION 499 AS SOON AS PRACTICAL AFTER THE ELECTION.