

SENATE BILL No. 634

October 25, 1989, Introduced by Senators POSTHUMUS, DE GROW, SEDERBURG and SCHWARZ and referred to the Committee on Government Operations.

A bill to amend sections 495, 500a, 523, 759, and 761 of Act No. 116 of the Public Acts of 1954, entitled "Michigan election law,"

sections 495, 500a, and 523 as amended by Act No. 275 of the Public Acts of 1988, section 759 as amended by Act No. 201 of the Public Acts of 1982, and section 761 as amended by Act No. 140 of the Public Acts of 1980, being sections 168.495, 168.500a, 168.523, 168.759, and 168.761 of the Michigan Compiled Laws; to add section 506b; and to repeal certain parts of the act.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 495, 500a, 523, 759, and 761 of Act
2 No. 116 of the Public Acts of 1954, sections 495, 500a, and 523
3 as amended by Act No. 275 of the Public Acts of 1988, section 759
4 as amended by Act No. 201 of the Public Acts of 1982, and section
5 761 as amended by Act No. 140 of the Public Acts of 1980, being

1 sections 168.495, 168.500a, 168.523, 168.759, and 168.761 of the
2 Michigan Compiled Laws, are amended and section 506b is added to
3 read as follows:

4 Sec. 495. ~~-(1)-~~ The registration affidavit required under
5 section 493 shall contain all of the following:

6 (a) The name of the elector.

7 (b) The residence address, street and number or rural route
8 and box number, if any, of the elector.

9 (c) The birthplace and birth date of the elector.

10 (d) The driver's license or state personal identification
11 card number of the elector, if available.

12 (e) A statement that the elector is a citizen of the United
13 States.

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

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

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

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

26 (j) A space in which the elector shall state the place of
27 the elector's last registration.

1 ~~(k) For the purpose of voting in a presidential primary~~
2 ~~election, a space for the elector to declare a party preference~~
3 ~~or that the elector has no party preference.~~

4 ~~(2) Until February 15, 1992, the secretary of state or the~~
5 ~~secretary of state's agent shall print a notice that shall be~~
6 ~~provided to each person applying for registration. The notice~~
7 ~~shall contain all of the following information:~~

8 ~~(a) That, for the purpose of voting in a presidential pri-~~
9 ~~mary election, the elector must declare a party preference.~~

10 ~~(b) That, if the elector prefers to register with no party~~
11 ~~preference, the elector is not eligible to vote in a presidential~~
12 ~~primary election unless the elector declares a party preference~~
13 ~~at least 30 days before the presidential primary election.~~

14 ~~(c) That, even if currently registered to vote, the elector~~
15 ~~is not eligible to vote in a presidential primary election unless~~
16 ~~the elector declares in writing to the city or township clerk a~~
17 ~~party preference at least 30 days before the presidential primary~~
18 ~~election.~~

19 ~~(d) That, if the elector declares a party preference or~~
20 ~~declares that the elector has no party preference, that declara-~~
21 ~~tion of preference remains as that elector's preference until the~~
22 ~~elector changes his or her party preference or declares that he~~
23 ~~or she has no party preference on a form prescribed by the secre-~~
24 ~~tary of state or in writing to the city or township clerk.~~

25 ~~(3) Until February 15, 1992, the city or township clerk~~
26 ~~shall provide each elector who votes in an election in that city~~
27 ~~or township the notice required under subsection (2) on a form~~

1 ~~prescribed by the secretary of state on which an elector may~~
2 ~~declare his or her party preference or that the elector has no~~
3 ~~party preference for the purpose of voting in a presidential pri-~~
4 ~~mary election.~~

5 ~~(4) The secretary of state shall provide to each county~~
6 ~~clerk for distribution to the city and township clerks in the~~
7 ~~county a sufficient number of the notices required for distribu-~~
8 ~~tion to electors under subsections (2) and (3).~~

9 Sec. 500a. (1) The secretary of state or the secretary of
10 state's agent shall afford a person who appears in a department
11 of state branch office or, beginning March 1, 1989, a person who
12 applies for renewal of an operator's or chauffeur's license under
13 section 307 of the Michigan vehicle code, Act No. 300 of the
14 Public Acts of 1949, being section 257.307 of the Michigan
15 Compiled Laws, an opportunity to complete an application to reg-
16 ister to vote or to change the person's voting registration name
17 ~~—, OR address, —or, for the purpose of voting in a presidential~~
18 ~~primary election, party preference,~~ if the applicant possesses
19 the qualifications of an elector on the date of application or
20 will possess the qualifications at the next election. This sub-
21 section shall not be construed to require a registered elector to
22 periodically reregister or to renew his or her registration. The
23 application for registration made under this section shall con-
24 tain all of the following:

25 (a) The name of the applicant.

