

# HOUSE BILL No. 5875

September 14, 2016, Introduced by Reps. Hoadley and Faris and referred to the Committee on Elections.

A bill to amend 1954 PA 116, entitled  
"Michigan election law,"  
(MCL 168.1 to 168.992) by adding section 525.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1        SEC. 525. (1) NOTWITHSTANDING ANY PROVISION OF LAW TO THE  
2        CONTRARY, IF AN INDIVIDUAL IS A VICTIM OF DOMESTIC VIOLENCE, SEXUAL  
3        ASSAULT, OR STALKING, THAT INDIVIDUAL MAY APPLY TO THE DEPARTMENT  
4        OF STATE TO HAVE THE DEPARTMENT OF STATE DESIGNATE AN ADDRESS TO  
5        SERVE AS THE INDIVIDUAL'S ADDRESS FOR VOTER REGISTRATION PURPOSES.  
6        THE DEPARTMENT OF STATE SHALL APPROVE AN INDIVIDUAL'S APPLICATION  
7        FILED IN THE MANNER AND ON A FORM PRESCRIBED BY THE SECRETARY OF  
8        STATE IF THE APPLICATION CONTAINS ALL OF THE FOLLOWING:

9        (A) A SWORN STATEMENT BY THE INDIVIDUAL THAT THE INDIVIDUAL IS  
10       A VICTIM OF DOMESTIC VIOLENCE, SEXUAL ASSAULT, OR STALKING AND THE

1 INDIVIDUAL FEARS FOR HIS OR HER SAFETY.

2 (B) A COPY OF A VALID PERSONAL PROTECTION ORDER ISSUED ON  
3 BEHALF OF THE INDIVIDUAL.

4 (C) A DESIGNATION OF THE DEPARTMENT OF STATE AS THE  
5 INDIVIDUAL'S AGENT FOR RECEIVING MAIL FOR VOTING PURPOSES.

6 (D) THE MAILING ADDRESS AND TELEPHONE NUMBER WHERE THE  
7 INDIVIDUAL MAY BE CONTACTED BY THE DEPARTMENT OF STATE.

8 (E) THE NEW ADDRESS THAT THE APPLICANT REQUESTS NOT BE  
9 DISCLOSED BECAUSE DISCLOSURE MAY INCREASE THE RISK OF DOMESTIC  
10 VIOLENCE, SEXUAL ASSAULT, OR STALKING.

11 (F) THE SIGNATURE OF THE INDIVIDUAL.

12 (G) THE DATE THE INDIVIDUAL SIGNS THE APPLICATION.

13 (2) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, IF AN  
14 INDIVIDUAL'S APPLICATION IS APPROVED UNDER SUBSECTION (1), THE NAME  
15 AND ADDRESS AND ANY OTHER IDENTIFYING INFORMATION CONTAINED IN THE  
16 QUALIFIED VOTER FILE RELATING TO THAT INDIVIDUAL IS CONFIDENTIAL  
17 AND EXEMPT FROM DISCLOSURE UNDER THE FREEDOM OF INFORMATION ACT,  
18 1976 PA 442, MCL 15.231 TO 15.246. THE DEPARTMENT OF STATE SHALL  
19 NOT DISCLOSE THE NAME, ADDRESS, OR ANY OTHER IDENTIFYING  
20 INFORMATION CONTAINED IN THE QUALIFIED VOTER FILE RELATING TO AN  
21 INDIVIDUAL WHOSE APPLICATION IS APPROVED UNDER SUBSECTION (1)  
22 EXCEPT AS FOLLOWS:

23 (A) IF REQUESTED BY A LAW ENFORCEMENT AGENCY, TO THE LAW  
24 ENFORCEMENT AGENCY.

25 (B) IF DIRECTED BY A COURT ORDER, TO A PERSON IDENTIFIED IN  
26 THE COURT ORDER.

27 (3) BEGINNING ON THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT

1 ADDED THIS SECTION, THE DEPARTMENT OF STATE SHALL CREATE A SEPARATE  
2 CONFIDENTIAL VOTER REGISTRATION FILE FOR INDIVIDUALS DESCRIBED IN  
3 SUBSECTION (1).

