HOUSE BILL No. 4995

July 17, 2003, Introduced by Rep. Mortimer and referred to the Committee on Local
 Government and Urban Policy.

A bill to amend 1954 PA 116, entitled

"Michigan election law,"

by amending sections 497, 499, 504, 509n, 509o, 509p, 509q, 509r,

509s, 509t, 509v, 509w, and 509y (MCL 168.497, 168.499, 168.504,

168.509n, 168.509o, 168.509p, 168.509q, 168.509r, 168.509s,

168.509t, 168.509v, 168.509w, 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, 509v, 509w, and 509y as added by 1994 PA 441.

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,

4 city, or village in which he or she resides on a day other than

1 Saturday, Sunday, a legal holiday, or the day of a regular,

2 primary, school, or special election. Registrations accepted

3 between the thirtieth day preceding an election and the day of

4 the election, unless the thirtieth day falls on a Saturday,

5 Sunday, or legal holiday, in which event registration shall be

6 accepted during the following day, are not valid for the election

7 but are valid for subsequent regular, primary, school, or special

8 elections that are held so that not less than 30 days intervene

9 between the date the person registered and the date of the

10 election.

11   (2) Except as otherwise provided in sections ~~499a to 499e~~

12 **499**, 500a to 500j, ~~and~~ 504**, 509o, and 509v**, an application for

13 registration shall not be executed at a place other than the

14 office of the county, township, city, or village clerk or a

15 public place or places designated by the clerk or deputy

16 registrar for receiving registrations, but the clerk or deputy

17 registrar may receive an application wherever he or she may be.

18 If a county, township, city, or village clerk does not regularly

19 keep his or her office open daily during certain hours, the clerk

20 shall not be required to be at his or her office for the purpose

21 of receiving applications for registration on a particular day

22 nor during specific hours of a day, except as provided in section

23 498. Registrations taken after the time of closing registrations

24 before an election need not be processed until the date

25 immediately following that election. A registration shall not be

26 placed in a precinct registration file until the date immediately

27 following that election. If a person registers at a time that

1 registrations are closed for an election, the person shall be

2 given a notice, signed by the clerk, on a form developed by the

3 secretary of state, informing him or her that he or she is not

4 eligible to vote in the election and indicating the first date on

5 which he or she is eligible to vote. Except as provided in

6 sections 500a to 500j, the provisions of this section relating to

7 registration shall apply.

8   Sec. 499. (1) An elector entitled to registration in an

9 election precinct may become registered in the precinct by

10 ~~applying~~ **doing either of the following:**

11   **(a) Applying** in person and signing the registration

12 application before the clerk or assistant clerk of the township,

13 city, or village in which the precinct is located**.** ~~For the~~

14 ~~performance of his or her duties under this act, each~~

15   **(b) Accessing the secretary of state website created under**

16 **section 509o and completing the online registration application.**

17   **(2) Each** clerk and assistant clerk ~~has the power to~~ **may**

18 administer oaths and ~~to~~ swear persons as to the truth of

19 statements contained in ~~an~~ **the registration** application. For a

20 better examination of the applicant, a clerk may employ and swear

21 an interpreter to interpret all questions put to applicants and

22 the answers to those questions. If the applicant, in answer to a

23 question or in the registration application, makes a material

24 statement that is false, the applicant is guilty of a

25 misdemeanor.

26   **(3)** ~~(2)~~ A clerk or assistant clerk shall not accept a fee

27 from an elector applying for registration, either for the

1 registering of the elector or for the taking of the

2 acknowledgment on the application. A person who violates this

3 subsection is guilty of a misdemeanor.

4   **(4)** ~~(3)~~ The clerk, immediately after receiving the

5 registration or change of address of an elector, shall prepare a

6 voter identification card for the elector. The clerk shall also

7 prepare and send a corrected voter identification card to an

8 elector affected by a change in United States representative,

9 state senatorial, state representative, or county commissioner

10 district or precinct. Unless otherwise required under the

11 provisions of this subsection, a clerk is not required to prepare

12 and send a corrected voter identification card to an elector who

13 made a declaration of party preference or no party preference as

14 previously provided under this act. The clerk shall forward by

15 first-class mail the identification card to the elector at the

16 elector's registration address. The identification card shall

17 contain the name and address of the registrant and the United

18 States representative, state senatorial, state representative, or

19 county commissioner district and precinct in which the registrant

20 is an elector. Except as provided in section 500c, if the

21 original identification card is returned to the clerk by the post

22 office, the clerk shall accept this as information that the

23 elector has moved and the clerk shall proceed in conformity with

24 section 509aa.

