

Act No. 142
Public Acts of 1989
Approved by the Governor
June 29, 1989
Filed with the Secretary of State
June 29, 1989

**STATE OF MICHIGAN
85TH LEGISLATURE
REGULAR SESSION OF 1989**

Introduced by Reps. Berman, Leland, Ciaramitaro, Miller, Gubow, Emmons, Murphy, DeMars and Pitoniak

ENROLLED HOUSE BILL No. 4160

AN ACT to amend sections 24g, 29, 491, 492, 493, 497, 500b, 500h, 504, 507, 507a, 513, 522, 544c, and 590b of Act No. 116 of the Public Acts of 1954, entitled "An act to reorganize, consolidate and add to the election laws; to provide for election officials and prescribe their powers and duties; 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 prescribe the penalties therefor; and to repeal certain acts and all other acts inconsistent herewith," section 497 as amended by Act No. 61 of the Public Acts of 1981, section 522 as amended by Act No. 168 of the Public Acts of 1986, section 544c as amended by Act No. 408 of the Public Acts of 1982, and section 590b as added by Act No. 116 of the Public Acts of 1988, being sections 168.24g, 168.29, 168.491, 168.492, 168.493, 168.497, 168.500b, 168.500h, 168.504, 168.507, 168.507a, 168.513, 168.522, 168.544c, and 168.590b of the Michigan Compiled Laws; to add sections 499a, 499b, 499c, 499d, 507b, 509, 509b, 509c, 509d, 509e, 509f, 509g, 509h, 509i, 509j, 509k, 509l, and 530; and to repeal certain parts of the act on specific dates.

The People of the State of Michigan enact:

Section 1. Sections 24g, 29, 491, 492, 493, 497, 500b, 500h, 504, 507, 507a, 513, 522, 544c, and 590b of Act No. 116 of the Public Acts of 1954, section 497 as amended by Act No. 61 of the Public Acts of 1981, section 522 as amended by Act No. 168 of the Public Acts of 1986, section 544c as amended by Act No. 408 of the Public Acts of 1982, and section 590b as added by Act No. 116 of the Public Acts of 1988, being sections 168.24g, 168.29, 168.491, 168.492, 168.493, 168.497, 168.500b, 168.500h, 168.504, 168.507, 168.507a, 168.513, 168.522, 168.544c, and 168.590b of the Michigan Compiled Laws, are amended and sections 499a, 499b, 499c, 499d, 507b, 509, 509b, 509c, 509d, 509e, 509f, 509g, 509h, 509i, 509j, 509k, 509l, and 530 are added to read as follows:

Sec. 24g. Notwithstanding any other provisions of law to the contrary, the members of the board of state canvassers shall be entitled to actual and necessary expenses incurred in the performance of their official duties and shall receive \$75.00 for each day's actual physical attendance at meetings of the board.

Sec. 29. (1) The clerk of each county, township, city, and village may appoint a number of assistants as may be necessary to carry out the general provisions of the election law. The clerk of a county, township, city, or village shall consider an application for the appointment of an assistant without regard to age, socioeconomic status, sex, race, national origin, religion, political affiliation, or any handicap the applicant may have.

(2) Assistants appointed under this section shall possess only the authority conferred upon them by the county, township, city, or village clerk appointing them, and shall perform only those duties that are assigned to them by the clerk. Before an assistant enters upon the discharge of his or her duties, the assistant shall take and subscribe to the oath of office as provided in section 1 of article XI of the state constitution of 1963, which shall be filed in the office of the county, township, city, or village clerk who appointed the assistant and shall be properly instructed by the county, township, city, or village clerk in the duties the assistant is assigned to perform. An assistant may receive compensation as may be fixed by a township board or the legislative body of a county, city, or village.

Sec. 491. The inspectors of election at an election or primary election in this state, or in a district, county, township, city, or village in this state, shall not receive the vote of a person whose name is not registered in the registration book or listed on the computer voter registration precinct list of the township, ward, or precinct in which he or she offers to vote unless the person has met the requirements of section 507b.

Sec. 492. Every person who has the following qualifications of an elector, or who will have those qualifications at the next election or primary election, shall be entitled to be registered as an elector in the township, city, or village in which he or she resides. The person shall be a citizen of the United States; not less than 18 years of age; a resident of the state for not less than 30 days; and a resident of the township, city, or village on or before the thirtieth day before the next regular or special election or primary election.

Sec. 493. The clerk of each township, city, and village in this state shall provide blank forms printed on cards designated as "registration cards", to be used in the registration of electors. The registration cards shall contain all of the following:

- (a) An affidavit to be executed by the registrant, designated as a "registration affidavit".
- (b) Spaces in which to note a change of address.
- (c) Spaces in which to write or stamp the date of each election at which the registrant votes if computerized registration lists are not used at the precinct.
- (d) The ward and precinct, if any, in which the registrant resides.
- (e) Spaces in which to note the cancellation of the elector's registration, together with the cause and date of the cancellation and the signature of the clerk canceling the registration.
- (f) Blanks for recording the person's driver's license or state personal identification card number issued by the secretary of state and any other information that facilitates registration and holding of elections.

Sec. 497. (1) A person who is not registered but possesses the qualifications of an elector as set forth in section 492, may apply for registration to the clerk of the county, township, city, or village in which he or she resides on a day other than Saturday, Sunday, a legal holiday, or the day of a regular, primary, school, or special election. Registrations accepted between the thirtieth day preceding an election and the day of the election, unless the thirtieth day falls on a Saturday, Sunday, or legal holiday, in which event registration shall be accepted during the following day, are not valid for the election but are valid for subsequent regular, primary, school, or special elections that are held so that not less than 30 days intervene between the date the person registered and the date of the election.

