

SENATE BILL No. 136

February 14, 1989, Introduced by Senators DI NELLO, BARCIA, FREDRICKS, WELBORN, GAST, GEAKE, CRUCE, N. SMITH, CROPSEY, SCHWARZ, DINGELL, CARL, GEO. HART, DILLINGHAM, SHINKLE, POSTHUMUS and MILLER and referred to the Committee on Finance.

A bill to amend sections 10 and 492 of Act No. 116 of the Public Acts of 1954, entitled "Michigan election law," being sections 168.10 and 168.492 of the Michigan Compiled Laws; and to add section 488.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 10 and 492 of Act No. 116 of the Public
2 Acts of 1954, being sections 168.10 and 168.492 of the Michigan
3 Compiled Laws, are amended and section 488 is added to read as
4 follows:

5 Sec. 10. The term "qualified elector", as used in this act,
6 shall be construed to mean any person who possesses the qualifi-
7 cations of an elector as prescribed in section 1 of article ~~2~~
8 II of the state constitution OF 1963 and who, EXCEPT AS PROVIDED
9 BY SECTION 492(2), has resided in the city or township 30 days.

1 SEC. 488. (1) A REFERENDUM ON AN ORDINANCE TO IMPOSE, OR AN
2 AMENDMENT TO SUCH AN ORDINANCE WHICH AMENDMENT INCREASES THE RATE
3 OF, A CITY INCOME TAX WHICH REFERENDUM IS REQUIRED UNDER THE CITY
4 INCOME TAX ACT, ACT NO. 284 OF THE PUBLIC ACTS OF 1964, BEING
5 SECTIONS 141.501 TO 141.787 OF THE MICHIGAN COMPILED LAWS, SHALL
6 BE HELD AS PROVIDED IN THIS SECTION.

7 (2) A REFERENDUM UNDER THIS SECTION FOR RESIDENT ELECTORS OF
8 A CITY SHALL BE CONDUCTED IN THE SAME MANNER AS ANY REFERENDUM ON
9 A CITY ORDINANCE. A REFERENDUM UNDER THIS SECTION FOR QUALIFIED
10 NONRESIDENT ELECTORS SHALL BE CONDUCTED AS PROVIDED IN THIS SEC-
11 TION AND IN THE ABSENTEE BALLOT PROVISIONS OF THIS ACT.

12 (3) EVIDENCE OF EMPLOYMENT, AS REQUIRED UNDER SECTION 492,
13 SHALL BE INCLUDED WITH THE APPLICATION FOR AN ABSENTEE BALLOT BY
14 A QUALIFIED NONRESIDENT ELECTOR. THE CITY CLERK OF A CITY CON-
15 DUCTING A REFERENDUM UNDER THIS SECTION SHALL ACCEPT AS ESTAB-
16 LISHING THAT AN INDIVIDUAL IS EMPLOYED IN THAT CITY ANY REASON-
17 ABLE EVIDENCE OF EMPLOYMENT THAT SHOWS THE INDIVIDUAL'S EMPLOY-
18 MENT ADDRESS. REASONABLE EVIDENCE OF EMPLOYMENT UNDER THIS SEC-
19 TION INCLUDES, BUT IS NOT LIMITED TO, ANY OF THE FOLLOWING:

20 (A) A COPY OF THE INDIVIDUAL'S FEDERAL, STATE, OR CITY
21 INCOME TAX FORM FROM THE IMMEDIATELY PRECEDING TAX YEAR.

22 (B) A COPY OF THE INDIVIDUAL'S W-2 FORM FROM THE IMMEDIATELY
23 PRECEDING TAX YEAR.

24 (C) A COPY OF THE INDIVIDUAL'S PAYCHECK OR PAYCHECK WITH-
25 HOLDING INFORMATION THAT WAS ISSUED WITHIN THE PREVIOUS 30 DAYS.