25   Sec. 504. (1) An elector who is unable to apply for

26 registration in person because of physical disability or absence

27 from the township, city, or village in which his or her legal

1 residence is located may be registered before the close of

2 registration before any election or primary election by

3 ~~securing~~ **doing either of the following:**

4 **(a) Securing** duplicate registration cards from the clerk of

5 the township, city, or village in which ~~his or her~~ **the**

6 **elector's** legal residence is located, executing in duplicate the

7 registration affidavit before a notary public or other officer

8 legally authorized to administer oaths, and returning the

9 registration cards to the clerk of the township, city, or village

10 before the close of office hours on the last day of registration

11 before any election or primary election. The notary public or

12 other officer administering the oath shall sign his or her name

13 on the line for the signature of the registration officer and

14 designate his or her title.

15 **(b) Accessing the secretary of state website created under**

16 **section 509o and completing the online registration application.**

17 (2) The notarization requirements of this section do not

18 apply to an elector who lives or is stationed in a foreign

19 country or who ~~has~~ **is a person with** a disability as defined in

20 section 103 of the persons with disabilities civil rights act,

21 1976 PA 220, MCL 37.1103.

22 Sec. 509n. The secretary of state is responsible for the

23 coordination of the requirements imposed under this chapter and

24 the national voter registration act of 1993. The secretary of

25 state shall do all of the following:

26 (a) Develop a mail registration form and make the form

27 available for distribution through governmental and private

1 entities, with special emphasis on making the form available to

2 voter registration programs established for the purpose of

3 registering citizens of this state to vote.

4   **(b) Develop an internet registration form and make the form**

5 **available to the public through the secretary of state website**

6 **created under section 509o.**

7   **(c)** ~~(b)~~ Instruct designated voter registration agencies;

8 county, city, township, and village clerks; and school officials

9 regarding the voter registration procedures and requirements

10 imposed by law.

11   **(d)** ~~(c)~~ By June 15 of each odd numbered year, submit to

12 each member of the committees of the senate and house of

13 representatives with primary responsibility for election matters

14 a report on the qualified voter file. The report shall include,

15 but ~~need~~ **is** not ~~be~~ limited to, ~~both of~~ the following:

16   (*i*) Information on the efficiency and effectiveness of the

17 qualified voter file as a voter registration system.

18   (*ii*) **Information on the efficiency and effectiveness of the**

19 **website providing access to the qualified voter file as a voter**

20 **registration system.**

21   (*iii*) ~~(ii)~~ Any recommendations of the secretary of state

22 for amendments to this act to increase the efficiency and

23 effectiveness of the qualified voter file as a voter registration

24 system.

25   Sec. 509o. (1) The secretary of state shall direct and

26 supervise the ~~establishment and~~ maintenance of a statewide

27 qualified voter file. ~~The secretary of state shall establish~~

1 ~~the technology to implement the qualified voter file on or before~~

2 ~~January 1, 1997.~~ The qualified voter file ~~shall be~~ **is** the

3 official file for the conduct of all elections held in this state

4 on or after January 1, 1998. ~~The secretary of state may direct~~

5 ~~that all or any part of the city, township, or village~~

6 ~~registration files shall be used in conjunction with the~~

7 ~~qualified voter file at the first state primary and election held~~

8 ~~after the creation of the qualified voter file.~~ **The secretary of**

9 **state shall direct and supervise the establishment and**

10 **maintenance of an internet website that is available to the**

11 **public. The statewide qualified voter file shall be accessible**

12 **from this website. This website shall include, but is not**

13 **limited to, the name of each registered elector, the polling**

14 **place of each registered elector, and an online registration**

15 **application that may be completed and submitted by an individual**

16 **who is not registered, but possesses the qualifications set forth**

17 **in section 492. A revision, change, deletion, or addition to the**

18 **qualified voter file shall be made available to the public in the**

19 **shortest feasible time after the information is made available to**

20 **the secretary of state and processed in accordance with this act.**

21   (2) Notwithstanding any other provision of law to the

22 contrary, ~~beginning January 1, 1998, a person~~ **an individual** who

23 appears to vote in an election and whose name appears in the

24 qualified voter file for that city, township, village, or school

25 district is considered a registered voter of that city, township,

26 village, or school district under this act.

27   (3) The secretary of state, a designated voter registration

1 agency, or a county, city, township, or village clerk shall not

2 place a name of an individual into the qualified voter file

3 unless that person signs an application as prescribed in section

4 509r(3). The secretary of state or a designated voter

5 registration agency shall not allow a person to indicate a

6 different address than the address in either the secretary of

7 state's or designated voter registration agency's files to be

8 placed in the qualified voter file.

9   Sec. 509p. The qualified voter file shall consist of all of

10 the following components:

11   (a) A computer file that has the capacity to maintain a

12 number of records equal to or greater than the voting age

13 population of this state.

14   (b) An electronic network that allows participating

15 designated executive departments, state agencies, and county,

16 city, township, and village clerks to electronically add, change,

17 or delete records contained in the qualified voter file.

