

No. 80
STATE OF MICHIGAN
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House of Representatives
94th Legislature
REGULAR SESSION OF 2007

House Chamber, Lansing, Thursday, August 30, 2007.

12:00 Noon.

The House was called to order by Associate Speaker Pro Tempore Byrnes.

The roll was called by the Clerk of the House of Representatives, who announced that a quorum was present.

Accavitti—present	Dillon—present	Lahti—present	Pearce—present
Acciavatti—present	Donigan—present	LaJoy—present	Polidori—present
Agema—present	Ebli—present	Law, David—present	Proos—present
Amos—present	Elsenheimer—present	Law, Kathleen—present	Robertson—present
Angerer—present	Emmons—present	LeBlanc—present	Rocca—present
Ball—present	Espinoza—present	Leland—present	Sak—present
Bauer—present	Farrah—present	Lemmons—present	Schuitmaker—present
Bennett—present	Gaffney—present	Lindberg—present	Scott—present
Bieda—present	Garfield—present	Marleau—present	Shaffer—present
Booher—present	Gillard—excused	Mayes—present	Sheen—present
Brandenburg—present	Gonzales—present	McDowell—present	Sheltrown—present
Brown—present	Green—present	Meadows—present	Simpson—present
Byrnes—present	Griffin—present	Meekhof—present	Smith, Alma—present
Byrum—present	Hammel—present	Meisner—present	Smith, Virgil—present
Calley—present	Hammon—present	Melton—present	Spade—present
Casperson—present	Hansen—present	Meltzer—present	Stahl—present
Caswell—present	Hildenbrand—present	Miller—present	Stakoe—present
Caul—excused	Hood—present	Moolenaar—present	Steil—present
Cheeks—excused	Hoogendyk—present	Moore—present	Tobocman—present
Clack—present	Hopgood—present	Moss—present	Vagnozzi—present
Clemente—present	Horn—present	Nitz—present	Valentine—present
Condino—present	Huizenga—present	Nofs—present	Walker—present
Constan—present	Hune—present	Opsommer—present	Ward—present
Corriveau—present	Jackson—present	Palmer—excused	Warren—excused
Coulouris—present	Johnson—present	Palsrok—present	Wenke—present
Cushingberry—present	Jones, Rick—present	Pastor—present	Wojno—present
Dean—excused	Jones, Robert—present	Pavlov—present	Young—present
DeRoche—present	Knollenberg—present		

e/d/s = entered during session

Rep. Joel A. Sheltroun, from the 103rd District, offered the following invocation:

“O Lord and Master of my life, take from me the spirit of sloth, despondency, lust of power, and idle talk; But grant rather the spirit of chastity, humility, patience, and love to Thy servant.

Yea, O Lord and King, grant me to see my own transgressions, and not to judge my brother, for blessed art Thou unto the ages of ages.

We ask, O Lord that You provide comfort for Ed Noyola and his family in their recent loss. We ask this in Jesus name, Amen.”

Rep. Booher moved that Reps. Caul and Palmer be excused from today’s session.
The motion prevailed.

Rep. Tobocman moved that Reps. Cheeks, Dean, Gillard and Warren be excused from today’s session.
The motion prevailed.

Motions and Resolutions

Rep. Tobocman moved that Rule 42 be suspended.
The motion prevailed, 3/5 of the members present voting therefor.

Rep. Tobocman moved that the Committee on Ethics and Elections be discharged from further consideration of **Senate Bill No. 624**.

The motion prevailed, a majority of the members serving voting therefor.
The bill was placed on the order of Second Reading of Bills.

Rep. Tobocman moved that Rep. Scott be excused temporarily from today’s session.
The motion prevailed.

Second Reading of Bills

Senate Bill No. 624, entitled

A bill to amend 1954 PA 116, entitled “Michigan election law,” by amending sections 613a, 614a, 615a, 624g, 641, and 759a (MCL 168.613a, 168.614a, 168.615a, 168.624g, 168.641, and 168.759a), section 613a as amended by 2003 PA 13, sections 614a and 615a as amended by 1999 PA 72, section 624g as amended by 1990 PA 7, section 641 as amended by 2005 PA 71, and section 759a as amended by 2006 PA 605, and by adding sections 615c and 759c; and to repeal acts and parts of acts.