(2) Except as otherwise provided in sections 499a to 499c, 500a to 500j, and 504, an application for registration shall not be executed at a place other than the office of the county, township, city, or village clerk or a public place or places designated by the clerk or deputy registrar for receiving registrations, but the clerk or deputy registrar may receive an application wherever he or she may be. If a county, township, city, or village clerk does not regularly keep his or her office open daily during certain hours, the clerk shall not be required to be at his or her office for the purpose of receiving applications for registration on a particular day nor during specific hours of a day, except as provided in section 498. Registrations taken after the time of closing registrations before an election need not be processed until the date immediately following that election. A registration shall not be placed in a precinct registration file until the date immediately following that election. If a person registers at a time that registrations are closed for an election, the person shall be given a notice, signed by the clerk, on a form developed by the secretary of state, informing him or her that he or she is not eligible to vote in the election and indicating the first date on which he or she is eligible to vote. Except as provided in sections 500a to 500j, the provisions of this section relating to registration shall apply.

Sec. 499a. (1) A registered elector in this state may apply to a county, township, or city clerk for appointment as a deputy registrar for the taking of voter registration applications in that county, township, or city under the authority of the appointing county, township, or city clerk. A clerk shall mail a deputy registrar application form to every person who requests the form in writing or in person. A township or city clerk may limit the appointment of deputy registrars to residents of the township or city.

(2) A county, township, or city clerk shall appoint each qualified applicant as a deputy registrar. A clerk may, but is not required to, make an appointment during the 70 days preceding the general November election. A clerk shall maintain a record of the name, address, and telephone number of each person appointed as a deputy registrar.

(3) Before a deputy registrar appointment under this section is effective, all of the following shall occur:

(a) The applicant shall take and subscribe to the oath of office prescribed in section 1 of article XI of the state constitution of 1963, which shall be filed in the office of the appointing clerk.

(b) The applicant shall certify that he or she is a registered elector of this state and is not a candidate for any elective public office.

(c) The county, township, or city clerk shall instruct each applicant in the proper procedure for taking a voter registration application. If the applicant is experienced in the taking of a voter registration application or can produce a deputy registrar identification card issued to him or her by another clerk in this state, the appointing clerk may obtain a certification from the applicant that he or she is so trained and waive any further training. The secretary of state shall develop and provide the necessary training materials to the clerk. Training shall be conducted in the following manner:

(i) The county clerk shall conduct training in even-numbered years between the following dates for qualified applicants, as needed: February 1 and February 15; May 10 and May 25; and August 15 and August 30. If a qualified applicant applies during a required training period, the applicant shall be trained by the clerk in that same training period. The clerk may conduct training at any other time. The county clerk may agree with township and city clerks within that county to hold joint training sessions.

(ii) The township and city clerk shall conduct necessary training as soon as possible after applications are received. A township or city clerk may agree with other township and city clerks within that county to hold joint training sessions.

(d) The deputy registrar shall be issued an identification card.

(4) An appointment under this section expires when either of the following occurs:

(a) The automatic expiration of the term of appointment as provided by the clerk but not earlier than January 1 of the first even-numbered year following appointment.

(b) The appointing clerk receives a letter of resignation from a deputy registrar.

(5) An appointment of a deputy registrar shall be terminated upon the occurrence of 1 or more of the following:

(a) The deputy registrar is unable to take, receive, or process the voter registration applications in a proper and timely manner.

(b) The deputy registrar unreasonably refuses to register a person who possesses the qualifications of an elector.

(c) The deputy registrar conducts political activity while taking voter registration applications. As used in this subdivision, "political activity" includes, but is not limited to, displaying, wearing, or distributing political campaign materials; making reference to a political party, candidate, or ballot proposal; or conducting voter registration activities in the name of any candidate, political party, or partisan group or organization.

(d) The deputy registrar is intoxicated or abusive during the performance of his or her duties.

(e) The deputy registrar conducts voter registration activity in an establishment where the regular business is the sale of alcoholic beverages for consumption on the premises.

(f) The deputy registrar no longer possesses the qualifications of an elector.

(g) The deputy registrar accepts from or pays to an elector money or any other thing of value for registering to vote.

(h) The deputy registrar becomes a candidate for an elective public office.

(i) The deputy registrar provides information recorded on a voter registration application to a for-profit business or uses the information in a for-profit business. This subdivision does not prohibit a deputy registrar from obtaining such information under the freedom of information act, Act No. 442 of the Public Acts of 1976, being sections 15.231 to 15.246 of the Michigan Compiled Laws, and providing it to or using it in a for-profit business consistent with section 522a.

(6) Upon receipt of written information that the appointment of a deputy registrar may be subject to termination for 1 or more of the reasons specified in subsection (5), the appointing clerk shall notify the deputy registrar in writing of the information. The deputy registrar may make a written explanation to the clerk within 5 business days after the notice is mailed.

(7) An appointing clerk may terminate the appointment of a deputy registrar by issuing a written determination of good cause to the registrar. The determination shall be kept on file with the clerk for 2 years.

(8) If the appointing clerk is a county clerk, instead of proceeding pursuant to subsection (7), he or she may forward a report to the department of state, bureau of elections, containing all of the following:

- (a) The written information provided as the basis to terminate the appointment of the deputy registrar.
- (b) Any written explanation submitted by the deputy registrar.
- (c) A copy of the deputy registrar's application form.
- (d) A recommendation to terminate or maintain the appointment of the deputy registrar.
- (e) Any other relevant information required by the director of elections to clarify the submission by the county clerk.

(9) The director of elections shall review a report received from a county clerk pursuant to subsection (8) and may terminate the appointment by issuing the following termination notice to the deputy registrar by certified mail:

NOTICE OF GOOD CAUSE

Upon review of written information concerning your conduct as, or qualification to be, a deputy registrar provided by the appointing county clerk, this office is terminating your appointment as a deputy registrar. Attached to this notice is a copy of the written information concerning your conduct as, or qualification to be, a deputy registrar. Upon receipt of this notice you shall cease taking applications to register from Michigan electors. The appointing county clerk shall maintain this notice on file for 2 years. You may apply to become a deputy registrar 2 years after the date of the termination of your current appointment.

