

Act No. 87  
Public Acts of 1995  
Approved by the Governor  
June 20, 1995  
Filed with the Secretary of State  
June 20, 1995

**STATE OF MICHIGAN  
88TH LEGISLATURE  
REGULAR SESSION OF 1995**

Introduced by Reps. Sikkema, Brackenridge, Profit, Whyman, Hammerstrom, Kaza, London, Johnson, Jellema, Jamian, Gnodtke, Voorhees, Oxender, Kukuk, Perricone and Bankes  
Reps. Agee, Anthony, Baade, Bodem, Brater, Byl, Cherry, Curtis, Dalman, DeHart, DeMars, Dobb, Dobronski, Dolan, Freeman, Gagliardi, Geiger, Gernaat, Gilmer, Gire, Goschka, Green, Harder, Hill, Hood, Horton, Jaye, Jersevic, Kelly, Kilpatrick, Law, Leland, LeTarte, Lowe, McBryde, McManus, Middleton, Olshove, Palamara, Parks, Pitoniak, Porreca, Prusi, Randall, Rhead, Rocca, Ryan, Saunders, Scott, Vaughn, Weeks and Willard named co-sponsors

## **ENROLLED HOUSE BILL No. 4435**

AN ACT to amend sections 495, 500a, 501a, 523, 613a, 615a, and 619 of Act No. 116 of the Public Acts of 1954, entitled as amended "An act to reorganize, consolidate, and add to the election laws; to provide for election officials and prescribe their powers and duties; to prescribe the powers and duties of certain state departments, state agencies, and state and local officials and employees; to provide for the nomination and election of candidates for public office; to provide for the resignation, removal, and recall of certain public officers; to provide for the filling of vacancies in public office; to provide for and regulate primaries and elections; to provide for the purity of elections; to guard against the abuse of the elective franchise; to define violations of this act; to provide appropriations; to prescribe penalties and provide remedies; and to repeal certain acts and all other acts inconsistent with this act," sections 495, 501a, 523, and 619 as amended and sections 613a and 615a as added by Act No. 275 of the Public Acts of 1988 and section 500a as amended by Act No. 4 of the Public Acts of 1994, being sections 168.495, 168.500a, 168.501a, 168.523, 168.613a, 168.615a, and 168.619 of the Michigan Compiled Laws.

*The People of the State of Michigan enact:*

Section 1. Sections 495, 500a, 501a, 523, 613a, 615a, and 619 of Act No. 116 of the Public Acts of 1954, sections 495, 501a, 523, and 619 as amended and sections 613a and 615a as added by Act No. 275 of the Public Acts of 1988 and section 500a as amended by Act No. 4 of the Public Acts of 1994, being sections 168.495, 168.500a, 168.501a, 168.523, 168.613a, 168.615a, and 168.619 of the Michigan Compiled Laws, are amended to read as follows:

Sec. 495. The registration affidavit required under section 493 shall contain all of the following:

- (a) The name of the elector.
- (b) The residence address of the elector, including the street and number or rural route and box number and the apartment number, if any.
- (c) The birthplace and date of birth of the elector.
- (d) The driver's license or state personal identification card number of the elector, if available.
- (e) A statement that the elector is a citizen of the United States.

(f) A statement that the elector is at the time of completing the affidavit, or will be on the date of the next election, not less than 18 years of age.

(g) A statement that the elector has or will have lived in this state not less than 30 days before the next election.

(h) A statement that the elector has or will have established his or her residence in the township, city, or village in which the elector is applying for registration not less than 30 days before the next election.

(i) A statement that the elector is or will be a qualified elector of the township, city, or village on the date of the next election.

(j) A space in which the elector shall state the place of the elector's last registration, if any.

Sec. 500a. (1) The secretary of state or the secretary of state's agent shall afford a person who appears in a department of state branch office or a person who applies for renewal of an operator's or chauffeur's license under section 307 of the Michigan vehicle code, Act No. 300 of the Public Acts of 1949, being section 257.307 of the Michigan Compiled Laws, an opportunity to complete an application to register to vote or to change the person's voting registration name or address, if the applicant possesses the qualifications of an elector on the date of application or will possess the qualifications at the next election. This subsection does not require a registered elector to periodically reregister or to renew his or her registration. The application for registration made under this section shall contain all of the following:

(a) The name of the applicant.

