

**No. 63**  
**STATE OF MICHIGAN**  
**JOURNAL**  
**OF THE**  
**House of Representatives**  
**93rd Legislature**  
**REGULAR SESSION OF 2005**

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House Chamber, Lansing, Wednesday, July 6, 2005.

1:00 p.m.

The House was called to order by the Clerk.

The roll was called by the Clerk of the House of Representatives, who announced that a quorum was not present.

Rep. Rick Shaffer, from the 59th District, offered the following invocation:

“Our gracious Father in heaven, we are thankful for the beauties of this and other days. We are thankful for the degree of life and health, strength and energy which so richly You provide to each of us. We’re thankful, Father, during this period of celebration for our independence as a free and mighty nation, that we can bow in Your presence asking for You to comfort, strengthen and guide our every move. So, Father, we come before You asking just that You will be with us during this legislative session. We pray that You will guide and provide wisdom and insight in the deliberations. We pray for our families, we pray for our guests, we pray for our staff as well. These things I pray in Jesus’ name, Amen.”

**Messages from the Senate**

**Senate Bill No. 513, entitled**

A bill to amend 1954 PA 116, entitled “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,” by amending sections 301, 302, 312, 370, 381, 498, 500b, 509m, 509q, 509gg, 641, 642a, 653a, 699, and 963 (MCL 168.301, 168.302, 168.312, 168.370, 168.381, 168.498, 168.500b, 168.509m, 168.509q, 168.509gg, 168.641, 168.642a, 168.653a, 168.699, and 168.963), section 301 as amended by 2004 PA 286, sections 302 and 312 as added and sections 370, 509gg, and 963 as amended by 2003 PA 302, section 381 as amended by 2004 PA 290, section 498 as amended by 1984 PA 89, section 500b as amended by 1989 PA 142, section 509m as amended by 2004 PA 92, section 509q as added by 1994 PA 441, section 641 as amended by 2003 PA 298, section 642a as amended by 2004 PA 294, section 653a as added by 1982 PA 2, and section 699 as amended by 2004 PA 297, and by adding sections 302a and 509hh.

The Senate has amended the House substitute (H-1) as follows:

1. Amend page 2, following “**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**” by inserting:

“Sec. 31. (1) The secretary of state shall do all of the following:

(a) Subject to subsection (2), issue instructions and promulgate rules pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, for the conduct of elections and registrations in accordance with the laws of this state.

(b) Advise and direct local election officials as to the proper methods of conducting elections.

(c) Publish and furnish for the use in each election precinct before each state primary and election a manual of instructions that includes specific instructions on assisting voters in casting their ballots, directions on the location of voting stations in polling places, procedures and forms for processing challenges, and procedures on prohibiting campaigning in the polling places as prescribed in this act.

(d) Publish indexed pamphlet copies of the registration, primary, and election laws and furnish to the various county, city, township, and village clerks a sufficient number of copies for their own use and to enable them to include 1 copy with the election supplies furnished each precinct board of election inspectors under their respective jurisdictions. The secretary of state may furnish single copies of the publications to organizations or individuals who request the same for purposes of instruction or public reference.

(e) Prescribe and require uniform forms, notices, and supplies the secretary of state considers advisable for use in the conduct of elections and registrations.

(f) Prepare the form of ballot for any proposed amendment to the constitution or proposal under the initiative or referendum provision of the constitution to be submitted to the voters of this state.

(g) Require reports from the local election officials the secretary of state considers necessary.

(h) Investigate, or cause to be investigated by local authorities, the administration of election laws, and report violations of the election laws and regulations to the attorney general or prosecuting attorney, or both, for prosecution.

(i) Publish in the legislative manual the vote for governor and secretary of state by townships and wards and the vote for members of the state legislature cast at the preceding November election, which shall be returned to the secretary of state by the county clerks on or before the first day of December following the election. All clerks shall furnish to the secretary of state, promptly and without compensation, any further information requested of them to be used in the compilation of the legislative manual.

(j) Establish a curriculum for comprehensive training and accreditation of all county, city, township, village, and school elections officials.

(k) Establish and require attendance by all new appointed or elected election officials at an initial course of instruction within 6 months before the date of the election.

(l) Establish a comprehensive training curriculum for all precinct inspectors.

(m) Create an election day dispute resolution team that has regional representatives of the department of state, which team shall appear on site, if necessary.

(2) Pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, the secretary of state ~~may~~ **SHALL** promulgate rules establishing uniform standards for state and local nominating, recall, and ballot question petition signatures. The standards for petition signatures may include, but need not be limited to, standards for all of the following:

(a) Determining the validity of registration of a circulator or individual signing a petition.

(b) Determining the genuineness of the signature of a circulator or individual signing a petition, **INCLUDING DIGITIZED SIGNATURES.**

(c) Proper designation of the place of registration of a circulator or individual signing a petition.”.

2. Amend page 9, following line 24, by inserting:

“Sec. 476. (1) Upon receiving notification of the filing of the petitions, the board of state canvassers shall canvass the petitions to ascertain if the petitions have been signed by the requisite number of qualified and registered electors. The qualified voter file ~~may~~ **SHALL** be used to determine the validity of petition signatures by verifying the registration of signers **AND THE GENUINENESS OF SIGNATURES ON PETITIONS WHEN THE QUALIFIED VOTER FILE CONTAINS DIGITIZED SIGNATURES.** If the qualified voter file indicates that, on the date the elector signed the petition, the elector was not registered to vote, there is a rebuttable presumption that the signature is invalid. If the qualified voter file indicates that, on the date the elector signed the petition, the elector was not registered to vote in the city or township designated on the petition, there is a rebuttable presumption that the signature is invalid. ~~The~~ **IF THE BOARD IS UNABLE TO VERIFY THE GENUINENESS OF A SIGNATURE ON A PETITION USING THE DIGITIZED SIGNATURE CONTAINED IN THE QUALIFIED VOTER FILE, THE** board may cause any doubtful signatures to be checked against the registration records by the clerk of any political subdivision in which the petitions were circulated, to determine the authenticity of the signatures or to verify the registrations. Upon request, the clerk of any political subdivision shall cooperate fully with the board in determining the validity of doubtful signatures by rechecking the signature against registration records in an expeditious and proper manner.

(2) The board of state canvassers may hold hearings upon any complaints filed or for any purpose considered necessary by the board to conduct investigations of the petitions. To conduct a hearing, the board may issue subpoenas and administer oaths. The board may also adjourn from time to time awaiting receipt of returns from investigations that are being made or for other necessary purposes, but shall complete the canvass at least 2 months before the election at which the proposal is to be submitted.

(3) At least 2 business days before the board of state canvassers meets to make a final determination on challenges to and sufficiency of a petition, the bureau of elections shall make public its staff report concerning disposition of challenges filed against the petition. Beginning with the receipt of any document from local election officials pursuant to subsection (1), the board of state canvassers shall make that document available to petitioners and challengers on a daily basis.”.