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

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

3 (d) The date of birth of the applicant.

4 (e) The birthplace of the applicant.

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

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

10 ~~(h) A space for the applicant to declare, for the purpose~~
11 ~~of voting in a presidential primary election, a party preference~~
12 ~~or that the applicant has no party preference.~~

13 (H) ~~(i)~~ A statement that the registration is not effective
14 until processed by the clerk of the city or township in which the
15 applicant resides.

16 (I) ~~(j)~~ A statement that the applicant, if qualified, may
17 vote at an election occurring not less than 30 days after the
18 date of completing the application.

19 (J) ~~(k)~~ A space to indicate the applicant's last place of
20 registration.

21 (K) ~~(l)~~ A statement authorizing the cancellation of regis-
22 tration at the applicant's last place of registration.

23 (L) ~~(m)~~ A space for the applicant to sign and certify to
24 the truth of the statements on the application.

25 (2) The applicant shall sign the application. Upon receipt
26 of the application, the agent shall sign the application, stamp
27 the application with a validation stamp, and provide the

1 applicant with a receipt verifying the registration application.
2 The agent shall promptly forward the application to the county
3 clerk of the applicant's residence or to a city or township clerk
4 designated by the secretary of state.

5 ~~-(3) Until February 15, 1992, the secretary of state or the~~
6 ~~secretary of state's agent shall provide along with the applica-~~
7 ~~tion to register to vote or to change a registration under sub-~~
8 ~~section (1) a notice that contains all of the following~~
9 ~~information:~~

10 ~~(a) That, for the purpose of voting in a presidential pri-~~
11 ~~mary election, an elector must declare a party preference.~~

12 ~~(b) That, if the elector prefers to register with no party~~
13 ~~preference, the elector is not eligible to vote in a presidential~~
14 ~~primary election unless the elector declares a party preference~~
15 ~~at least 30 days before the presidential primary election.~~

16 ~~(c) That, even if the elector is currently registered to~~
17 ~~vote, the elector is not eligible to vote in a presidential pri-~~
18 ~~mary election unless the elector declares in writing to the city~~
19 ~~or township clerk a party preference at least 30 days before the~~
20 ~~presidential primary election.~~

21 ~~(d) That, if the elector declares a party preference or~~
22 ~~declares that the elector has no party preference, that declara-~~
23 ~~tion of preference remains as that elector's preference until the~~
24 ~~elector changes his or her party preference or declares that he~~
25 ~~or she has no party preference on a form prescribed by the secre-~~
26 ~~tary of state or in writing to the city or township clerk.~~

1 SEC. 506B. A CITY OR TOWNSHIP CLERK WHO RECEIVES OR HAS
2 RECEIVED A SIGNED WRITTEN REQUEST BY AN ELECTOR TO DECLARE OR
3 CHANGE A PARTY PREFERENCE OR DECLARE NO PARTY PREFERENCE FOR THE
4 PURPOSE OF VOTING IN A PRESIDENTIAL PRIMARY ELECTION UNDER THIS
5 ACT SHALL DO BOTH OF THE FOLLOWING:

6 (A) STRIKE THROUGH THE DECLARATION OF PARTY PREFERENCE OR NO
7 PARTY PREFERENCE, IF ANY, ON THE ORIGINAL AND DUPLICATE REGISTRA-
8 TION CARDS OF THAT ELECTOR.

9 (B) RETURN THE SIGNED WRITTEN REQUEST TO THE ELECTOR OR DIS-
10 POSE OF THE SIGNED WRITTEN REQUEST.

11 Sec. 523. (1) At each election, before being given a
12 ballot, each registered elector offering to vote shall identify
13 himself or herself by executing an application showing his or her
14 signature or mark and address of residence in the presence of an
15 election official. If the voter registration cards are used in
16 the precinct, the election official in charge of the precinct
17 registration file shall compare the signature upon the applica-
18 tion with the signature upon the registration card. If voter
19 registration lists are used in the precinct, the election inspec-
20 tor shall determine if the name on the application to vote
21 appears on the voter registration list. If the name appears on
22 the voter registration list, the elector shall provide further
23 identification by giving his or her date of birth or other infor-
24 mation stated upon the voter registration list. In precincts
25 using voter registration lists, the date of birth may be required
26 to be placed on the application to vote. If the signature or an
27 item of information does not correspond, the vote of the person

1 shall be challenged, and the same procedure shall be followed as
2 provided in this act for the challenging of an elector. If the
3 person offering to vote has signed the registration card or
4 application by making a mark, the person shall identify himself
5 or herself by giving his or her date of birth, which shall be
6 compared with the date of birth stated upon the registration card
7 or voter registration list, or shall give other identification as
8 may be referred to upon the registration card or voter registra-
9 tion list.

