

HOUSE BILL No. 5404

December 3, 1997, Introduced by Rep. Ciaramitaro and referred to the Committee on Local Government.

A bill to amend 1954 PA 116, entitled
"Michigan election law,"
(MCL 168.1 to 168.992) by adding section 509hh.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 509HH. (1) EXCEPT TO THE EXTENT THAT THE INFORMATION
2 IS OTHERWISE EXEMPT FROM DISCLOSURE UNDER SECTION 509GG OR OTHER
3 SECTION OF THIS CHAPTER, THE SECRETARY OF STATE OR A CLERK OF A
4 COUNTY, CITY, OR TOWNSHIP WITH DIRECT ACCESS TO THE QUALIFIED
5 VOTER FILE SHALL PROVIDE INFORMATION RELATIVE TO THAT JURISDIC-
6 TION CONTAINED IN THE QUALIFIED VOTER FILE IN THE MANNER PRE-
7 SCRIBED IN THIS SECTION. INFORMATION CONTAINED IN THE QUALIFIED
8 VOTER FILE MAY BE PROVIDED AS A PAPER LISTING OR IN AN ELECTRONIC
9 FORMAT SUCH AS A COMPUTER TAPE OR DISK.

10 (2) THE SECRETARY OF STATE OR A CLERK OF A COUNTY, CITY, OR
11 TOWNSHIP SHALL PROVIDE THE INFORMATION DESCRIBED IN SUBSECTION

1 (1) AND PROVIDE RELATED SERVICES TO A PERSON WHO WILL USE THE
2 INFORMATION EXCLUSIVELY FOR ELECTION, SCHOLARLY, JOURNALISTIC, OR
3 POLITICAL RESEARCH PURPOSES, OR FOR GOVERNMENTAL PURPOSES. A
4 PERSON WHO OBTAINS INFORMATION UNDER THIS SUBSECTION SHALL NOT
5 USE THE INFORMATION FOR ANY OTHER PURPOSE.

6 (3) THE SECRETARY OF STATE OR A CLERK OF A COUNTY, CITY, OR
7 TOWNSHIP SHALL PROVIDE THE INFORMATION DESCRIBED IN SUBSECTION
8 (1) AND PROVIDE RELATED SERVICES TO A PERSON WHO MAY USE THE
9 INFORMATION FOR A PURPOSE OTHER THAN A PURPOSE DESCRIBED IN
10 SUBSECTION (2). A PERSON WHO OBTAINS INFORMATION UNDER THIS SUB-
11 SECTION MAY USE THE INFORMATION FOR ANY PURPOSE.

12 (4) A PERSON MAY APPLY FOR INFORMATION CONTAINED IN THE
13 QUALIFIED VOTER FILE IN THE MANNER PRESCRIBED IN THIS SECTION. A
14 PERSON SHALL FILE AN APPLICATION FOR INFORMATION WITH THE SECRE-
15 TARY OF STATE OR CLERK OF A COUNTY, CITY, OR TOWNSHIP WITH DIRECT
16 ACCESS TO THE QUALIFIED VOTER FILE. THE APPLICANT SHALL STATE
17 ALL OF THE FOLLOWING IN THE APPLICATION:

18 (A) THE APPLICANT'S FULL NAME, PRINTED OR TYPED.

19 (B) THE COMPLETE RESIDENCE ADDRESS AND COMPLETE BUSINESS
20 ADDRESS OF THE APPLICANT, INCLUDING STREET NAME AND NUMBER, OR,
21 IF NO STREET NAME OR NUMBER EXISTS, A POSTAL MAILING ADDRESS AS
22 WELL AS AN ADEQUATE DESIGNATION SUFFICIENT TO READILY DETERMINE
23 THE LOCATION.

24 (C) THE APPLICANT'S TELEPHONE NUMBER, IF ANY.

25 (D) THE APPLICANT'S DRIVER LICENSE NUMBER, STATE IDENTIFICA-
26 TION CARD NUMBER, OR, IF THE APPLICANT DOES NOT HAVE A DRIVER

1 LICENSE OR STATE IDENTIFICATION CARD, OTHER IDENTIFICATION
2 APPROVED BY THE SECRETARY OF STATE.

3 (E) THE SPECIFIC INFORMATION REQUESTED.

4 (F) THE FOLLOWING INFORMATION, AS APPLICABLE:

5 (i) FOR AN APPLICANT UNDER SUBSECTION (2), THE SPECIFIC PUR-
6 POSE FOR WHICH THE INFORMATION WILL BE USED.

7 (ii) FOR AN APPLICANT UNDER SUBSECTION (3), A STATEMENT
8 INDICATING THAT THE INFORMATION MAY BE USED BY THE APPLICANT FOR
9 ANY PURPOSE.

10 (5) UPON RECEIPT OF AN APPLICATION FOR INFORMATION AND THE
11 FEE ESTABLISHED UNDER SUBSECTION (6), THE SECRETARY OF STATE OR
12 CLERK SHALL IMMEDIATELY, BUT NOT MORE THAN 5 BUSINESS DAYS AFTER
13 THE APPLICATION AND FEE ARE RECEIVED UNLESS OTHERWISE AGREED TO
14 IN WRITING BY THE APPLICANT, RESPOND TO THE REQUEST. HOWEVER,
15 UNDER EXTENUATING CIRCUMSTANCES, THE SECRETARY OF STATE OR CLERK
16 MAY ISSUE A NOTICE EXTENDING FOR NOT MORE THAN AN ADDITIONAL 10
17 BUSINESS DAYS THE PERIOD DURING WHICH THE SECRETARY OF STATE OR
18 CLERK SHALL RESPOND TO THE REQUEST. THE SECRETARY OF STATE OR
19 CLERK SHALL NOT ISSUE MORE THAN 1 NOTICE OF EXTENSION FOR A PAR-
20 TICULAR REQUEST.