3. Amend page 13, following line 2, by inserting:

~~“Sec. 501. The original registration cards shall be filed by precincts arranged either alphabetically or according to the numerical order of the houses located on each street, said file to be hereinafter termed the “precinct file”. The duplicate registration cards shall be filed alphabetically without regard to wards or precincts, said file to be hereinafter termed the “master file”: Provided, That in townships, cities and villages having not more than 1 voting precinct the duplicate “master” registrations may be dispensed with. AND SHALL BE TERMED THE “MASTER FILE”. THE MASTER FILE SHALL CONTAIN THE SIGNATURE OF EACH ELECTOR REGISTERED IN THE CITY, TOWNSHIP, OR VILLAGE, UNLESS THE CLERK OF THE JURISDICTION HAS ACCESS TO THE QUALIFIED VOTER FILE AND THE ELECTOR HAS A DIGITIZED SIGNATURE IN THE QUALIFIED VOTER FILE.~~

Sec. 507. (1) A registered elector who has removed from 1 election precinct of a township, city, or village to another election precinct of the same township, city, or village and has not recorded the removal with the local clerk shall execute a transfer of registration request, listing the new residence address over his or her signature, with the election board in the precinct in which he or she is registered at the next ensuing primary or election.

(2) ~~The~~ **IF AN ELECTOR’S SIGNATURE CONTAINED IN THE QUALIFIED VOTER FILE IS AVAILABLE IN THE POLLING PLACE, THE** inspector of election in charge of the registration records shall compare the **DIGITIZED** signature **PROVIDED BY THE QUALIFIED VOTER FILE** with the signature ~~upon the applicant’s registration record~~ and, if the signatures correspond, then the inspector shall certify the fact by affixing his or her initials upon the request. **IF AN ELECTOR’S SIGNATURE IS NOT CONTAINED IN THE QUALIFIED VOTER FILE, THE ELECTION OFFICIAL SHALL PROCESS THE TRANSFER OF REGISTRATION REQUEST IN THE SAME MANNER AS TRANSFER OF REGISTRATION REQUESTS ARE PROCESSED WHEN A VOTER REGISTRATION LIST IS USED IN THE POLLING PLACE.** The applicant for transfer, after having signed an application to vote as provided in section 523, shall then be permitted to vote in the precinct for that primary or election only. The application for transfer shall be filed with the township, city, or village clerk who shall transfer the elector’s registration pursuant to the application. If the name of a street or resident house number in a township, city, or village is changed, the township, city, or village clerk shall make the change to show the proper name of the street or resident house number in the registration records and notify the county clerk of the change. It is not necessary for the elector to change his or her registration to reflect the change in order to be eligible to vote.”.

4. Amend page 14, line 18, after **“THE”** by inserting **“MOST RECENT”**.

5. Amend page 15, line 24, by striking out all of subsection (3).

6. Amend page 16, following line 2, by inserting:

~~“Sec. 523. (1) At each election, before being given a ballot, each registered elector offering to vote shall identify himself or herself by presenting an official state identification card issued to that individual pursuant to Act No. 222 of the Public Acts of 1972, being sections 28.291 to 28.295 of the Michigan Compiled Laws, an operator’s or chauffeur’s license issued to that individual pursuant to the Michigan vehicle code, Act No. 300 of the Public Acts of 1949, being sections 257.1 to 257.923 of the Michigan Compiled Laws, or other generally recognized picture identification card and 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, IF AN ELECTOR’S SIGNATURE CONTAINED IN THE QUALIFIED VOTER FILE IS AVAILABLE IN THE POLLING PLACE, the election official in charge of the precinct registration file shall compare the signature upon the application with the **DIGITIZED** signature ~~upon the registration card~~ **PROVIDED BY THE QUALIFIED VOTER FILE. IF AN ELECTOR’S SIGNATURE IS NOT CONTAINED IN THE QUALIFIED VOTER FILE, THE ELECTION OFFICIAL SHALL PROCESS THE APPLICATION IN THE SAME MANNER AS APPLICATIONS ARE PROCESSED WHEN A VOTER REGISTRATION LIST IS USED IN THE POLLING PLACE.** 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. If the elector does not have an official state identification card, operator's or chauffeur's license as required in this subsection, or other generally recognized picture identification card, the individual shall sign an affidavit to that effect before an election inspector and be allowed to vote as otherwise provided in this act. However, an elector being allowed to vote without the identification required under this subsection is subject to challenge as provided in section 727.

(2) If, upon a comparison of the signature or other identification **AS REQUIRED IN SUBSECTION (1)**, 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. 552. (1) The county or city clerk, after the last day specified in this act for receiving and filing nominating petitions, shall immediately certify to the proper board or boards of election commissioners in the city, county, district, or state the name and post office address of each party candidate whose petitions meet the requirements of this act, together with the name of the political party and the office for which he or she is a candidate.

(2) If the county clerk receives a sworn complaint, in writing, questioning the registration or genuineness of the signature of the circulator or of a person signing a petition filed with the county clerk for an office, the county clerk shall commence an investigation. The county clerk shall cause the petition that he or she considers necessary to be forwarded to the proper city clerk or township clerk to compare the signatures appearing on the petition with the signatures appearing on the registration record, ~~or in some other proper manner determine whether the signatures appearing on the petition are valid and genuine~~ **AS REQUIRED BY SUBSECTION (13). THE COUNTY CLERK MAY CONDUCT THE SIGNATURE COMPARISONS AS REQUIRED BY SUBSECTION (13) USING THE DIGITIZED SIGNATURES IN THE QUALIFIED VOTER FILE, IN LIEU OF REQUESTING THE LOCAL CLERK TO CONDUCT THE SIGNATURE COMPARISON.** If the request has been made by the county clerk, the city clerk or township clerk shall complete the investigation and report his or her findings to the county clerk within 7 days after the request. The investigation shall include the validity of the signatures and the genuineness of a petition as is specified in the sworn complaint and may include any other doubtful signatures or petitions filed on behalf of the candidate against whose petitions the sworn complaint is directed, as the county clerk considers necessary. The county clerk is not required to act on a complaint respecting the validity and genuineness of signatures on a petition unless the complaint sets forth the specific signatures claimed to be invalid and the specific petition for which the complaint questions the validity and genuineness of the signature or registration of the circulator, and unless the complaint is received by the county clerk within 7 days after the deadline for the filing of the nominating petitions.

(3) In addition to the duty specified in subsection (2) for the examination of petitions, the county clerk, on his or her own initiative, on receipt of the nominating petitions, may examine the petitions, and if after examination the county clerk is in doubt as to the validity of the registration or genuineness of the signature of the circulator or persons signing or purported to have signed the petitions, the county clerk shall commence an investigation. Subject to subsection (13), the county clerk shall cause the petitions in question to be forwarded to the proper city clerk or township clerk to compare the signatures appearing on the petitions with the signatures appearing on the registration records, ~~or in some other proper manner to determine whether the signatures appearing on the petitions are valid and genuine~~ **THE COUNTY CLERK MAY CONDUCT THE SIGNATURE COMPARISONS AS REQUIRED BY SUBSECTION (13) USING THE DIGITIZED SIGNATURES IN THE QUALIFIED VOTER FILE, IN LIEU OF REQUESTING THE LOCAL CLERK TO CONDUCT THE SIGNATURE COMPARISON.**

(4) The clerk of a political subdivision shall cooperate fully with the county clerk in a request made to the clerk by the county clerk in determining the validity of doubtful signatures by checking the signatures against registration records in an expeditious and proper manner.