Signed: "Director of elections"

(10) The director of elections shall forward a copy of a notice of good cause issued pursuant to subsection (9) to the appointing county clerk. The county clerk shall file the termination notice and all other written information concerning the termination of the deputy registrar's appointment.

(11) A deputy registrar whose appointment is terminated under this section shall not be appointed a deputy registrar in any jurisdiction until 2 years after the date of his or her termination.

Sec. 499b. (1) With the concurrence of the top administrator of each school, the clerk of each township and city located within a school district shall appoint at least 1 school staff person or social studies instructor as a deputy registrar in each school that chooses to participate in voter registration. A school district shall not pay additional compensation for the performance of the duties of a deputy registrar.

(2) As used in this section, "school" means a public or nonpublic school building in this state in which grades 9 and higher are taught, and includes a vocational or a vocational and technical school building.

Sec. 499c. (1) A county, township, or city clerk may accept a registration application under this section from any person who possesses the qualifications of an elector and shall forward the application to the appropriate township or city clerk. Except as provided in subsection (6), a deputy registrar shall not accept a registration application from an elector who resides outside of the county, township, or city for which he or she was appointed deputy registrar.

(2) A person may complete an application to register to vote or to change the person's voter registration name or address, if the applicant possesses the qualifications of an elector on the date of application or will possess the qualifications at the next election. This subsection shall not require a registered elector to periodically reregister or to renew his or her registration. The application for registration made under this section shall contain all of the following:

- (a) The name of the applicant.
- (b) The residence address of the applicant, including the street and number or rural route and box number and the apartment number, if any.
- (c) The city or township and county of residence of the applicant, and the school district of the applicant, if known.
- (d) The birthplace and birth date of the applicant.
- (e) The driver's license or state personal identification card number of the applicant, if available.
- (f) A statement that the applicant has the qualifications of an elector as of the date of applying for registration or will have the qualifications of an elector at the next election.
- (g) A statement that the applicant, if qualified, may vote at an election occurring not less than 30 days after the date of completing the application.
- (h) A space to indicate the applicant's last place of registration, if known, or the last place of residence.
- (i) A statement authorizing the cancellation of registration at the applicant's last place of registration.
- (j) A space for the applicant to sign and certify to the truth of the statements on the application.

(k) A space to record a serial number assigned to the applicant.

(l) For the purpose of voting in a presidential primary election, a space for the elector to declare a party preference or that the elector has no party preference and the notice required by section 495(2).

(3) A county, township, or city clerk or deputy registrar receiving a completed application shall require the applicant to certify to the truth of the statements contained in the application. The clerk or deputy shall validate the application with his or her signature and printed name and provide the applicant with a receipt verifying the registration application.

(4) A deputy registrar shall return a completed voter registration application to his or her appointing clerk within the time prescribed by the appointing clerk, but not later than 4 p.m. on the first business day after the last day to register for an election.

(5) A county clerk shall forward a completed application to the appropriate local clerk as soon as possible, but not later than 4 p.m. on the second business day after the last day to register for an election.

(6) A township or city clerk may enter into a written agreement with another township or city clerk to permit a deputy registrar appointed in the township or city of 1 clerk to take voter registration applications in the other clerk's jurisdiction. An application received by a township or city clerk under an agreement described in this subsection shall be promptly forwarded to the appropriate township or city clerk.

(7) After the effective date of the amendatory act that added this section, a person who registers to vote in a township shall be considered registered to vote in a village within that township in which the person resides. The clerk of the township shall transmit to the village clerk all information necessary to complete the village registration. A person who registers to vote in a village shall be considered registered to vote in the township in which the person resides. The clerk of the village shall transmit to the township clerk all information necessary to complete the township registration if the person is not already registered in the township.

(8) The secretary of state shall develop, print, and distribute to county, township, and city clerks a uniform registration application form for use in registering voters under this section. A county, township, or city clerk shall not impose unreasonable limits on the number of registration application forms provided to a deputy registrar but may maintain a record of the forms provided to each deputy registrar.

Sec. 499d. (1) The state shall directly reimburse each county clerk for the cost of training deputy registrars and transmitting applications to register received from deputy registrars to the proper local jurisdiction. Payments shall not exceed the actual cost to perform the training and transmittal functions.

(2) The department of treasury and the secretary of state shall agree on what constitutes valid costs of conducting the deputy registrar program in each county. Reimbursable costs include the salaries of county employees during the period of time that they are training deputy registrars, the postage necessary for any required mailing, and other costs specifically and exclusively required by the deputy registrar program. Costs that are not valid and reimbursable shall be disapproved.

(3) To qualify for reimbursement, a county clerk shall submit to the department of treasury a verified account of actual costs for each calendar quarter not later than January 10, April 10, July 10, and October 10 of each year. The verified account shall include a category for salary which provides the hourly rate of pay and hours claimed and a category for postage. Payment shall be made upon approval by the department of treasury of the verified account of actual cost.

(4) The legislature shall appropriate from the general fund of the state an amount necessary to implement this section.

Sec. 500b. (1) Not more than 5 business days after receipt of an application for registration, the county clerk shall forward the application for registration to the clerk of the city or township in which the applicant resides.

(2) Compensation to be paid county clerks for transmittal of applications shall be appropriated by the legislature to the secretary of state for equitable distribution by the secretary of state to the county clerks. The city or township clerk shall obtain needed additional information on an application that is not completed properly or return to the secretary of state's election division an application needing additional information or not completed properly. An application received by the clerk of a city or township in which the applicant does not reside shall be transmitted promptly to the appropriate county clerk of the county in which the applicant resides. If the city or township clerk knows the city or township in which the applicant resides, the clerk shall inform the county clerk of the county in which the applicant resides and forward the application directly to the clerk of the city or township in which the applicant resides.