18   (c) An interactive electronic communication system that

19 allows access to records in the file of qualified voters residing

20 in a county, city, or township for the purpose of receiving

21 copies of the county, city, or township file, transmitting data

22 to the county, city, or township file, or reviewing and printing

23 the county, city, or township file. The interactive electronic

24 communication system shall be designed to permit counties,

25 cities, or townships that are capable of accessing the

26 interactive electronic communication system to add, change, or

27 delete records regarding qualified voters in the qualified voter

1 file.

2 **(d) An interactive electronic communication system that**

3 **coordinates with the internet website created under section** 509o

4 **and allows an elector access to the records in the file of**

5 **qualified voters for the purpose of verifying his or her**

6 **registration, address, and applicable polling site.**

7 **(e)** ~~(d)~~ A statewide street address index in an electronic

8 medium that will accurately identify the city or township of each

9 record and ~~by January 1, 1998,~~ accurately identify the precinct

10 of each record in the qualified voter file.

11 Sec. 509q. The qualified voter file shall contain all of

12 the following information for each qualified voter:

13 (a) The name; residence address including house number and

14 street name or rural route and box number, and the apartment

15 number, if any; city; state; zip code; and date of birth.

16 (b) The driver's license number**,** ~~or~~ state personal

17 identification card number**,** or similar number issued by a

18 designated voter registration agency.

19 (c) Jurisdictional information including county and city or

20 township; village, if any; and school district.

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

22 (e) Any other information that the secretary of state

23 determines is necessary to assess the eligibility of qualified

24 electors or to administer voter registration or other aspects of

25 the election process.

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

27 Sec. 509r. (1) The secretary of state shall establish and

1 maintain the computer system and programs necessary to the

2 operation of the qualified voter file **and the website created**

3 **under section 509o.** The secretary of state shall allow each

4 county, city, township, or village access to the qualified voter

5 file. The county, city, township, and village clerks shall

6 verify the accuracy of the names and addresses of registered

7 voters in the qualified voter file. **The secretary of state shall**

8 **allow the public internet access to the qualified voter file.**

9 (2) Subject to subsection (3), the secretary of state and

10 county, city, township, and village clerks shall compile the

11 qualified voter file that consists of all qualified electors from

12 the following sources and in the following priority:

13 (a) A driver's license or, if there is no driver's license, a

14 state personal identification card, including renewals and

15 changes of address with the department of state.

16 (b) An application for benefits or services, including

17 renewals and changes of address, taken by a designated voter

18 registration agency.

19 (c) An application to register to vote taken by a county,

20 city, township, or village clerk or secretary of a school board.

21 **(d) An application to register to vote submitted online.**

22 (3) A person whose name does not otherwise appear in the

23 qualified voter file shall be placed in the qualified voter file

24 only if the person signs under penalty of perjury an application

25 that contains an attestation that the applicant meets all of the

26 following requirements:

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

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

2   (c) Is a resident of the city or township where the person's

3 street address is located.

4   (4) A designated voter registration agency or a county, city,

5 township, or village clerk shall not add to, delete from, or

6 change any information contained in the qualified voter file

7 during the period beginning on the seventh day before an election

8 and ending on the day of the election.

9   Sec. 509s. (1) The secretary of state shall secure the

10 necessary assistance to have an implementation study of the

11 qualified voter file **website** conducted before ~~July 1, 1995~~ **July**

12 **1, 2004** to do all of the following:

13   (a) Assess the hardware and software required to establish

14 and maintain the qualified voter file **and the website**.

15   (b) Determine the utility of any existing or planned

16 communication networks that will enable electronic communication

17 among designated voter registration agencies that are involved

18 with the qualified voter file.

19   (c) Survey all available or planned communication networks

20 that will allow the counties, cities, and townships to

21 communicate with the qualified voter file.

22   **(d) Survey and determine the utility of the internet website**

23 **that allows the public access to the qualified voter file and**

24 **permits online application registration to vote.**

25   (2) The secretary of state shall present the results of the

26 implementation study to the governor, the senate majority leader,

27 and the speaker of the house of representatives on or before

1 ~~October 1, 1995~~ **October 1, 2004.**

2 (3) The secretary of state shall create a system design and

3 cost analysis for the establishment and maintenance of the

4 qualified voter file **website** on or before ~~October 1, 1995~~

5 **October 1, 2004.** The secretary of state shall create a design

6 and programming schedule to establish **and maintain** the qualified

7 voter file **and website** on or before ~~October 1, 1995~~ **October 1,**

8 **2004.**

9 Sec. 509t. (1) Notwithstanding any other provision of law

10 to the contrary, a person who is a qualified elector in this

11 state and who registers to vote in a manner consistent with the

12 national voter registration act of 1993 ~~,~~ is considered a

13 registered voter under this act.