(5) At least 2 business days before the county clerk makes a final determination on challenges to and sufficiency of a petition, the county clerk shall make public its staff report concerning disposition of challenges filed against the petition. Beginning with the receipt of any document from local election officials under subsection (2) or (3), the county clerk shall make that document available to petitioners and challengers on a daily basis.

(6) Upon the completion of the investigation or examination, the county clerk shall immediately make an official declaration of the sufficiency or insufficiency of nominating petitions for which a sworn complaint has been received or of the sufficiency or insufficiency of nominating petitions that the county clerk has examined or investigated on his or her own initiative. A person feeling aggrieved by a determination made by the county clerk may have the

determination reviewed by the secretary of state by filing a written request with the secretary of state within 3 days after the official declaration of the county clerk, unless the third day falls on a Saturday, Sunday, or legal holiday, in which case the request may be filed not later than 4 p.m. on the next day that is not a Saturday, Sunday, or legal holiday. Alternatively, the aggrieved person may have the determination of the county clerk reviewed by filing a mandamus, certiorari, or other appropriate remedy in the circuit court. A person who filed a nominating petition and feels aggrieved by the determination of the secretary of state may then have that determination reviewed by mandamus, certiorari, or other appropriate remedy in the circuit court.

(7) A city clerk with whom nominating petitions are filed may examine the petitions and investigate the validity and genuineness of signatures appearing on the petitions. Subject to subsection (13), the city clerk may check the signatures against registration records. The city clerk shall make a determination as to the sufficiency or insufficiency of the petitions upon the completion of the examination or investigation, and shall make an official declaration of the findings. A person feeling aggrieved by the determination has the same rights of review as in case of a determination by the county clerk.

(8) Upon the filing of nominating petitions with the secretary of state, the secretary of state shall notify the board of state canvassers within 5 days after the last day for filing the petitions. The notification shall be by first-class mail. Upon the receipt of the nominating petitions, the board of state canvassers shall canvass the petitions to ascertain if the petitions have been signed by the requisite number of qualified and registered electors. Subject to subsection (13), for the purpose of determining the validity of the signatures, the board of state canvassers may cause a doubtful signature to be checked against **THE QUALIFIED VOTER FILE OR** the registration records by the clerk of a political subdivision in which the petitions were circulated. If the board of state canvassers receives a sworn complaint, in writing, questioning the registration of or the genuineness of the signature of the circulator or of a person signing a nominating petition filed with the secretary of state, the board of state canvassers shall commence an investigation. Subject to subsection (13), the board of state canvassers shall **VERIFY THE REGISTRATION OR THE GENUINENESS OF A SIGNATURE AS REQUIRED BY SUBSECTION (13). IF THE BOARD IS UNABLE TO VERIFY THE GENUINENESS OF A SIGNATURE ON A PETITION THE BOARD SHALL** cause the petition to be forwarded to the proper city clerk or township clerk to compare the signatures on the petition with the signatures on the registration record, or in some other manner determine whether the signatures on the petition are valid and genuine. The board of state canvassers is not required to act on a complaint respecting the validity and genuineness of signatures on a petition unless the complaint sets forth the specific signatures claimed to be invalid and the specific petition for which the complaint questions the validity and genuineness of the signature or the registration of the circulator, and unless the complaint is received by the board of state canvassers within 7 days after the deadline for filing the nominating petitions. After receiving a request from the board of state canvassers under this subsection, the clerk of a political subdivision shall cooperate fully in determining the validity of doubtful signatures by rechecking the signatures against registration records in an expeditious and proper manner. The board of state canvassers may extend the 7-day challenge period if it finds that the challenger did not receive a copy of each petition sheet that the challenger requested from the secretary of state. The extension of the challenge deadline under this subsection does not extend another deadline under this section.

(9) The board of state canvassers may hold a hearing upon a complaint filed or for a purpose considered necessary by the board of state canvassers to conduct an investigation of the petitions. In conducting a hearing, the board of state canvassers may issue subpoenas and administer oaths. The board of state canvassers may also adjourn periodically awaiting receipt of returns from investigations that are being made or for other necessary purposes, but shall complete the canvass not less than 9 weeks before the primary election at which candidates are to be nominated. Before making a final determination, the board of state canvassers may consider any deficiency found on the face of the petition that does not require verification against data maintained in the qualified voter file or in the voter registration files maintained by a city or township clerk.

(10) At least 2 business days before the board of state canvassers meets to make a final determination on challenges to and sufficiency of a petition, the board shall make public its staff report concerning disposition of challenges filed against the petition. Beginning with the receipt of any document from local election officials under subsection (8), the board of state canvassers shall make that document available to candidates and challengers on a daily basis.

(11) An official declaration of the sufficiency or insufficiency of a nominating petition shall be made by the board of state canvassers not less than 60 days before the primary election at which candidates are to be nominated. At the time of filing a nominating petition with the secretary of state, the person filing the petition may request a notice of the approval or rejection of the petition. If a request is made at the time of filing the petition, the secretary of state, immediately upon the determination of approval or rejection, shall transmit by registered mail to the person making the request an official notice of the sufficiency or insufficiency of the petitions.

(12) A person who filed a nominating petition with the secretary of state and who feels aggrieved by a determination made by the board of state canvassers may have the determination reviewed by mandamus, certiorari, or other appropriate process in the supreme court.

(13) The qualified voter file may be used to determine the validity of petition signatures by verifying the registration of signers. If the qualified voter file indicates that, on the date the elector signed the petition, the elector was not registered to vote, there is a rebuttable presumption that the signature is invalid. If the qualified voter file indicates that, on the date the elector signed the petition, the elector was not registered to vote in the city or township designated on the petition, there is a rebuttable presumption that the signature is invalid. **THE QUALIFIED VOTER FILE SHALL BE USED TO DETERMINE THE GENUINENESS OF A SIGNATURE ON A PETITION. SIGNATURE COMPARISONS SHALL BE MADE WITH THE DIGITIZED SIGNATURES IN THE QUALIFIED VOTER FILE. THE COUNTY CLERK OR THE BOARD OF STATE CANVASSERS SHALL CONDUCT THE SIGNATURE COMPARISON USING DIGITIZED SIGNATURES CONTAINED IN THE QUALIFIED VOTER FILE FOR THEIR RESPECTIVE INVESTIGATIONS. IF THE QUALIFIED VOTER FILE DOES NOT CONTAIN A DIGITIZED SIGNATURE OF AN ELECTOR, THE CITY OR THE TOWNSHIP CLERK SHALL COMPARE THE PETITION SIGNATURE TO THE SIGNATURE CONTAINED ON THE MASTER CARD.**

(14) Not less than 60 days before the primary election at which candidates are to be nominated, the secretary of state shall certify to the proper boards of election commissioners in the various counties in the state, the name and post office address of each partisan or nonpartisan candidate whose petitions have been filed with the secretary of state and meet the requirements of this act, together with the name of the political party, if any, and the office for which he or she is a candidate.”.