Sec. 500h. The secretary of state, or his or her agent, shall notify local clerks of changes of address. The secretary of state shall notify local clerks of death notices and names of drivers issued a license in another state received by the department of state. Notification to the clerk of a change of address outside of the city or township in which the person is registered or of the issuance of a driver's license in another state shall constitute

reliable information that the registered elector has removed from the municipality and the clerk shall proceed in compliance with section 513. If the notifications required under this section are sent to the county clerk, the county clerk shall notify the local clerks of only the notices that affect the voter registration records of their jurisdictions.

Sec. 504. (1) An elector who is unable to apply for registration in person because of physical disability or absence from the township, city, or village in which his or her legal residence is located may be registered before the close of registration before any election or primary election by securing duplicate registration cards from the clerk of the township, city, or village in which his or her legal residence is located, executing in duplicate the registration affidavit before a notary public or other officer legally authorized to administer oaths, and returning the registration cards to the clerk of the township, city, or village before the close of office hours on the last day of registration before any election or primary election. The notary public or other officer administering the oath shall sign his or her name on the line for the signature of the registration officer and designate his or her title.

(2) The notarization requirements of this section do not apply to an elector who lives or is stationed in a foreign country or who has a handicap as defined in section 103 of the Michigan handicappers' civil rights act, Act No. 220 of the Public Acts of 1976, being section 37.1103 of the Michigan Compiled Laws.

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 inspector of election in charge of the registration records shall compare the signature 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. 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.

Sec. 507a. (1) A registered and qualified elector of this state who has moved from the township or city of a county in which he or she is registered to another township or city of a different county within the state after the sixtieth day before an election or primary election shall be permitted to vote in the election or primary election at the place of last registration upon the signing of a form containing an affidavit stating that the move has taken place. This subsection shall apply if the county in which the elector is registered has implemented the county file as the official file pursuant to section 509e.

(2) A registered and qualified elector of this state who has moved from the city or township in which he or she is registered to another city or township within the state after the sixtieth day before an election or primary election shall be permitted to vote in the election or primary election at the place of last registration upon the signing of a form containing an affidavit stating that the move has taken place. This subsection shall apply if the county in which the elector is registered has not implemented the county file as the official file pursuant to section 509e.

(3) The form or forms required by this section shall be approved by the secretary of state and shall state that the move has taken place and shall authorize the clerk of the city or township to cancel the voter's registration. A voter coming under this section shall be permitted to vote either in person or by absentee ballot.

Sec. 507b. (1) Notwithstanding any other provision of law, a registered and qualified elector who has moved from the township or city of a county in which the elector is registered to another township or city within the same county after the sixtieth day before an election and who has not registered in that township or city by the close of registration for an election shall be permitted to register after the close of registration and to vote at the election if all of the following occur:

(a) The elector applies for registration in person and executes the registration affidavit before the clerk or the clerk's agent of the township or city in which the elector resides.

(b) The elector provides proof of identification sufficient to satisfy the township or city clerk as to the identity and residence of the elector.

(c) The township or city clerk determines to his or her satisfaction that the elector is presently registered in another township or city of the same county.

(2) At the discretion of the township or city clerk, an elector meeting the requirements under subsection (1) shall vote at the office of the clerk on or before election day or at the election precinct in which the elector resides on election day. If the elector is required to vote at the office of the clerk, the elector may vote by absentee ballot.

(3) This section shall take effect January 1, 1994 or the date when a county implements the county file as the official file pursuant to section 509e, whichever is later.

Sec. 509. (1) Each December, a township, city, or village clerk shall examine voter registration records. If an elector has not voted, continued, or reinstated his or her registration, or has not recorded a change of address on his or her registration, within the 5 years preceding the examination, the clerk may consider the 5-year inactivity as reliable information that the elector has moved from the township, city, or village and shall follow the procedure under section 513 for canceling the registration.

(2) The clerk of a township, city, or village shall cancel, under the procedures of section 513, the registration of a person whose name is in the inactive file required by section 502a on January 1, 1990 and who has not had voter activity within a 5-year period.

Sec. 509b. As used in sections 509b to 509l:

(a) "Computerized jurisdiction" means a township or city that maintains its voter registration information and records on a computer system that the secretary of state determines to be technically compatible with the county file and cost effective in transmitting information through the statewide voter registration network to the county file.

(b) "County file" means the computer file of all registered voters in a county containing information prescribed by the secretary of state, supplied by each township, city, and village of that county, and maintained by the county clerk.

(c) "Noncomputerized jurisdiction" means a township or city that does not maintain its voter registration information and records on a computer system or a township or city that does maintain its voter registration information and records on a computer system that the secretary of state has determined is not technically compatible with the county file or cost effective in transmitting information through the statewide voter registration network to the county file.

(d) "State file" means the computer file of all registered voters in this state containing information prescribed by the secretary of state that is supplied by each county.

(e) "Standard computer file format" means the specific length and structure of each record on the computer file, including field type, location, and width as prescribed by the secretary of state.

(f) "Standard data entry procedures" means the data entry procedures that are prescribed by the secretary of state.

(g) "Statewide voter registration network" means the voter registration system containing the state file, each county file, and the files required under sections 501 and 501a.

Sec. 509c. A statewide voter registration network shall be established and maintained under the direction and supervision of the secretary of state.

Sec. 509d. (1) The secretary of state shall perform all of the following duties:

(a) Determine which county, township, and city computerized voter registration systems are compatible with the county file. The technical capabilities of a system and the cost effectiveness of making a county, township, or city computer system compatible with the county file shall be considered in making this determination.

(b) Obtain computer capabilities and services sufficient to create and maintain each county file and the state file.