10 (2) If, upon a comparison of the signature or other identi-
11 fication, it is found that the applicant is entitled to vote, the
12 election officer having charge of the registration list shall
13 approve the application and write his or her initials on the
14 application, after which the number on the ballot issued shall be
15 noted on the application. The application shall serve as 1 of
16 the 2 poll lists required to be kept as a record of a person who
17 has voted. The application shall be filed with the township,
18 city, or village clerk. If voter registration cards are used in
19 the precinct, the date of the election shall be noted by 1 of the
20 election officials upon the precinct registration card of each
21 elector voting at an election. If voter registration lists are
22 used in the precinct, the election official shall clearly indi-
23 cate upon the list each elector voting at that election. The
24 clerk of a city, village, or township shall maintain a record of
25 voting participation for each registered elector.

26 (3) In addition to the requirements of subsection ~~-(1)-~~ (2),
27 the election official in a presidential primary election shall

1 only allow an elector to vote the presidential primary ballot of
2 the party ~~preference shown on the precinct registration file of~~
3 ~~that elector under section 495a. If an elector is registered~~
4 ~~with no party preference shown on the precinct registration file~~
5 ~~of that elector, the elector shall not be allowed to vote a pres-~~
6 ~~idential primary ballot. (4)~~ VERBALLY DECLARED BY THE ELECTOR
7 TO THE ELECTION OFFICER ON THE DATE OF THE PRESIDENTIAL PRIMARY
8 ELECTION. The record maintained by the clerk of a city or town-
9 ship under subsection (2) shall contain the name of the party
10 ballot voted under THIS subsection ~~-(3)-~~ by the elector at the
11 presidential primary election.

12 Sec. 759. (1) At any time during the 75 days preceding a
13 primary or special primary, but not later than 2 p.m. of the
14 Saturday immediately before the primary or special primary, a
15 voter who qualifies to vote as an absent voter, as defined in
16 section 758, may apply to the township, city, or village clerk,
17 either in person or by mail, to vote absentee. An application
18 received before a primary or special primary may be for either
19 that primary only, or for that primary and the election ~~which~~
20 THAT follows.

21 (2) At any time during the 75 days preceding any other elec-
22 tion, but not later than 2 p.m. of the Saturday before the elec-
23 tion, a voter who qualifies to vote as an absent voter, as
24 defined in section 758, may apply to the township, city, or vil-
25 lage clerk, either in person or by mail, to vote absentee.

26 (3) An application under this section may be made in any of
27 the following ways:

1 (a) By a written request signed by the voter stating the
2 statutory grounds for making the application.

3 (b) On an application form provided for that purpose by the
4 clerk of the city, township, or village.

5 (c) On a federal postcard application.

6 (4) The clerk of the city, township, or village shall have
7 application forms available in the office of the clerk at all
8 times and shall furnish an application form to anyone upon a
9 verbal or written request. The application shall be in substan-
10 tially the following form and shall be signed by the applicant:

11 "Application for absent voter's ballot for:

12 [The primary or special primary election to be held
13 on , 19... .

14 [The election to be held on , 19... .

15 (Check applicable election or elections)

16 I, , a duly qualified and registered elector of
17 the precinct of the township of or village
18 of or of the ward of the city
19 of , in the county of and state of
20 Michigan, make application for an official ballot, or ballots, to
21 be voted by me at the election or elections as requested in this
22 application. IF THIS APPLICATION IS FOR A PRESIDENTIAL PRIMARY
23 ELECTION, I REQUEST THE OFFICIAL BALLOT OF
24 THE PARTY.

25 The statutory grounds on which I base my request are:

1 [I expect to be absent from the community in which I am
2 registered for the entire time the polls are open on election
3 day.

4 [I am physically unable to attend the polls without the
5 assistance of another.

6 [I cannot attend the polls because of the tenets of my
7 religion.