7. Amend page 22, following line 8, by inserting:

“Sec. 761. (1) If the clerk of a city, township, or village receives an application for an absent voter ballot from a person registered to vote in that city, township, or village and if the signature on the application agrees with the signature **FOR THE PERSON CONTAINED IN THE QUALIFIED VOTER FILE OR** on the registration card **AS REQUIRED IN SUBSECTION (2)**, the clerk immediately upon receipt of the application or, if the application is received before the printing of the absent voter ballots, as soon as the ballots are received by the clerk, shall forward by mail, postage prepaid, or shall deliver personally 1 of the ballots or set of ballots if there is more than 1 kind of ballot to be voted to the applicant. Absent voter ballots may be delivered to an applicant in person at the office of the clerk.

**(2) THE QUALIFIED VOTER FILE SHALL BE USED TO DETERMINE THE GENUINENESS OF A SIGNATURE ON AN APPLICATION FOR AN ABSENT VOTER BALLOT. SIGNATURE COMPARISONS SHALL BE MADE WITH THE DIGITIZED SIGNATURE IN THE QUALIFIED VOTER FILE. IF THE QUALIFIED VOTER FILE DOES NOT CONTAIN A DIGITIZED SIGNATURE OF AN ELECTOR, OR IS NOT ACCESSIBLE TO THE CLERK, THE CITY OR TOWNSHIP CLERK SHALL COMPARE THE SIGNATURE APPEARING ON THE APPLICATION FOR AN ABSENT VOTER BALLOT TO THE SIGNATURE CONTAINED ON THE MASTER CARD.**

~~(2)~~ **(3)** Notwithstanding section 759, providing that no absent voter applications shall be received by the clerk after 2 p.m. on the Saturday before the election, a person qualified to vote as an absent voter may apply in person at the clerk’s office before 4 p.m. on a day preceding the election except Sunday or a legal holiday to vote as an absent voter. The applicant shall receive his or her absent voter ballot and vote the ballot in the clerk’s office. All other absent voter ballots, except ballots delivered pursuant to an emergency absent voter ballot application under section 759b, shall be mailed or delivered to the registration address of the applicant unless the application requests delivery to an address outside the city, village, or township or to a hospital or similar institution, in which case the absent voter ballots shall be mailed or delivered to the address given in the application. However, a clerk may mail or deliver an absent voter ballot, upon request of the absent voter, to a post office box if the post office box is where the absent voter normally receives personal mail and the absent voter does not receive mail at his or her registration address.

~~(3)~~ **(4)** Absent voter ballots shall be issued in the same order in which applications are received by the clerk of a city, township, or village, as nearly as may be, and each ballot issued shall bear the lowest number of each kind available for this purpose. However, this provision does not prohibit a clerk from immediately issuing an absent voter ballot to an absent voter who applies in person in the clerk’s office for absent voter ballots. The clerk shall enclose with the ballot or ballots a return envelope properly addressed to the clerk and bearing upon the back of the envelope a printed statement in substantially the following form:

TO BE COMPLETED  
BY THE CLERK

|  |                           |                        |
|--|---------------------------|------------------------|
|  | Name of Voter             | Street Address or R.R. |
|  | City, Township or Village | County                 |
|  | Ward _____ Precinct _____ | Date of Election _____ |

**TO BE COMPLETED BY THE ABSENT VOTER**

I assert that I am a qualified and registered elector of the city, township, or village named above. I am voting as an absent voter in conformity with state election law. Unless otherwise indicated below, I personally marked the ballot enclosed in this envelope without exhibiting it to any other person.

I further assert that this absent voter ballot is being returned to the clerk or an assistant of the clerk by me personally; by public postal service, express mail service, parcel post service, or other common carrier; by a member of my immediate family; or by a person residing in my household.

|  |       |                           |
|--|-------|---------------------------|
|  | DATE: | SIGN HERE: X              |
|  |       | Signature of Absent Voter |

The above form must be signed or your vote will not be counted.

**AN ABSENT VOTER WHO KNOWINGLY MAKES A FALSE STATEMENT IS GUILTY OF A MISDEMEANOR.**

**TO BE COMPLETED ONLY IF VOTER IS ASSISTED IN VOTING BY ANOTHER PERSON**

I assisted the above named absent voter who is disabled or otherwise unable to mark the ballot in marking his or her absent voter ballot pursuant to his or her directions. The absent voter ballot was inserted in the return envelope without being exhibited to any other person.

|  |                                     |                        |                        |
|--|-------------------------------------|------------------------|------------------------|
|  | Signature of Person Assisting Voter | Street Address or R.R. | City, Twp., or Village |
|--|-------------------------------------|------------------------|------------------------|

**Printed Name of Person Assisting Voter**

**A PERSON WHO ASSISTS AN ABSENT VOTER AND WHO KNOWINGLY MAKES A FALSE STATEMENT IS GUILTY OF A FELONY.**

**WARNING**

PERSONS WHO CAN LEGALLY BE IN POSSESSION OF AN ABSENT VOTER BALLOT ISSUED TO AN ABSENT VOTER ARE LIMITED TO THE ABSENT VOTER; A PERSON WHO IS A MEMBER OF THE ABSENT VOTER'S IMMEDIATE FAMILY OR RESIDES IN THE ABSENT VOTER'S HOUSEHOLD AND WHO HAS BEEN ASKED BY THE ABSENT VOTER TO RETURN THE BALLOT; A PERSON WHOSE JOB IT IS TO HANDLE MAIL BEFORE, DURING, OR AFTER BEING TRANSPORTED BY A PUBLIC POSTAL SERVICE, EXPRESS MAIL SERVICE, PARCEL POST SERVICE, OR COMMON CARRIER, BUT ONLY DURING THE NORMAL COURSE OF HIS OR HER EMPLOYMENT; AND THE CLERK, ASSISTANTS OF THE CLERK, AND OTHER AUTHORIZED ELECTION OFFICIALS OF THE CITY, TOWNSHIP, VILLAGE, OR SCHOOL DISTRICT. ANY OTHER PERSON IN POSSESSION OF AN ABSENT VOTER BALLOT IS GUILTY OF A FELONY.

~~(4) A clerk may use absent voter ballot envelop stock purchased before March 28, 1996 for the remainder of the 1996 calendar year if both of the following requirements are satisfied:~~

~~(a) The warning in subsection (3) that describes persons who can legally be in possession of an absent voter ballot is affixed to the outside of the envelope.~~

~~(b) All other instructions required under subsection (3) regarding persons assisting the absent voter are inserted into the absent voter ballot envelope.~~

(5) An absent voter who knowingly makes a false statement on the absent voter ballot return envelope is guilty of a misdemeanor. A person who assists an absent voter and who knowingly makes a false statement on the absent voter ballot return envelope is guilty of a felony.

Sec. 766. (1) Upon receipt from the city, township or village clerk of any envelope containing the marked ballot or ballots of an absent voter, the board of inspectors of election shall verify the legality of such vote by an examination of **A DIGITIZED SIGNATURE FOR THE ABSENT VOTER INCLUDED IN THE QUALIFIED VOTER FILE UNDER SECTION 509Q OR** the registration record **AS PROVIDED IN SUBSECTION (2)** to see that the person has not voted in person, that he is a registered voter, and that the signature on the statement agrees with the signature on the registration record; and by an examination of the statement of such voter to see that it is properly executed.