(c) Develop standard data entry procedures, methods, and processes.

(d) Provide training for county, township, city, and village clerks to implement and maintain the county files and the statewide voter registration network.

(e) Supervise county clerks in using standard data entry procedures and other processes as prescribed by the secretary of state for converting existing county voter registration files to the standard computer file format used to implement and maintain the county files.

(f) Supervise township and city clerks of computerized jurisdictions in modifying their voter registration computer systems to the standard computer file format and in utilizing standard data entry procedures and other processes as prescribed by the secretary of state to implement and maintain the county file.

(g) Supervise township, city, and village clerks of noncomputerized jurisdictions in the methods, procedures, and processes as prescribed by the secretary of state for providing to the county clerk the required voter registration information necessary to implement and maintain the county file.

(h) Review all proposals to purchase or develop software to computerize township or city registration records. A township or city shall not implement a computerized registration system without approval of the secretary of state.

(2) The county clerk shall perform all of the following duties:

(a) Assist the secretary of state in establishing and maintaining the county file and the state file through data gathered from computerized jurisdictions and noncomputerized jurisdictions and perform other related functions as requested by the secretary of state.

(b) Convert existing county voter registration files to the required standard computer file format using procedures, methods, and processes as prescribed by the secretary of state.

(c) Maintain the county file by utilizing the standard data entry procedures, methods, and processes as prescribed by the secretary of state.

(d) Perform all other duties necessary to maintain the county file pursuant to this act.

(3) The township and city clerks shall perform all of the following duties:

(a) Assist the secretary of state and county clerks in establishing and maintaining the county file by furnishing required voter registration information and performing other related functions as requested by the secretary of state.

(b) Convert existing computerized voter registration files to the standard computer file format using standard data entry procedures, methods, and processes as prescribed by the secretary of state.

(c) Perform all other duties required of township and city clerks pursuant to this act.

(d) Submit proposals to purchase or develop software to computerize voter registration records to the secretary of state for approval before implementation of the proposal.

Sec. 509e. (1) The secretary of state shall be responsible for the creation of the county files and state file with the assistance of county, township, and city clerks.

(2) To create the county files, the secretary of state shall do all of the following:

(a) Enter the voter registration records for all noncomputerized jurisdictions that are not entered on a county computer system. Clerks of the noncomputerized jurisdictions shall furnish the secretary of state with voter registration information in a form prescribed by the secretary of state and verify the accuracy of the record as entered on the county file.

(b) Create a county file by May 1, 1992 for each county in this state. The file shall be created from information obtained from the clerks of computerized jurisdictions and noncomputerized jurisdictions.

(3) When creating the county files, the secretary of state shall match the voter registration records against the driver's license number and state personal identification card number files. If a match exists, the secretary of state shall assign the corresponding driver's license number or state personal identification card number to the corresponding voter registration record.

(4) The secretary of state shall compile all county files into a nonofficial state file by May 1, 1992.

(5) The secretary of state shall create a nonofficial test file of the county files and the state file for use at the August primary and the general November election that are held in 1992.

(6) The county files and state file created by the secretary of state shall be official files for use at all elections occurring after January 1, 1994.

(7) If a nonofficial test file for a specific county is not created by May 1, 1992 or it is determined by October 1, 1993 that a nonofficial test file requires further accuracy testing before becoming an official file, the secretary of state shall file a report with the joint committee of the legislature established under section 509l(3). The report shall include all of the following:

(a) The name of the county where the deadline will not be met.

(b) A detailed statement of the secretary of state's determination of why the deadline will not be met. The statement shall include any technical, fiscal, or administrative reasons for not meeting the deadline.

(c) A schedule for meeting the requirements of this section.

(8) When a deadline in this section is not met for a specific county, a new deadline is hereby established of 2 years after the date of the deadline stated in this section.

Sec. 509f. In standard computer file format, the state and each county file shall contain all of the following information for each registered voter:

(a) The driver's license number or state personal identification card number issued by the secretary of state, if available. The secretary of state may require an additional identification number for processing purposes.

(b) The name; residence address, including the street and number or rural route and box number and the apartment number, if any; city; state; zip code; sex; and date of birth.

(c) Jurisdictional information including county, township, city, village, and school district of residence.

(d) Precinct number and ward number, if applicable.

(e) Date of last registration transaction.

(f) Voting history for a 5-year period, except that the voting history shall not begin earlier than the August primary election after the effective date of the amendatory act that added this section.

(g) Elective district information including state senate, state representative, congressional, and county commissioner districts of residence.

(h) For the purpose of voting in a presidential primary election, the voter's party preference or that the voter has no party preference.

(i) Any other information to facilitate the election process as prescribed by the secretary of state.

Sec. 509g. (1) After a county file has been created, the township and city clerks of that county shall verify the accuracy of the file for its jurisdiction and provide any necessary corrections to the county clerk.

(2) At least once each month by using the statewide voter registration network, each county clerk shall transmit all additions, changes, or deletions to the county file to the secretary of state.

(3) A county clerk shall perform all of the following duties:

(a) For noncomputerized jurisdictions, the clerk shall enter onto the county file an addition or change from a voter registration application received from the secretary of state or a deputy registrar appointed by the county clerk. The clerk shall produce and forward an edit listing containing the information entered onto the county file and the application to the clerk of the township or city in which the applicant resides. The county clerk shall enter onto the county file an addition, change, or deletion received from a township or city clerk.

(b) For computerized jurisdictions, the clerk shall update the county file from an electronic medium received from a township or city clerk.