(b) The residence address of the applicant, including the street and number or rural route and box number and apartment number, if any.

(c) The city or township and county of residence of the applicant, and the school district of the applicant, if known.

(d) The date of birth of the applicant.

(e) The birthplace of the applicant.

(f) The driver's license or state personal identification card number of the applicant, if available.

(g) A statement that the applicant has the qualifications of an elector as of the date of applying for registration, or will have the qualifications of an elector at the next election.

(h) A statement that the registration is not effective until processed by the clerk of the city or township in which the applicant resides.

(i) A statement that the applicant, if qualified, may vote at an election occurring not less than 30 days after the date of completing the application.

(j) A space to indicate the applicant's last place of registration, if any.

(k) A statement authorizing the cancellation of registration at the applicant's last place of registration.

(l) A space for the applicant to sign and certify to the truth of the statements on the application.

(2) The applicant shall sign the application. Upon receipt of the application, the agent shall sign the application, stamp the application with a validation stamp, and provide the applicant with a receipt verifying the registration application. The agent shall promptly forward the application to the county clerk of the applicant's residence or to a city or township clerk designated by the secretary of state.

Sec. 501a. The election commission of a city, village, or township may authorize the clerk of the city, village, or township to create a registration list. The registration list shall be alphabetically arranged and shall contain the name of each registered elector in a precinct. The name shall be followed by the address and date of birth of the elector. The election commission may also provide that the registration list may be used instead of the precinct registration file when this act provides for the use of a precinct registration file. A school district or an intermediate school district may also use a registration list instead of the precinct registration file when a precinct registration file is required. A city, village, or township shall maintain a file containing the signature of each elector registered in the city, village, or township.

Sec. 523. (1) At each election, before being given a ballot, each registered elector offering to vote shall identify himself or herself by executing an application showing his or her signature or mark and address of residence in the presence of an election official. If the voter registration cards are used in the precinct, the election official in charge of the precinct registration file shall compare the signature upon the application with the signature upon the registration card. If voter registration lists are used in the precinct, the election inspector shall determine if the name on the application to vote appears on the voter registration list. If the name appears on the voter registration list, the elector shall provide further identification by giving his or her date of birth or other information stated upon the voter registration list. In precincts using voter registration lists, the date of birth may be required to be placed on the application to vote. If the signature or an item of information does not correspond, the vote of the person shall be challenged, and the same procedure shall be followed as provided in this act for the challenging of an elector. If the person offering to vote has signed the registration card or application by making a mark, the person shall identify

himself or herself by giving his or her date of birth, which shall be compared with the date of birth stated upon the registration card or voter registration list, or shall give other identification as may be referred to upon the registration card or voter registration list.

(2) If, upon a comparison of the signature or other identification, it is found that the applicant is entitled to vote, the election officer having charge of the registration list shall approve the application and write his or her initials on the application, after which the number on the ballot issued shall be noted on the application. The application shall serve as 1 of the 2 poll lists required to be kept as a record of a person who has voted. The application shall be filed with the township, city, or village clerk. If voter registration cards are used in the precinct, the date of the election shall be noted by 1 of the election officials upon the precinct registration card of each elector voting at an election. If voter registration lists are used in the precinct, the election official shall clearly indicate upon the list each elector voting at that election. The clerk of a city, village, or township shall maintain a record of voting participation for each registered elector.

*Sec. 613a. (1) A statewide presidential primary election shall be conducted under this act on the third Tuesday in March in each presidential election year.*

(2) A political party that received 5% or less of the total vote cast nationwide for the office of president in the last presidential election shall not participate in the presidential primary election.

(3) Except as otherwise provided in sections 614a, 615a, 616a, 624g, and 879a, the statewide presidential primary election shall be conducted under the provisions of this act that govern the conduct of general primary elections.