**(2) THE QUALIFIED VOTER FILE SHALL BE USED TO DETERMINE THE GENUINENESS OF A SIGNATURE ON AN ENVELOPE CONTAINING AN ABSENT VOTER BALLOT. SIGNATURE COMPARISONS SHALL BE MADE WITH THE DIGITIZED SIGNATURE IN THE QUALIFIED VOTER FILE. IF THE QUALIFIED VOTER FILE DOES NOT CONTAIN A DIGITIZED SIGNATURE OF AN ELECTOR, OR IS NOT ACCESSIBLE TO THE CLERK, THE CITY OR TOWNSHIP CLERK SHALL COMPARE THE SIGNATURE APPEARING ON AN ENVELOPE CONTAINING AN ABSENT VOTER BALLOT TO THE SIGNATURE CONTAINED ON THE MASTER CARD.**

Sec. 767. If upon an examination of the envelope containing an absent voter's ballot or ballots, it is determined that the signature on the envelope does not agree sufficiently with the signature on the registration card **OR THE**

**DIGITIZED SIGNATURE CONTAINED IN THE QUALIFIED VOTER FILE AS PROVIDED UNDER SECTION 766** so as to identify the voter or if the board shall have knowledge that the person voting the ballot or ballots has died, or if it is determined by a majority of the board that such vote is illegal for any other reason, then such vote shall be rejected, and thereupon some member of the board shall, without opening the envelope, mark across the face of such envelope, "rejected as illegal", and the reason therefor. The statement shall be initialed by the chairman of the board of election inspectors. Said envelope and the ballot or ballots contained therein shall be returned to the city, township or village clerk and retained and preserved in the manner now provided by law for the retention and preservation of official ballots voted at such election.

Sec. 792a. (1) Except as otherwise provided in this subsection, the absent voter ballots in a city, township, or village that uses voting machines shall be counted by absent voter counting boards. The board of election commissioners of a city, township, or village that has 2 precincts or less or of a city that has 500,000 or more in population may decide that the absent voter ballots shall be counted in the manner provided in section 791. In a city, township, or village that does not use voting machines, the absent voter ballots may be counted by absent voter counting boards or in the same manner as is otherwise provided for precincts in which voting is not done on voting machines.

(2) The board of election commissioners shall establish the absent voter counting boards. The board of election commissioners shall determine the number of absent voter counting boards to be established and shall appoint the election inspectors to those absent voter counting boards 10 days or more before the election at which they are to be used. Sections 673a and 674 apply to the appointment of election inspectors to absent voter counting boards under this section. The board of election commissioners shall determine the number of ballots that may be expeditiously counted by an absent voter counting board in a reasonable period of time, taking into consideration the size and complexity of the ballot to be counted pursuant to the guidelines of the secretary of state. Combined ballots shall be regarded as the number of ballots as there are sections to the ballot.

(3) If more than 1 absent voter counting board is to be used, the city, township, or village clerk shall determine the number of voting machines or the number of ballot boxes and the number of election inspectors to be used in each of the absent voter counting boards and to which absent voter counting board the absent voter ballots for each precinct shall be assigned for counting. The clerk shall make the determination under this subsection 2 days or more before the election and shall not assign an absent voter counting board more ballots than the maximum number authorized by the board of election commissioners under subsection (2). The clerk is not required to use all of the absent voter counting boards authorized by the board of election commissioners under subsection (2).

(4) In a city, township, or village that uses absent voter counting boards under this section, absent voter ballots shall be counted in the manner provided in this section and absent voter ballots shall not be delivered to the polling places. The board of election commissioners shall provide a place for each absent voter counting board to count the absent voter ballots. Section 662 applies to the designation and prescribing of the absent voter counting place or places in which the absent voter counting board performs its duties under this section. The places shall be designated as absent voter counting places. Except as otherwise provided in this section, laws relating to paper ballot precincts, including laws relating to the appointment of election inspectors, apply to absent voter counting places. If a counting place uses voting machines, the provisions of this section relating to placing of absent voter ballots on voting machines apply. More than 1 absent voter counting board may be located in 1 building.

(5) The clerk of a city, township, or village that uses absent voter counting boards shall supply each absent voter counting board with supplies necessary to carry out their duties under this act. The supplies shall be furnished to the city, township, or village clerk in the same manner and by the same persons or agencies as for other precincts.

(6) Absent voter ballots received by the clerk before election day shall be delivered to the absent voter counting board by the clerk at the time the election inspectors of the absent voter counting boards report for duty, which time shall be established by the board of election commissioners. Absent voter ballots received by the clerk on election day shall be delivered to the absent voter counting boards before the time set for the closing of the polls. Absent voter ballots shall be delivered to the absent voter counting boards in the sealed absent voter ballot return envelopes in which they were returned to the clerk. Written or stamped on each of the return envelopes shall be the time and the date that the envelope was received by the clerk and a statement by the clerk that the signatures of the absent voters on the envelopes have been checked and found to agree with the signatures of the voters on the registration cards **OR THE DIGITIZED SIGNATURES OF VOTERS CONTAINED IN THE QUALIFIED VOTER FILE AS PROVIDED UNDER SECTION 766**. If a signature on the registration card **OR A DIGITIZED SIGNATURE CONTAINED IN THE QUALIFIED VOTER FILE** and on the absent voter ballot return envelope does not agree **AS PROVIDED UNDER SECTION 766**, if the absent voter failed to sign the envelope, or if the statement of the absent voter is not properly executed, the clerk shall mark the envelope "rejected" and the reason for the rejection and shall place his or her name under the notation. An envelope marked "rejected" shall not be delivered to the absent voter counting board but shall be preserved by the clerk until other ballots are destroyed in the manner provided in this act. The clerk shall also comply with section 765(5).

(7) At the time of issuing or mailing absent voter ballots to qualified applicants, the clerk of a city, township, or village that uses absent voter counting boards shall mark the letters "A.V." and the date of election on the registration card of the applicant in the precinct registration file.



(8) This chapter does not prohibit an absent voter from voting in person within the voter's precinct at an election, notwithstanding that the voter may have applied for an absent voter ballot and the ballot may have been mailed or otherwise delivered to the voter. The voter, the election inspectors, and other election officials shall proceed in the manner prescribed in section 769. The clerk shall preserve the canceled ballots for 2 years.

(9) The absent voter counting boards shall process the ballots and returns in as nearly as possible the same manner as ballots are processed in paper ballot precincts. The poll book may be combined with the absent voter list or record required by section 760, and the applications for absent voter ballots may be used as the poll list. The processing and tallying of absent voter ballots may commence at 7 a.m. on the day of the election.

(10) An election inspector, challenger, or any other person in attendance at an absent voter counting place at any time after the processing of ballots has begun shall take and sign the following oath that may be administered by the chairperson or a member of the absent voter counting board:

"I (name of person taking oath) do solemnly swear (or affirm) that I shall not communicate in any way any information relative to the processing or tallying of votes that may come to me while in this counting place until after the polls are closed."