(4) A township or city clerk shall assist the county clerk in maintaining the county file by performing the following duties:

(a) For noncomputerized jurisdictions, the clerk shall review voter registration applications, edit listings received from the county clerk, and verify whether the applicant resides in the township or city. If the applicant is qualified to be registered in the jurisdiction, the clerk shall record on the edit listing the precinct number, school district, and other information. If the applicant is not qualified to be registered in the township or city, the clerk shall record that information on the edit listing. The clerk shall promptly return to the county clerk the edit listing and any voter registration applications received from the county clerk of applicants that do not reside within the jurisdiction. The clerk shall also forward to the county clerk updated information regarding an addition, change, or deletion affecting the file for the jurisdiction that was originally received by the clerk or the clerk's agent. The updated information shall be forwarded to the county clerk at least once each month and within 10 days after the close of voter registration for an election in the jurisdiction.

(b) For computerized jurisdictions, the clerk shall forward to the county clerk in a form and manner prescribed by the secretary of state updated information regarding an addition, change, or deletion affecting the file for the jurisdiction. The updated information shall be forwarded to the county clerk at least once each month. The deadlines of this subsection are subject to section 509e.

Sec. 509h. (1) The county clerk shall print the necessary precinct registration lists from the county file before each election or primary held in any of the following:

(a) Noncomputerized jurisdictions.

(b) School districts not wholly contained within a computerized jurisdiction or school districts subject to section 1053 of the school code of 1976, Act No. 451 of the Public Acts of 1976, being section 380.1053 of the Michigan Compiled Laws.

(c) Villages.

(2) The precinct registration lists shall be delivered to the clerk of the township, city, or village, or the secretary of the school district, not less than 2 business days before election day. The precinct registration list shall be alphabetically arranged and shall contain, in a manner prescribed by the secretary of state, the name, address, and date of birth of each registered and qualified elector in the precinct.

(3) For primaries or elections held after May 1, 1992, the precinct registration lists provided under this section shall be used in each precinct in addition to the existing precinct file required under section 501. On January 1, 1994, the precinct registration lists provided under this section shall be used in the precinct and shall replace the precinct registration cards required under section 501. After January 1, 1994, clerks of noncomputerized jurisdictions, at their option, may continue to use the precinct registration cards in addition to the precinct registration list.

(4) The township and city clerks of computerized jurisdictions shall provide the necessary precinct registration lists for all elections held within their jurisdiction, including elections for a school district entirely located within the township or city, and for school districts subject to section 1053 of the school code of 1976, Act No. 451 of the Public acts of 1976.

(5) The township, city, and village clerks and the secretaries of the school districts shall deliver the precinct registration list to the election inspectors of the precinct before the opening of the polls on election day.

(6) The precinct registration files shall be in a format and contain additional information prescribed by the secretary of state.

Sec. 509i. The county clerk shall maintain on the county file the voting history for each registered elector from the information received from noncomputerized and computerized jurisdictions in the following manner:

(a) For a jurisdiction where the county clerk furnishes a precinct registration list, the precinct election inspector shall indicate on the list which electors voted at an election. The precinct registration list shall promptly be returned to the county clerk, who shall update the county file.

(b) For computerized jurisdictions, the county clerk shall update the county file in the manner prescribed by the secretary of state.

Sec. 509j. The county clerk shall remove from the county file the names of voters that are canceled under section 509 in both of the following ways:

(a) Each December the county clerk shall furnish the township or city clerk of a noncomputerized jurisdiction with a list of electors who may be subject to cancellation. The township or city clerk shall inform the county clerk of the voter registrations that have been canceled. The county clerk shall then remove the names of the canceled voters from the county file.

(b) Each February the township or city clerk of a computerized jurisdiction shall inform the county clerk of the voter registrations that have been canceled in a manner prescribed by the secretary of state. The county clerk shall then remove the names of the canceled voters from the county file.

Sec. 509k. Each county file and state file shall be examined to determine the existence of duplicate registration, deceased voters, and voters who have applied for a driver's license in another state in the following manner:

(a) At a minimum, each April, the county clerk shall examine the county file to determine if a person is registered to vote in more than 1 township or city in the county. If an apparent duplication exists, the county clerk shall notify the township or city clerk holding the oldest voter registration of the duplication. Upon notification, the township or city clerk shall proceed under section 513 if necessary and inform the county clerk of the name of any voter whose registration is canceled.

(b) At least once each year, the secretary of state shall examine the state file to determine if a person is registered to vote in more than 1 county in the state. If an apparent duplication exists, the secretary of state shall notify the county clerk holding the oldest voter registration of the duplication. The county clerk shall inform the appropriate township or city clerk of the duplication. The township or city clerk shall proceed under section 513 if necessary and inform the county clerk of the name of any voter whose registration is canceled.

(c) The secretary of state shall notify the county clerk of death notices and the names of drivers issued a license in another state received by the secretary of state. The county clerk shall notify the city and township clerk of the notices that affect the voter registrations of their jurisdictions. The city and township clerks shall proceed under section 513 if necessary and inform the county clerk of the name of any voter whose registration is canceled.

Sec. 509l. (1) For the purpose of sections 509b to 509i, the duties of a county clerk of a county having a population of 1,500,000 or more shall be performed by the secretary of state.

(2) A county clerk shall notify a township, city, or village clerk or secretary of a school district of his or her failure to comply with a request for information or a failure to forward at least once a month updated information to the county clerk. If within 5 business days after notification a township, city, or village clerk or secretary of a school district fails to comply, the county clerk shall inform the secretary of state. The secretary of state shall immediately order that clerk or secretary to comply and may assess a late filing fee of \$20.00 per day, not to exceed \$500.00, beginning on the date of receipt of the notification of noncompliance from the county clerk.

(3) It is the intent of the legislature that the county files and the state file be utilized to preserve the integrity of the electoral process and the purity of elections through the elimination of potential voter fraud. Further, the county files shall enhance the efficiency and uniformity of the administration of the statewide voter registration network. Consistent with this intent, the secretary of state shall provide a joint committee of the legislature, composed of 3 members of each house, with periodic reports regarding the implementation of sections 509b to 509l and the amount of state funding required to create, maintain, and update the county files and the state file. The senate members of the joint committee shall be selected by the majority leader of the state senate and the house members of the joint committee shall be selected by the speaker of the state house of representatives. Not more than 2 members of the same political party shall be selected from each house.