*Sec. 615a. (1) Except as otherwise provided in this section, the secretary of state shall cause to be printed on the ballot for the presidential primary under the appropriate political party heading the name of a presidential candidate notified by the secretary of state under section 614a. A presidential candidate notified by the secretary of state under section 614a may file an affidavit with the secretary of state indicating his or her party preference if different than the party preference contained in the secretary of state notification and the secretary of state shall cause that presidential candidate's name to be printed under the appropriate party heading on the presidential primary ballot. A presidential candidate notified by the secretary of state under section 614a may file an affidavit with the secretary of state indicating that he or she does not wish to have his or her name printed on the presidential primary ballot and the secretary of state shall not have that presidential candidate's name printed on the presidential primary ballot. A presidential candidate notified by the secretary of state under section 614a shall file an affidavit described in this subsection with the secretary of state no later than 4 p.m. on the second Friday in January in a presidential election year.*

(2) The name of an individual who is not listed as a potential presidential candidate under section 614a shall be printed on the ballot for the presidential primary under the appropriate political party heading if he or she files a nominating petition with the secretary of state no later than 4 p.m. on the second Friday in January in a presidential election year. The nominating petition shall contain valid signatures of registered and qualified electors equal to not less than 1/2 of 1% of the total votes cast in the state at the previous presidential election for the presidential candidate of the political party for which the individual is seeking this nomination. However, the total number of signatures required on a nominating petition under this subsection shall not exceed 1,000 times the total number of congressional districts in this state. A signature on a nominating petition is not valid if obtained before November 1 of the year before the presidential election year in which the individual seeks nomination. The nominating petitions shall conform to the requirements of this act regarding nominating petitions, which requirements are not inconsistent with this subsection.

(3) The names of the presidential candidates under each political party heading shall be rotated on the ballot. The ballot shall contain a space for an elector to vote uncommitted.

*Sec. 619. (1) National convention delegates elected under this act shall be elected on a basis that insures that the proportion of the total national convention delegation that is uncommitted or is committed to each presidential candidate equals, as near as is practicable, the proportion of the popular vote that was cast as uncommitted or for each respective presidential candidate of the particular political party's total popular vote at the presidential primary election. The determination of these proportions shall only include the votes cast as uncommitted, or for a particular presidential candidate, if the total vote cast as uncommitted, or for that particular presidential candidate, equals at least the percentage determined by state political party rule of the total vote cast for all presidential candidates or as uncommitted for that political party at that presidential primary election.*

(2) Before an individual may be elected as a delegate to the national convention of a political party, that individual shall file an affidavit as required under section 562b. If the individual names a presidential candidate in the affidavit under section 562b(1)(a), that individual shall also be certified by the presidential candidate or the presidential candidate's designee as a delegate committed to that presidential candidate. A national convention delegate shall be bound to vote for the presidential candidate for whom he or she designated commitment, if any, under section 562b and as certified by the presidential candidate or the presidential candidate's designee under this section before the delegate is elected as a national delegate until the end of the first ballot at the national convention. However, a national convention delegate is released from that commitment by the withdrawal of that presidential candidate from contention

for that party's nomination or by written release of that presidential candidate to the chairperson of the national convention, whichever is earliest.

(3) If a vacancy occurs in the elected delegation, it shall be filled by an alternate selected by the caucus for the candidate to whom the original delegate was committed, and the alternate shall be required to meet the same qualifications of the delegate being replaced.

(4) A person who is a delegate at large to a state convention of his or her political party only by virtue of being a member of the state legislature as provided in section 595a shall not participate in the selecting of delegates to his or her political party's national convention. This subsection does not prohibit that person from participating in other convention business. Neither this provision nor any other provision of law shall be understood to restrict the opportunity of any registered elector in this state, including all public officials, to be elected as a delegate to any county, district, state, or national convention of the elector's political party.

This act is ordered to take immediate effect.

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Clerk of the House of Representatives.

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Secretary of the Senate.

Approved -----

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Governor.