(11) The oaths administered under subsection (10) shall be placed in an envelope provided for the purpose and sealed with the red state seal. Following the election the oaths shall be delivered to the city, township, or village clerk. Except as otherwise provided in subsection (16), a person in attendance at the absent voter counting place shall not leave the counting place after the tallying has begun until the polls close. A person who causes the polls to be closed or who discloses an election result or in any manner characterizes how any ballot being counted has been voted in a voting precinct before the time the polls can be legally closed on election day is guilty of a felony.

(12) At the time the board of election commissioners provide for the use of absent voter counting boards, the board of election commissioners may provide that the absent voter counting boards shall record the votes contained on absent voter ballots on voting machines. In that case, the recording of ballots shall be done by the chairperson of the absent voter counting board or another member designated by the chairperson. The act of casting the votes shall be performed in the presence of and under the careful observation and full view of all members of the absent voter counting board, party challengers, and any other persons lawfully present at the absent voter counting place. The vote as indicated by the voting pointers shall not be recorded until each member of the absent voter counting board is satisfied that the arrangement of the voting pointers fully carries out the intent of the absent voter as shown by the cross marks or check marks on the absent voter ballot. A certificate that the requirements of this subsection were met shall be made on the election inspectors' statement of returns.

(13) As soon as absent voter ballots have been cast on a voting machine pursuant to subsection (12), but not before 8 p.m., the election inspectors shall seal the operating lever of the machine against voting and shall then proceed to determine and record the votes cast in the manner provided in this act.

(14) Voted absent voter ballots shall be placed in a ballot box and the ballot bag and ballot box shall be sealed in the manner provided by this act for paper ballot precincts. The seal numbers shall be recorded on the statement sheet and in the poll book.

(15) In a city, township, or village where challenged voters are required to vote on absent voter ballots, each challenged voter ballot and application for ballot, after having been voted and properly identified, shall be placed by the voter in an absent voter ballot return envelope. The applicable information required on the back of the envelope shall be completed by the board of election inspectors. The envelope shall be signed by the challenged voter and by the chairperson of the precinct board of election inspectors. The word "challenged" shall be written across the front of the envelope. The envelope and application for ballot shall be sealed and delivered to the absent voter counting place by the clerk of the city, township, or village. Immediately after the closing of the polls, the chairperson of the precinct board of election inspectors shall notify the clerk of the city, township, or village of remaining challenged voter ballots to be delivered to the absent voter counting place. In a city, township, or village that uses voting machines where absent voter counting boards are not used, challenged ballots shall be counted and tallied in the precincts, in the same manner that absent voter ballots are tallied and counted as provided in section 791.

(16) Subject to this subsection, a local election official who has established an absent voter counting board, the deputy or employee of that local election official, or an employee of the state bureau of elections may enter and leave an absent voter counting board after the tally has begun but before the polls close. A person described in this subsection may enter an absent voter counting board only for the purpose of responding to an inquiry from an election inspector or a challenger or to provide instructions on the operation of the counting board. Before entering an absent voter counting board, a person described in this subsection shall take and sign the oath prescribed in subsection (10). The chairperson of the absent voter counting board shall record in the poll book the name of a person described in this subsection who enters the absent voter counting board. A person described in this subsection who enters an absent voter counting board and who discloses an election result or in any manner characterizes how any ballot being counted has been voted in a precinct before the time the polls can be legally closed on election day is guilty of a felony. As used in this subsection, "local election official" means a county, city, township, or village clerk, the secretary of a school board, or an employee of a school district designated to conduct a school election.

(17) The secretary of state shall develop instructions consistent with this act for the conduct of absent voter counting boards. The secretary of state shall distribute the instructions developed under this subsection to city and township clerks 40 days or more before a general election in which absent voter counting boards will be used. A city or township clerk shall make the instructions developed under this subsection available to the public and shall distribute the instructions to each challenger in attendance at an absent voter counting board. The instructions developed under this subsection are binding upon the operation of an absent voter counting board used in an election conducted by a county, city, township, village, school district, or any other jurisdiction empowered to conduct an election under this act.

Sec. 961. (1) A recall petition shall be filed with the filing officer provided in section 959 or 960. The filing official shall give a receipt showing the date of filing, the number of petition sheets filed, and the number of signatures claimed by the filer. This shall constitute the total filing, and additional petition sheets for this filing shall not be accepted by the filing official.

(2) Within 7 days after a recall petition is filed, the filing official with whom the petition was filed shall examine the recall petition. The filing official shall determine if the recall petition is in proper form and shall determine the number of signatures of the petition. In determining the number of signatures, the filing official shall not count signatures on a petition sheet if 1 or more of the following apply:

(a) The execution of the certificate of circulator is not in compliance with this act.

(b) The heading of the petition sheet is improperly completed.

(c) The reasons for recall are different than those determined by the board of county election commissioners to be of sufficient clarity to enable the officer whose recall is sought and the electors to identify the course of conduct which is the basis for this recall.

(d) The signature was obtained before the date of determination by the board of county election commissioners or more than 90 days before the filing of the petition.

(3) If the filing official determines that the form of the petition is improper or that the number of signatures is less than the minimum number required in section 955, the filing official shall proceed as provided in section 963(1).

(4) If the filing official determines that the number of signatures is in excess of the minimum number required in section 955, the filing official shall determine the validity of the signatures by verifying the registration of signers pursuant to subsection (6) **AND MAY DETERMINE THE GENUINENESS OF SIGNATURES PURSUANT TO SUBSECTION (7)** or shall forward each petition sheet to the clerk of the city or township appearing on the head of the petition sheet. However, the petition shall not be forwarded to the secretary of a school district.

(5) ~~Subject to subsection (6), the city or township clerk shall compare the names on the petition with the city or township registration records. The clerk may compare with the signatures on the original registration record or with the name or address on registration lists on file in the clerk's office.~~ **THE CITY OR TOWNSHIP CLERK SHALL DETERMINE THE VALIDITY OF THE SIGNATURES BY VERIFYING THE REGISTRATION OF SIGNERS PURSUANT TO SUBSECTION (6) AND MAY DETERMINE THE GENUINENESS OF SIGNATURES PURSUANT TO SUBSECTION (7).** Within 15 days after receipt of the petition, the city or township clerk shall attach to the petition a certificate indicating the number of signers on each petition sheet that are registered electors in the city or township and in the governmental unit for which the recall is sought. The certificate shall be on a form approved by the secretary of state and may be a part of the petition sheet. If the recall petition is for the recall of a village official, the county clerk shall forward the petition to the clerk of the village, and the duties and responsibilities of the city or township clerk as set forth in this section shall be performed by the village clerk.

(6) The qualified voter file ~~may~~ **SHALL** be used to determine the validity of petition signatures by verifying the registration of signers. If the qualified voter file indicates that, on the date the elector signed the petition, the elector was not registered to vote, there is a rebuttable presumption that the signature is invalid. If the qualified voter file indicates that, on the date the elector signed the petition, the elector was not registered to vote in the city or township designated on the petition, there is a rebuttable presumption that the signature is invalid.