Sec. 513. (1) Upon receipt of reliable information that a registered elector has moved away from the municipality, the clerk shall notify the elector through the mail at his or her registered address, stating the source of the information, and if the elector does not apply for continuation of registration within 30 days after the notice was mailed, the clerk shall cancel the elector's registration.

(2) If a registration is eligible for cancellation under this section on the basis of section 509, the clerk shall attempt to notify the elector of that fact and shall include in the required notification a copy of the following form:

Please do not remove my name from your list of registered voters. I am a resident of (city or township) and I want to remain on your voter rolls.

Name (Signature)

Name (Print)

Address

Date of Birth

Driver's License or State Personal Identification Card Number

Date of Signature

Return to: (Name, address, zip code of local clerk's office).

(3) If the elector returns the form described in subsection (2) to the clerk within 30 days after the date the notice was mailed, the registration shall not be canceled, and the date the completed form is received by the clerk shall be recorded in the file.

(4) An elector whose registration has been canceled under this section within the preceding 10 years and who has not moved from the township, city, or village since the cancellation occurred shall be allowed to vote upon proving to the satisfaction of the local clerk and signing an affidavit to the effect that there has not been an interruption in his or her residency in the community since the cancellation and that the elector has not, during this period, registered to vote in any other political jurisdiction of this state or any other state. A person making a false statement on this affidavit is guilty of perjury and subject to the penalties provided in section 936. The registration of an elector who is permitted to vote under this subsection shall be immediately reinstated.

Sec. 522. (1) A county clerk who has a computerized file of registered voters in the county shall make, certify, and deliver to any person a computer tape, disk, or listing, as specified by the person, of the names and addresses of the registered electors of a township, city, village, school district, ward, or precinct upon the payment to the clerk of the cost of making, certifying, and delivering the tape, disk, or listing.

(2) A township, city, or village clerk who maintains a computerized file of registered voters shall make, certify, and deliver to any person a computer tape, disk, or listing, as specified by the person, of the names and addresses of the registered electors of a ward or precinct upon the payment to the clerk of the cost of making, certifying, and delivering the tape, disk, or listing.

(3) A township, city, or village clerk of a county that does not maintain a computerized file of registered voters of the county shall make, certify, and deliver to any person a listing of the names and addresses of the registered electors of a ward or precinct upon the payment to the clerk of the cost of making, certifying, and delivering the listing.

(4) The secretary of state shall make, certify, and deliver to any person a computer tape, disk, or listing, as specified by the person, of the names and addresses of the registered electors of a county that are on file with the secretary of state upon the payment to the secretary of state of the cost of making, certifying, and delivering the tape, disk, or listing. A computer tape, disk, or listing provided under this subsection shall include, upon request, the year of birth of an elector. The secretary of state shall not include the month and day of birth of an elector unless the requester certifies that the month and day of birth will not be reproduced and distributed by the requester. The requester shall not reproduce and distribute the month and day of birth of an elector. A requester who reproduces and distributes the month and day of birth of an elector is guilty of a misdemeanor. However, political parties may print the month and day of birth of an elector for use by party challengers under section 730.

(5) A computer tape, disk, or listing provided under subsections (1), (2), and (3) shall include, upon request, the year of birth of an elector but shall not include the month and day of birth of an elector.

(6) A computer tape, disk, or listing provided under this section shall not include a person's driver's license or state personal identification card number.

(7) Subsections (1), (2), (3), and (4) do not require an official to produce a copy of the registration file in a computer medium that the official's computer system cannot produce.

(8) After examining the voter registration records in December 1989, as required by section 509, each city and township clerk shall forward to the county clerk by January 1, 1990 the name, address, and birthdate of each registered voter along with information to identify the voter's post office, zip code, city or township of residence, and ward and precinct, if applicable.

(9) If the county clerk maintains a countywide computer file of registered voters from information received from city and township clerks which contains the information designated in subsection (8), the city and township clerks shall provide the necessary information, to update the county file, in the manner prescribed by the county clerk.

(10) If the county clerk does not maintain a countywide computer file of registered voters containing the information described in subsection (8), the information shall be provided to the county clerk in the following manner:

(a) If the city or township clerk maintains a list of registered voters on a computer, the city or township clerk shall provide the information on a computer magnetic tape or disk. Accompanying the tape or disk shall be a computer file layout description.

(b) If the city or township clerk does not maintain a list of registered voters on a computer, the city or township clerk shall provide the information on a typed list.

(11) Not later than February 20, 1990, the county clerk shall forward to the secretary of state a computer tape or disk and computer file layout description for voter registration record lists created under subsection (9) or the information received from the city or township clerks under subsection (10), whichever is applicable.

(12) Upon receipt of the information from the county clerks under subsection (11), the secretary of state shall file the information by county and make the information available to interested parties.

(13) The state shall reimburse each county, city, and township for the cost of providing the secretary of state with the information required by subsections (8) to (12). Payment shall be made upon presentation and approval of a verified account of actual costs to the department of treasury, local government audit division, after the department of treasury and the secretary of state agree as to what constitutes valid costs of providing the information. Reimbursable costs do not include salaries of permanent local officials, the cost of reusable supplies and equipment, or costs attributable to preparing the information if the jurisdiction maintains the information on lists or computer files on an ongoing basis.

Sec. 530. (1) By January 15 of each odd numbered year, the secretary of state shall convene an advisory committee to review Michigan's voter registration system. The secretary of state shall appoint persons who represent the major political parties, local election officials, and organizations involved in registering voters. In addition, the speaker of the house, the house minority leader, the senate majority leader, and the senate minority leader may each appoint 2 persons to the advisory committee. The advisory committee shall take public testimony and prepare a report that addresses the following topics:

(a) The effectiveness of each component of the registration system in terms of the number of original registrations and changes of addresses.