26 (4) A CITY MAY INCLUDE IN THE APPLICATION FOR AN ABSENTEE
27 BALLOT FOR QUALIFIED NONRESIDENT ELECTORS A STATEMENT FOR THE

1 INDIVIDUAL TO SIGN AS CERTIFYING THAT HE OR SHE MEETS THE
2 REQUIREMENTS OF SECTION 492. AS PART OF THE APPLICATION, A CITY
3 SHALL REQUIRE THAT THE NONRESIDENT ELECTOR IS A REGISTERED ELEC-
4 TOR OF THE CITY, TOWNSHIP, OR VILLAGE IN WHICH THE ELECTOR
5 RESIDES.

6 (5) A CITY HOLDING A REFERENDUM UNDER THIS SECTION ON A
7 PROPOSITION THAT INCLUDES THE IMPOSITION OR INCREASE IN THE RATE
8 OF A NONRESIDENT CITY INCOME TAX SHALL PUBLISH IN A NEWSPAPER OF
9 GENERAL CIRCULATION A FIRST NOTICE FOR THE REFERENDUM NOT MORE
10 THAN 60 DAYS BEFORE THE DATE OF THE REFERENDUM AND AT LEAST 1
11 ADDITIONAL NOTICE NOT MORE THAN 30 AND NOT LESS THAN 20 DAYS
12 BEFORE THE DATE OF THE REFERENDUM. A NOTICE UNDER THIS SUBSEC-
13 TION SHALL APPEAR SEPARATELY FROM A NOTICE FOR AN ELECTION OTHER
14 THAN THE REFERENDUM EVEN IF THE ELECTION IS HELD ON THE SAME
15 DATE.

16 (6) A REFERENDUM UNDER THIS SECTION ON A PROPOSITION THAT
17 INCLUDES THE IMPOSITION OR INCREASE IN THE RATE OF A NONRESIDENT
18 CITY INCOME TAX SHALL NOT BE HELD WITHIN 45 DAYS AFTER THE FIRST
19 NOTICE OF THAT REFERENDUM. THE CITY CLERK SHALL NOT ACCEPT THE
20 APPLICATION FOR AN ABSENTEE BALLOT BY A QUALIFIED NONRESIDENT
21 ELECTOR AFTER 15 DAYS BEFORE THE DATE OF THE REFERENDUM.

22 Sec. 492. (1) Every person who has the following qualifica-
23 tions of an elector, or who will have such qualifications at the
24 next ensuing election or primary election, ~~shall be~~ IS entitled
25 to be registered as an elector in the township, ward, or precinct
26 in which he or she resides. ~~Such~~ THE person ~~must~~ SHALL be a
27 citizen of the United States; at least 18 years of age; a

1 resident of the state for at least 30 days; and ~~be~~ EXCEPT AS
2 PROVIDED BY SUBSECTION (2), a resident of the city, township, or
3 village on or before the thirtieth day prior to the next ensuing
4 regular or special election or primary election.

5 (2) IF AN INDIVIDUAL MEETS THE REQUIREMENTS OF SUBSECTION
6 (1) OTHER THAN BEING A RESIDENT OF THE CITY AND ESTABLISHES, AS
7 PROVIDED IN SECTION 487, THAT HE OR SHE IS EMPLOYED IN THAT CITY,
8 THEN THE INDIVIDUAL IS A QUALIFIED NONRESIDENT ELECTOR AND MAY
9 VOTE IN A REFERENDUM ON AN ORDINANCE OF THE CITY IMPOSING, OR AN
10 AMENDMENT TO SUCH AN ORDINANCE WHICH AMENDMENT INCREASES THE RATE
11 OF, A NONRESIDENT CITY INCOME TAX PROPOSED UNDER THE CITY INCOME
12 TAX ACT, ACT NO. 284 OF THE PUBLIC ACTS OF 1964, BEING SECTIONS
13 141.501 TO 141.787 OF THE MICHIGAN COMPILED LAWS. AN INDIVIDUAL
14 IS NOT QUALIFIED TO VOTE UNDER THIS SUBSECTION UNLESS THE INDI-
15 VIDUAL IS A REGISTERED ELECTOR.