**(7) THE QUALIFIED VOTER FILE SHALL BE USED TO DETERMINE THE GENUINENESS OF A CHALLENGED PETITION SIGNATURE APPEARING ON A RECALL PETITION. SIGNATURE COMPARISONS SHALL BE MADE WITH THE DIGITIZED SIGNATURE IN THE QUALIFIED VOTER FILE. IF THE QUALIFIED VOTER FILE DOES NOT CONTAIN A DIGITIZED SIGNATURE OF AN ELECTOR, THE OFFICIAL WITH WHOM THE RECALL PETITION WAS FILED SHALL COMPARE THE CHALLENGED SIGNATURE TO THE SIGNATURE ON THE MASTER CARD.**

Sec. 961a. (1) Not later than the business day following the filing of a recall petition, the official with whom the recall was filed shall notify in writing the officer whose recall is sought that the recall petition has been filed.

(2) An officer whose recall is sought may challenge the validity of the registration or the validity and genuineness of the signature of a circulator or person signing the recall petition. A challenge shall be in writing, specifying the challenged signature, and shall be delivered to the filing official within 30 days after the filing of the petitions. The officer whose recall is sought shall have not less than 8 days after the clerk has examined the signatures to check signatures on the original registration records.

(3) Subject to ~~subsection~~ **SUBSECTIONS (4) AND (5)**, a challenged signature shall be ~~compared with the signature on the original registration record~~ **VERIFIED BY THE OFFICIAL WITH WHOM THE RECALL WAS FILED.**

(4) The qualified voter file may be used to determine the validity of ~~petition signatures~~ **A CHALLENGED PETITION SIGNATURE APPEARING ON A RECALL PETITION** by verifying the registration of ~~signers~~ **THE SIGNER**. If the qualified voter file indicates that, on the date the elector signed the petition, the elector was not registered to vote, there is a rebuttable presumption that the signature is invalid. If the qualified voter file indicates that, on the date the elector signed the petition, the elector was not registered to vote in the city or township designated on the petition, there is a rebuttable presumption that the signature is invalid.

**(5) THE QUALIFIED VOTER FILE SHALL BE USED TO DETERMINE THE GENUINENESS OF A CHALLENGED PETITION SIGNATURE APPEARING ON A RECALL PETITION. SIGNATURE COMPARISONS SHALL BE MADE WITH THE DIGITIZED SIGNATURE IN THE QUALIFIED VOTER FILE. IF THE QUALIFIED VOTER FILE DOES NOT CONTAIN A DIGITIZED SIGNATURE OF AN ELECTOR, THE OFFICIAL WITH WHOM THE RECALL PETITION WAS FILED SHALL COMPARE THE CHALLENGED SIGNATURE TO THE SIGNATURE ON THE MASTER CARD.”**

8. Amend page 23, following line 2, by inserting:

“Enacting section 1. Sections 500g and 501a of the Michigan election law, 1954 PA 116, MCL 168.500g and 68.501a, are repealed.” and renumbering the remaining enacting sections.

9. Amend page 23, following line 2, following enacting section 2, by inserting:

“Enacting section 3. Sections 31, 476, 501, 507, 523, 552, 961, 961a of the Michigan election law, 1954 PA 116, MCL 168.31, 168.476, 168.501, 168.507, 168.523, 168.552, 168.961, and 168.961a, as amended by this amendatory act take effect January 1, 2007.” and renumbering the remaining enacting sections.

The Senate has concurred in the House substitute (H-1) as amended and amended the title to read as follows:

A bill to amend 1954 PA 116, entitled “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,” by amending sections 31, 301, 302, 312, 370, 381, 476, 498, 500b, 501, 507, 509m, 509q, 509gg, 523, 552, 641, 642a, 653a, 699, 761, 766, 767, 792a, 961, 961a, and 963 (MCL 168.31, 168.301, 168.302, 168.312, 168.370, 168.381, 168.476, 168.498, 168.500b, 168.501, 168.507, 168.509m, 168.509q, 168.509gg, 168.523, 168.552, 168.641, 168.642a, 168.653a, 168.699, 168.761, 168.766, 168.767, 168.792a, 168.961, 168.961a, and 168.963), sections 31 and 961a as amended by 1999 PA 220, section 301 as amended by 2004 PA 286, sections 302 and 312 as added and sections 370, 509gg, and 963 as amended by 2003 PA 302, section 381 as amended by 2004 PA 290, sections 476 and 961 as amended by 1999 PA 219, section 498 as amended by 1984 PA 89, sections 500b and 507 as amended by 1989 PA 142, section 509m as amended by 2004 PA 92, section 509q as added by 1994 PA 441, sections 523 and 792a as amended by 1996 PA 583, section 552 as amended by 2003 PA 188, section 641 as amended by 2003 PA 298, section 642a as amended by 2004 PA 294, section 653a as added by 1982 PA 2, section 699 as amended by 2004 PA 297, and section 761 as amended by 1996 PA 207, and by adding sections 302a and 509hh; and to repeal acts and parts of acts.

The Speaker announced that pursuant to Rule 45, the bill was laid over one day.

**Announcement by the Clerk of Printing and Enrollment**

The Clerk announced that the following bills had been printed and placed upon the files of the members on Friday, July 1:

|                         |             |             |             |             |             |             |             |             |             |            |            |            |            |            |
|-------------------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|------------|------------|------------|------------|------------|
| <b>House Bill Nos.</b>  | <b>5030</b> | <b>5031</b> | <b>5032</b> | <b>5033</b> | <b>5034</b> | <b>5035</b> | <b>5036</b> | <b>5037</b> | <b>5038</b> |            |            |            |            |            |
| <b>Senate Bill Nos.</b> | <b>670</b>  | <b>671</b>  | <b>672</b>  | <b>673</b>  | <b>674</b>  | <b>675</b>  | <b>676</b>  | <b>677</b>  | <b>678</b>  | <b>679</b> | <b>680</b> | <b>681</b> | <b>682</b> | <b>683</b> |
|                         | <b>684</b>  | <b>685</b>  | <b>686</b>  | <b>687</b>  |             |             |             |             |             |            |            |            |            |            |

**Messages from the Governor**

Date: June 30, 2005  
Time: 2:55 p.m.

To the Speaker of the House of Representatives:

Sir—I have this day approved and signed

**Enrolled House Bill No. 4444 (Public Act No. 55, I.E.), being**

An act to amend 1994 PA 451, entitled “An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate

the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, and assessments; to provide certain appropriations; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts," by amending sections 9101, 9105, 9106, 9110, and 9113 (MCL 324.9101, 324.9105, 324.9106, 324.9110, and 324.9113), section 9101 as amended by 2001 PA 227 and sections 9105, 9106, 9110, and 9113 as amended by 2000 PA 504.

(Filed with the Secretary of State June 30, 2005, at 3:50 p.m.)

### Communications from State Officers

The following communication from the Office of the State Budget was received and read:

June 24, 2005

This letter transmits the "Statement of the Proportion of Total State Spending From State Sources Paid to Units of Local Government - Legal Basis" for fiscal year 2003-2004, which has been prepared in accordance with Sections 18.1115(5), 18.1303-18.1305, 18.1349, 18.1350, 18.1497, and 18.1498 of the Michigan Compiled Laws for the purpose of demonstrating compliance with Article 9, Section 30 of the Michigan Constitution.