4 (4) NOT LATER THAN 45 DAYS BEFORE EACH ELECTION HELD IN A CITY  
5 OR TOWNSHIP, THE DEPARTMENT OF STATE SHALL NOTIFY THE CLERK OF EACH  
6 CITY OR TOWNSHIP WHERE AN INDIVIDUAL LISTED IN THE CONFIDENTIAL  
7 VOTER REGISTRATION FILE RESIDES AND THE CLERK OF THAT CITY OR  
8 TOWNSHIP SHALL FORWARD AN ELECTION BALLOT TO EACH INDIVIDUAL  
9 RESIDING IN THAT CITY OR TOWNSHIP LISTED IN THE CONFIDENTIAL VOTER  
10 REGISTRATION FILE. THE CLERK SHALL ENCLOSE WITH THE BALLOT A RETURN  
11 ENVELOPE PROPERLY ADDRESSED TO THE DEPARTMENT OF STATE AT A POST  
12 OFFICE BOX AS PROVIDED BY THE DEPARTMENT OF STATE. THE BALLOT SHALL  
13 BE PROCESSED AND TALLIED IN THE SAME MANNER THAT AN ABSENT VOTER  
14 BALLOT IS PROCESSED AND TALLIED UNDER THIS ACT.

15 (5) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, AN  
16 INDIVIDUAL SHALL REMAIN IN THE CONFIDENTIAL VOTER REGISTRATION FILE  
17 FOR 2 YEARS FROM THE DATE THE INDIVIDUAL'S APPLICATION IS APPROVED.  
18 AN INDIVIDUAL MAY SUBMIT A REQUEST IN WRITING TO THE DEPARTMENT OF  
19 STATE TO BE REMOVED FROM THE CONFIDENTIAL VOTER REGISTRATION FILE  
20 BEFORE THE END OF THE 2-YEAR PERIOD.

21 (6) AN INDIVIDUAL MAY RENEW HIS OR HER APPLICATION TO BE  
22 LISTED IN THE CONFIDENTIAL VOTER REGISTRATION FILE FOR 2 YEARS BY  
23 APPLYING IN THE SAME MANNER AS FOR AN ORIGINAL APPLICATION UNDER  
24 SUBSECTION (1).

25 (7) AN ACTION AGAINST A GOVERNMENTAL ENTITY OR AN OFFICER OR  
26 EMPLOYEE OF A GOVERNMENTAL ENTITY FOR DISCLOSING CONFIDENTIAL  
27 INFORMATION AS DESCRIBED IN THIS SECTION SHALL NOT BE MAINTAINED

1 EXCEPT IN THE EVENT OF AN ACT OR OMISSION THAT IS WILLFUL OR GROSS  
2 NEGLIGENCE.

3 (8) AS USED IN THIS SECTION:

4 (A) "DOMESTIC VIOLENCE" MEANS THAT TERM AS DEFINED IN SECTION  
5 1 OF 1978 PA 389, MCL 400.1501.

6 (B) "FOREIGN PROTECTION ORDER" MEANS THAT TERM AS DEFINED IN  
7 SECTION 2950H OF THE REVISED JUDICATURE ACT OF 1961, 1961 PA 236,  
8 MCL 600.2950H.

9 (C) "PERSONAL PROTECTION ORDER" MEANS A PERSONAL PROTECTION  
10 ORDER ISSUED UNDER SECTION 2950 OR 2950A OF THE REVISED JUDICATURE  
11 ACT OF 1961, 1961 PA 236, MCL 600.2950 AND 600.2950A, AND INCLUDES  
12 A VALID FOREIGN PROTECTION ORDER.

13 (D) "SEXUAL ASSAULT" MEANS AN ACT, ATTEMPTED ACT, OR  
14 CONSPIRACY TO ENGAGE IN AN ACT OF CRIMINAL CONDUCT AS DEFINED IN  
15 SECTION 520B, 520C, 520D, 520E, OR 520G OF THE MICHIGAN PENAL CODE,  
16 1931 PA 328, MCL 750.520B, 750.520C, 750.520D, 750.520E, AND  
17 750.520G, OR AN OFFENSE UNDER A LAW OF THE UNITED STATES, ANOTHER  
18 STATE, OR A FOREIGN COUNTRY OR TRIBAL OR MILITARY LAW THAT IS  
19 SUBSTANTIALLY SIMILAR TO AN OFFENSE LISTED IN THIS SUBDIVISION.

20 (E) "STALKING" MEANS THAT TERM AS DEFINED IN SECTION 411H OR  
21 411I OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL 750.411H AND  
22 750.411I.

23 (F) "VALID FOREIGN PROTECTION ORDER" MEANS A FOREIGN  
24 PROTECTION ORDER THAT SATISFIES THE CONDITIONS FOR VALIDITY  
25 PROVIDED IN SECTION 2950I OF THE REVISED JUDICATURE ACT OF 1961,  
26 1961 PA 236, MCL 600.2950I.

27 Enacting section 1. This amendatory act takes effect 90 days

**1** after the date it is enacted into law.