14 (2) A person who registers to vote in a jurisdiction in this

15 state by mail **or by internet** shall vote in person if that person

16 has not previously voted in person in that jurisdiction. This

17 subsection does not apply to any of the following registered

18 voters:

19 (a) A person entitled to vote by absentee ballot under the

20 uniformed and overseas citizens absentee voting act, Public Law

21 99-410, 100 Stat. 924.

22 (b) A person ~~who has~~ **with** a disability as defined in

23 section 103 of the persons with disabilities civil rights act,

24 1976 PA 220, MCL 37.1103**.** ~~, or~~

25 **(c) A person** who is 60 years of age or older.

26 **(d)** ~~(c)~~ A person who is entitled to vote other than in

27 person under any other federal law.

1　　　(3) This section does not preclude this state from

2　prosecuting a violation of this act that is also a violation of

3　~~any~~ **a** federal election or voting rights law.

4　　　Sec. 509v. (1) A person who is not registered to vote at

5　the address where he or she resides may apply to register to vote

6　by submitting an application at any of the following locations:

7　　　(a) The office of the clerk of a county or the office of the

8　clerk of the city or township in which the applicant resides,

9　during regular office hours of that clerk.

10　　　(b) A department of state office.

11　　　(c) A designated voter registration agency when submitting an

12　application, recertification, renewal, or change of address at

13　the voter registration agency.

14　　　(2) A person who is not registered to vote at the address

15　where he or she resides may apply for registration by submitting

16　a completed mail registration application. A person may request

17　a mail registration application from and submit the application

18　to any of the following:

19　　　(a) The secretary of state.

20　　　(b) The clerk of the county, city, or township in which the

21　applicant resides.

22　　　(c) A designated voter registration agency.

23　　　**(3) A person who is not registered to vote at the address**

24　**where he or she resides may apply for registration by submitting**

25　**a completed internet registration application that is available**

26　**at the website created under section 509o.**

27　　　Sec. 509w. (1) The person processing an application **that is**

1 **submitted online or** submitted in person at a department of state

2 office, a designated voter registration agency, or the office of

3 a county clerk shall do all of the following:

4   (a) Validate the application in the manner prescribed by the

5 secretary of state.

6   (b) Issue a receipt to the applicant verifying the acceptance

7 of the application. **If the application was submitted online, the**

8 **receipt shall be mailed to the applicant verifying the acceptance**

9 **of the application.**

10   (2) Except as otherwise provided in subsection (3), the

11 department of state office, the designated voter registration

12 agency, or the county clerk shall transmit the application not

13 later than 7 days after receipt of the application to the clerk

14 of the county, city, or township where the applicant resides.

15   (3) If an application under subsection (1) is made within 7

16 days before the close of registration for a federal election, the

17 department of state office, the designated voter registration

18 agency, or the county clerk shall transmit the application not

19 later than 1 business day to the clerk of the county, city, or

20 township where the applicant resides.

21   (4) If a completed application is transmitted by the

22 secretary of state or a designated voter registration agency to a

23 county clerk, the secretary of state, to the extent funds are

24 appropriated, shall compensate the county clerk for the cost of

25 forwarding the application to the proper city or township clerk

26 of the applicant's residence from funds appropriated to the

27 secretary of state for that purpose.

1   Sec. 509y. If a voter who has applied to register to vote as

2 provided in this chapter on or before the close of registration

3 appears at a polling place on election day and is not listed in

4 the registration records or precinct voting list, the inspectors

5 of election shall allow the person to vote if 1 of the following

6 requirements is met:

7   (a) The voter presents a receipt issued by a department of

8 state office, a designated voter registration agency, or the

9 office of the voter's county clerk verifying the acceptance of an

10 application, the voter completes a new application, and the voter

11 otherwise meets the qualifications to vote in that city or

12 township.

13   (b) The voter is unable to present a receipt issued under

14 this chapter verifying the acceptance of an application, the

15 voter otherwise meets the qualifications to vote in that city or

16 township, and, at the polling place or at a place as designated

17 by the clerk within that jurisdiction, the voter does all of the

18 following:

19   (*i*) Signs an affidavit affirming that the person submitted an

20 application to a department of state office, a designated voter

21 registration agency, or the office of his or her county clerk**;** ~~,~~

22 ~~or~~ mailed an application**; or submitted an application online** as

23 provided in this act, on or before the close of registration. ~~A~~

24 ~~person~~ **An individual** who provides information in a signed

25 affidavit under this subparagraph that is false is guilty of

26 perjury.

27   (*ii*) Completes a new application.

1   (*iii*) Provides ~~proof of~~ **picture** identification sufficient

2 to ~~satisfy the clerk as to the~~ **verify the voter's** identity and

3 residence. ~~of the voter.~~