(b) The efficiency of each component of the registration system in terms of the public costs involved in taking registration.

(c) Innovative technology that may be applied to improve the effectiveness and efficiency of the registration system.

(d) Recommendations to modify existing registration programs or to implement new programs that facilitate the effectiveness and efficiency of the registration system.

(2) The advisory committee shall convene not later than February 1 of each odd numbered year and shall report not later than July 1 of that year. The secretary of state shall submit the report to the governor, the speaker of the house, and the senate majority leader not later than August 1 of each odd numbered year.

Sec. 544c. (1) The size of all nominating petitions shall be 8-1/2 inches by 13 inches. On a nominating petition, the words "nominating petition" shall be in 24-point boldface type; "we, the undersigned," et cetera shall be printed in 8-point type; "warning" and language in the warning shall be in 12-point boldface type; and the balance of the petition shall be in 8-point type. The name, address, and party affiliation of the candidate and the office for which petitions are signed shall be in type not larger than 24-point. The petition shall be in the following form:

**NOMINATING PETITION
(PARTISAN)**

We, the undersigned, registered and qualified voters of the city or township of _____, in the county of _____
(strike 1)
_____ and state of Michigan, hereby nominate, _____,
(Name of Candidate)

(Street Address or Rural Route) (Post Office)
as a candidate of the _____ party for the office of _____,
_____, to be voted for at the primary election to be held on the
(District, if any)
_____ day of _____, 19.....

WARNING

Whoever knowingly signs more petitions for the same office than there are persons to be elected to the office or signs a name other than his or her own is violating the provisions of the Michigan election law.

| Name | Street Address or Rural Route | Post Office | Date of Signing Mo. Day Year |
|----------|-------------------------------------|-------------|---------------------------------|
| 1. _____ | _____ | _____ | _____ |
| 2. _____ | _____ | _____ | _____ |
| 3. _____ | _____ | _____ | _____ |
| 4. _____ | _____ | _____ | _____ |

20 numbered lines as above

CERTIFICATE OF CIRCULATOR

The undersigned circulator of the above petition asserts that he or she is qualified to circulate this petition, that each signature on the petition was signed in his or her presence, that to his or her best knowledge and belief each signature is the genuine signature of the person purporting to sign the same and that the person was at the time of signing a qualified registered elector of the city or township listed in the heading of the petition and that the elector was qualified to sign the petition.

Circulator—Do not sign or date certificate until after circulating petition.

| | |
|--|-----------------|
| _____ (Signature of Circulator) | _____ (Date) |
| _____ (City or Township Where Registered) | |
| _____ Complete Address (Street and Number or Rural Route) | |
| _____ (Post Office) | |

Warning—A circulator knowingly making a false statement in the above certificate, a person not a circulator who signs as a circulator, or a person who signs a name other than his or her own as circulator is guilty of a misdemeanor.

(2) The circulator of a petition shall be a qualified and registered elector of the state.

(3) The circulator of a petition shall sign and date the certificate of circulator only after all electors' signatures appearing on the petition on the date of filing have been obtained. A filing official shall not count electors' signatures which were obtained after the date the circulator signs the certificate or are contained in a petition which the circulator does not sign and date.

(4) Except as provided in section 544d, a petition sheet shall not be circulated in more than 1 city or township and all the signers of that petition sheet shall be registered electors of the city or township indicated in the heading of the petition sheet. The invalidity of 1 or more signatures on a petition shall not affect the validity of the remainder of the signatures on the petition.

(5) A person shall not sign more nominating petitions for the same office than there are persons to be elected to the office.

(6) A person who signs a petition with a name other than his or her own is guilty of a misdemeanor.

(7) A person who knowingly makes a false statement in a certificate on a petition, a person not a circulator who signs as a circulator, or a person who signs a name as circulator other than his or her own is guilty of a misdemeanor.

(8) A person who aids or abets another in an act which is prohibited by this section is guilty of a misdemeanor.

(9) The provisions of this section except as otherwise expressly provided shall apply to all petitions circulated under authority of the election law.

Sec. 590b. (1) Except as provided in subsection (2) and subject to the requirements prescribed in subsections (3) and (4), a qualifying petition for an office shall be signed by a number of qualified and registered electors of the district that is represented by the office being sought by the candidate equal to not less than 2% of the total number of votes cast for all candidates for governor in the district at the last election in which a governor was elected. In any case, at least 15 signatures shall be submitted.

(2) Subject to the requirements of subsections (3) and (4), if a qualifying petition is for a statewide elective office, the qualifying petition shall be signed by a number of qualified and registered electors of this state equal to not less than 1% of the total number of votes cast for all candidates for governor at the last election in which a governor was elected.

(3) All signatures on a qualifying petition shall be obtained not more than 180 days immediately before the date of filing under section 590c.

(4) As part of the minimum number of required signatures under this section, a qualifying petition for the office of president of the United States, United States senator, governor, attorney general, secretary of state, state board of education, board of regents of the university of Michigan, board of trustees of Michigan state university, board of governors of Wayne state university, or justice of the supreme court shall be signed by at least 100 registered electors in each of at least 9 congressional districts of the state and not more than 35% of the required number of signatures shall be from any 1 congressional district.

Section 2. Section 502a of Act No. 116 of the Public Acts of 1954, being section 168.502a of the Michigan Compiled Laws, is repealed effective December 1, 1990.

Section 3. Sections 499a, 499c, and 499d of this amendatory act shall take effect upon the expiration of 60 days after the effective date of this amendatory act.

This act is ordered to take immediate effect.

.....
Clerk of the House of Representatives.

.....
Secretary of the Senate.

Approved.....

.....
Governor.