The computed percentage of total state spending from state sources paid to local governments for fiscal year 2003-2004 is 62.08%, which is 13.11% in excess of the minimum required 48.97%.

The statement has been reviewed by the Office of the Auditor General and a copy of their independent accountant's review letter is enclosed.

If you have questions regarding this report, please contact Mr. Michael J. Moody, Director, Office of Financial Management, at 373-1010.

Sincerely,  
Mary A. Lannoye  
State Budget Director

The communication was referred to the Clerk.

The following communication from the Department of Environmental Quality was received and read:

June 29, 2005

I am pleased to present the Department of Environmental Quality's (DEQ's) status report on the implementation of the Great Lakes Water Quality Bond. This report is being submitted to the Legislature in accordance with Section 501 of Public Act 350 of 2004, the Fiscal Year 2005 Appropriation Bill for the DEQ.

The report summarizes recent activities in two programs, the State Revolving Fund (SRF) and the Surface Water Quality Initiatives Fund (SWQIF), which provide low interest rate loans to municipalities for water quality improvement projects.

I trust the members of the House of Representatives will find this report informative. If you have comments or questions about this report, please contact Ms. Amy A. Butler, Chief, Environmental Science and Services Division, at 517-241-0490, or you may contact me.

Sincerely,  
Steven E. Chester  
Director  
517-373-7917

The communication was referred to the Clerk.

The following communications from the Auditor General were received and read:

June 30, 2005

Enclosed is a copy of the following audit report and/or report summary:  
Financial audit, including the provisions of the Single Audit Act, of the Michigan Strategic Fund  
for the period October 1, 2002 through September 30, 2004

June 30, 2005

Enclosed is a copy of the following audit report and/or report summary:  
Financial audit, including the provisions of the Single Audit Act, of the  
Department of Labor and Economic Growth  
for the period October 1, 2003 through September 30, 2004 and the  
Department of Career Development  
for the period October 1, 2002 through September 30, 2003

June 30, 2005

Enclosed is a copy of the following audit report and/or report summary:  
Financial audit, including the provisions of the Single Audit Act, of the  
Department of History, Arts and Libraries  
for the period October 1, 2002 through September 30, 2004

June 30, 2005

Enclosed is a copy of the following audit report and/or report summary:  
Financial audit, including the provisions of the Single Audit Act, of the  
Department of Attorney General  
for the period October 1, 2002 through September 30, 2004

June 30, 2005

Enclosed is a copy of the following audit report and/or report summary:  
Financial audit, including the provisions of the Single Audit Act, of the  
Michigan Economic Development Corporation  
for the period October 1, 2002 through September 30, 2004

June 30, 2005

Enclosed is a copy of the following audit report and/or report summary:  
Financial audit, including the provisions of the Single Audit Act, of the  
Department of Transportation  
for the period October 1, 2002 through September 30, 2004

Sincerely,  
Thomas H. McTavish, C.P.A.  
Auditor General

The communications were referred to the Clerk and the accompanying reports referred to the Committee on Government Operations.

### Introduction of Bills

Reps. Casperson, Emmons, LaJoy and Marleau introduced

**House Bill No. 5039, entitled**

A bill to amend 1953 PA 181, entitled "An act relative to investigations in certain instances of the causes of death within this state due to violence, negligence or other act or omission of a criminal nature or to protect public health; to provide for the taking of statements from injured persons under certain circumstances; to abolish the office of coroner and to create the office of county medical examiner in certain counties; to prescribe the powers and duties of county medical examiners; to prescribe penalties for violations of the provisions of this act; and to prescribe a referendum thereon," by amending section 1 (MCL 52.201), as amended by 2002 PA 22.

The bill was read a first time by its title and referred to the Committee on Local Government and Urban Policy.

Reps. Green, Gosselin, Ball, Stewart and Lemmons, III introduced

**House Bill No. 5040, entitled**

A bill to amend 1939 PA 280, entitled "The social welfare act," (MCL 400.1 to 400.119b) by adding section 109i. The bill was read a first time by its title and referred to the Committee on Family and Children Services.

Reps. Green, Gosselin, Vagnozzi, Ball, Stewart, Stakoe, Lemmons, Jr., Elsenheimer, Pastor, Hune, Caswell, Hildenbrand, Palmer, Kooiman, Stahl and Lemmons, III introduced

**House Bill No. 5041, entitled**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 11514 (MCL 324.11514), as amended by 2004 PA 34.

The bill was read a first time by its title and referred to the Committee on Natural Resources, Great Lakes, Land Use, and Environment.

Rep. Waters introduced

**House Bill No. 5042, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 14d of chapter XVII (MCL 777.14d), as added by 2002 PA 29.

The bill was read a first time by its title and referred to the Committee on Government Operations.

Reps. Schuitmaker, Waters, Zelenko, Whitmer, Accavitti, Byrnes, Wojno, Donigan, Alma Smith, Mortimer, Jones, Casperson, Emmons, Vander Veen, Amos, Farrah, Mayes and Clack introduced

**House Bill No. 5043, entitled**

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 540 (MCL 750.540).

The bill was read a first time by its title and referred to the Committee on Judiciary.

Reps. Schuitmaker, Waters, Zelenko, Whitmer, Accavitti, Byrnes, Wojno, Donigan, Alma Smith, Mortimer, Jones, Emmons, Casperson, Vander Veen, Amos, Vagnozzi, Mayes, Clack and Farrah introduced

**House Bill No. 5044, entitled**

A bill to amend 1927 PA 175, entitled "The code of criminal procedure," by amending section 16z of chapter XVII (MCL 777.16z), as amended by 2004 PA 157.

The bill was read a first time by its title and referred to the Committee on Judiciary.

Rep. Schuitmaker introduced

**House Bill No. 5045, entitled**

A bill to amend 1987 PA 96, entitled "The mobile home commission act," by amending sections 30b and 30c (MCL 125.2330b and 125.2330c).

The bill was read a first time by its title and referred to the Committee on Banking and Financial Services.

Rep. Mortimer introduced

**House Bill No. 5046, entitled**

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 20927 (MCL 333.20927), as added by 1990 PA 179.

The bill was read a first time by its title and referred to the Committee on Health Policy.

Rep. Huizenga introduced

**House Bill No. 5047, entitled**

A bill to amend 1984 PA 270, entitled "Michigan strategic fund act," by amending the title and sections 3, 4, and 13 (MCL 125.2003, 125.2004, and 125.2013), sections 4 and 13 as amended by 1987 PA 278, and by adding sections 94 and 95 and chapter 8A.

The bill was read a first time by its title and referred to the Committee on Commerce.

Reps. Huizenga and Dillon introduced

**House Bill No. 5048, entitled**

A bill to create the Michigan tobacco settlement securitization authority; to create funds and accounts; to provide for the transfer of state assets to the authority; to authorize the issuing of bonds and notes; to prescribe the powers and duties of the authority; and to make an appropriation.

The bill was read a first time by its title and referred to the Committee on Commerce.

The Clerk declared the House adjourned until Wednesday, July 13, at 1:00 p.m.

GARY L. RANDALL  
Clerk of the House of Representatives