21 (6) THE SECRETARY OF STATE MAY ESTABLISH FEES SUFFICIENT TO
22 COVER THE COST OF REPRODUCING THE INFORMATION REQUIRED TO BE PRO-
23 VIDED UNDER THIS SECTION. THE SECRETARY OF STATE MAY INCLUDE IN
24 THE FEES FOR THE INFORMATION PROVIDED UNDER THIS SECTION AN ADDI-
25 TIONAL AMOUNT FOR ANY RELATED SERVICES NECESSARY TO PROVIDE THE
26 REQUESTED INFORMATION. THE SECRETARY OF STATE SHALL INCLUDE IN
27 THE FEES FOR THE INFORMATION PROVIDED UNDER SUBSECTION (3) AN

1 ADDITIONAL FEE AS SPECIFIED IN THIS SUBSECTION. FOR THE PERIOD
2 BEGINNING ON THE EFFECTIVE DATE OF THIS SECTION AND ENDING 1 YEAR
3 AFTER THAT DATE, THE ADDITIONAL FEE IS \$64.00 PER 1,000 FILES
4 PROVIDED. EXCEPT AS OTHERWISE PROVIDED FOR IN THIS SECTION, THE
5 SECRETARY OF STATE SHALL ANNUALLY ESTABLISH A MARKET-BASED ADDI-
6 TIONAL FEE FOR THE INFORMATION PROVIDED UNDER SUBSECTION (3).
7 THE SECRETARY OF STATE SHALL PUBLISH A LIST OF FEES AND ANY ADDI-
8 TIONAL AMOUNTS DETERMINED UNDER THIS SUBSECTION AND SHALL MAKE
9 THE LIST AVAILABLE TO THE MUNICIPAL CLERKS AND SCHOOL DISTRICT
10 SECRETARIES AND TO ANY OTHER PERSON UPON REQUEST.

11 (7) THE COUNTY, CITY, OR TOWNSHIP THAT COLLECTS FEES AND
12 ADDITIONAL AMOUNTS UNDER THIS SECTION SHALL RETAIN THE COLLECTED
13 FUNDS. THE COUNTY, CITY, OR TOWNSHIP MAY USE THE FEES COLLECTED
14 UNDER THIS SECTION TO COVER THE COSTS OF PROVIDING THE INFORMA-
15 TION UNDER THIS SECTION. THE COUNTY, CITY, OR TOWNSHIP SHALL
16 DEDICATE THE ADDITIONAL AMOUNTS COLLECTED UNDER THIS SECTION TO
17 THE MAINTENANCE AND UPGRADING OF THE EQUIPMENT NEEDED TO PROVIDE
18 THE INFORMATION AT THE LOCAL LEVEL, WHICH AMOUNTS SHALL NOT
19 REVERT TO THE JURISDICTION'S GENERAL FUND.

20 (8) THE SECRETARY OF STATE SHALL DEPOSIT THE FEES AND ADDI-
21 TIONAL AMOUNTS COLLECTED UNDER THIS SECTION WITH THE STATE TREA-
22 SURER, WHICH AMOUNTS SHALL BE DEDICATED TO EXPENDITURES NECESSARY
23 TO PROVIDE THE INFORMATION AT THE STATE LEVEL. IN ADDITION TO
24 THE MAINTENANCE AND UPGRADING OF THE EQUIPMENT NEEDED TO PROVIDE
25 THE INFORMATION UNDER THIS SECTION, EXPENDITURES FOR ANY OF THE
26 FOLLOWING PURPOSES RELATING TO PROVIDING THAT INFORMATION ARE
27 CONSIDERED NECESSARY UNDER THIS SUBSECTION:

1 (A) RESEARCH AND DEVELOPMENT.

2 (B) TRAINING.

3 (C) ADDITIONAL HARDWARE, SOFTWARE, AND FACILITIES.

4 (D) ACQUISITION OF NECESSARY SUPPORT SERVICES.

5 (9) A CITY, TOWNSHIP, VILLAGE, OR SCHOOL DISTRICT THAT DOES
6 NOT HAVE DIRECT ACCESS TO THE QUALIFIED VOTER FILE AND THAT
7 RECEIVES A LIST OF REGISTERED VOTERS FROM THE SECRETARY OF STATE
8 OR A JURISDICTION WITH DIRECT ACCESS TO THE QUALIFIED VOTER FILE
9 MAY PROVIDE THE INFORMATION RELATIVE TO THAT JURISDICTION AS PRE-
10 SCRIBED IN THIS SECTION.

11 (10) THE SECRETARY OF STATE, A CLERK OF A COUNTY, CITY,
12 TOWNSHIP, OR VILLAGE, OR A SECRETARY OF A SCHOOL BOARD SHALL
13 REQUIRE THE EXECUTION OF A STANDARD MEMORANDUM OF UNDERSTANDING
14 OR SALES AGREEMENT IN CONNECTION WITH A TRANSACTION UNDERTAKEN
15 PURSUANT TO THIS SECTION. THE SECRETARY OF STATE SHALL PRESCRIBE
16 THE FORM AND CONTENT OF THE STANDARDIZED MEMORANDUM AND AGREEMENT
17 AND MAY INSERT ANY SAFEGUARD THE SECRETARY OF STATE CONSIDERS
18 REASONABLE IN THE MEMORANDUM AND AGREEMENT.

19 (11) THE SECRETARY OF STATE OR A COUNTY CLERK SHALL PROVIDE
20 REASONABLE ACCESS TO THE QUALIFIED VOTER FILE TO SCHOOL DISTRICTS
21 FOR THE PURPOSES OF CONDUCTING SCHOOL ELECTIONS.