8 [I have been appointed an election precinct inspector in a
9 precinct other than the precinct where I reside.

10 [I am 60 years of age or older.

11 [I cannot attend the polls because I am confined to jail
12 awaiting arraignment or trial.

13 (Check applicable reason)

14 Send absent voter's ballot to me at:

15
16 (Street No. or R.R.)

17
18 (Post Office) (State)

19 My registered address.....
20 (Street No. or R.R.)

21
22 (Post Office) (State)

23 Date.....

24 I declare the foregoing statements to be true.

25
26 (Signature)

27 A person making a false statement in this declaration is
28 guilty of a misdemeanor."

29 (5) A person who makes a false statement in an application
30 for an absent voter's ballot is guilty of a misdemeanor.

31 Sec. 761. (1) The city, township, or village clerk
32 ~~forthwith~~ IMMEDIATELY upon receipt of an application for
33 absentee ballots, or if the application is received prior to the
34 printing of the absentee ballots as soon as the ballots are

1 received by the clerk, shall forward by mail, postage prepaid, or
2 shall deliver personally 1 of the ballots, or set of ballots, if
3 there are more than 1 kind of ballot to be voted, to each quali-
4 fied applicant for absent voter's ballots from his OR HER city,
5 township, or village, if the applicant is properly registered and
6 if the signature on the application agrees with the signature on
7 the registration card. Absent voter's ballots may be delivered
8 to the applicant in person at the office of the clerk notwith-
9 standing the provision of section 759 providing that no absentee
10 applications shall be received by the clerk after 2 p.m. on the
11 Saturday prior to the election, persons qualified to vote absen-
12 tee may apply to vote absentee in person at the clerk's office
13 prior to 4 p.m. on a day preceding the election except Sunday or
14 legal holiday. Such applicants, if qualified, shall receive
15 their ballots and vote the same in the clerk's office. All other
16 absent voter's ballots, excepting emergency absentee ballot
17 applications, shall be mailed or delivered to the registration
18 address of the applicant unless the application requests delivery
19 to an address outside the city or township or to a hospital or
20 similar institution in which case the ballots shall be mailed or
21 delivered to the address given in the application. Absent
22 voters' ballots shall be issued in the same order in which appli-
23 cations are received by the clerk of any city, township, or vil-
24 lage, as nearly as may be, and each ballot so furnished shall
25 bear the lowest number of each kind available for this purpose.
26 The clerk shall enclose with ~~such~~ THE ballot or ballots a
27 return envelope properly addressed to ~~himself~~ THE CLERK and

1 bearing upon the back ~~thereof~~ OF THE ENVELOPE a printed
 2 statement in substantially the following form:

3 TO BE COMPLETED
 4 BY THE CLERK

5 _____
 6 Name of Voter Street Address or R.R.
 7 _____
 8 City, Township or Village County
 9 Ward _____ Precinct _____ Date of Election _____

10 =====
 11 TO BE COMPLETED BY THE ABSENT VOTER
 12

13 The undersigned asserts that he OR SHE is a legally regis-
 14 tered and qualified elector of the Municipality indicated above,
 15 that he OR SHE is voting absentee in conformity with statutory
 16 restatements for so voting and that, unless indicated to the con-
 17 trary below, the ballots were marked by him OR HER personally and
 18 enclosed in this envelope without being exhibited to any other
 19 person.

20 X

21 _____
 Signature of Absentee Voter

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

=====

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

=====

Assisted the above named disabled voter in marking his OR
HER ballots in accordance with his OR HER directions. The bal-
lots were inserted in the return envelope without being exhibited
to any other person.

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

=====

ANY PERSON MAKING A FALSE STATEMENT ON THIS FORM IS
GUILTY OF A MISDEMEANOR.

(2) IN ADDITION TO THE REQUIREMENTS OF SUBSECTION (1), THE
CITY, TOWNSHIP, OR VILLAGE CLERK, FOR A PRESIDENTIAL PRIMARY
ELECTION, SHALL ONLY DELIVER TO THE ABSENT VOTER THE PRESIDENTIAL
PRIMARY BALLOT OF THE PARTY REQUESTED BY THE ABSENT VOTER IN THE
APPLICATION TO VOTE ABSENTEE UNDER SECTION 759 OR 759A OR THE
EMERGENCY ABSENT VOTER APPLICATION UNDER SECTION 759B.

Section 2. Section 506a of Act No. 116 of the Public Acts
of 1954, being section 168.506a of the Michigan Compiled Laws, is
repealed.