The bill was read a second time.

Rep. Hammon moved to substitute (H-6) the bill.

The question being on the adoption of the substitute (H-6) offered by Rep. Hammon,
Rep. Hammon demanded the yeas and nays,
The demand was supported.

The question being on the adoption of the substitute (H-6) offered by Rep. Hammon,
The substitute (H-6) was adopted, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 324**Yeas—92**

Accavitti	Donigan	Lahti	Pearce
Acciavatti	Ebli	LaJoy	Polidori
Amos	Elsenheimer	Law, David	Proos
Angerer	Emmons	Law, Kathleen	Robertson
Ball	Espinoza	LeBlanc	Rocca
Bauer	Gaffney	Leland	Sak
Bennett	Garfield	Lemmons	Schuitmaker
Bieda	Gonzales	Lindberg	Shaffer
Booher	Griffin	Marleau	Sheltrown
Brandenburg	Hammel	Mayes	Simpson
Brown	Hammon	McDowell	Smith, Alma
Byrnes	Hansen	Meadows	Smith, Virgil
Byrum	Hildenbrand	Meisner	Spade
Calley	Hood	Melton	Stahl
Casperson	Hoogendyk	Miller	Stakoe
Caswell	Hopgood	Moolenaar	Steil
Clack	Horn	Moore	Vagnozzi
Clemente	Hune	Moss	Valentine
Constan	Jackson	Nitz	Walker
Corriveau	Johnson	Nofs	Ward
Coulouris	Jones, Rick	Opsommer	Wenke
Cushingberry	Jones, Robert	Palsrok	Wojno
Dillon	Knollenberg	Pavlov	Young

Nays—11

Agema	Farrah	Meekhof	Sheen
Condino	Green	Meltzer	Tobocman
DeRoche	Huizenga	Pastor	

In The Chair: Byrnes

Rep. Condino moved to substitute (H-2) the bill.

The motion prevailed and the substitute (H-2) was adopted, a majority of the members serving voting therefor.

Rep. Ward moved to amend the bill as follows:

1. Amend page 8, line 22, after “**SUBSECTION (3).**” by inserting “**A PARTICIPATING POLITICAL PARTY SHALL PAY TO THE SECRETARY OF STATE \$1.00 FOR EVERY ELECTOR’S NAME THAT APPEARS ON THE RECORDS PROVIDED TO THE CHAIRPERSON OF THAT PARTICIPATING POLITICAL PARTY UNDER THIS SUBSECTION.**”.

The motion prevailed and the amendment was adopted, a majority of the members serving voting therefor.

Rep. Ward moved to amend the bill as follows:

1. Amend page 2, following line 5, by inserting:

“Sec. 607. (1) The required number of electors who receive the highest number of votes for delegates to the fall county convention of a political party shall be declared by the ~~board of primary election inspectors~~ **COUNTY CLERK** to be elected. If, on the canvass of the votes polled at a primary election for delegates to the fall county convention of a political party, 2 or more candidates for delegate receive an equal number of votes for the same office, and that causes a failure to elect a delegate, the election to the office shall be determined as provided in subsection (2).

(2) The board of canvassers for the county in which the election was held shall appoint a day for the appearance of all the candidates for delegate before the county clerk for the purpose of determining by lot among the candidates the right to the office of delegate. The board of county canvassers shall give notice of the drawing to all interested

candidates. The officer before whom the drawing is to take place shall prepare as many slips of paper as there are candidates and write the word "elected" on as many slips of paper as there are offices to be filled, and the words "not elected" on the remaining slips. The officer shall fold the slips of paper so as to conceal the writing and so that they may appear as near alike as possible. The slips of paper shall be placed in a box, and, at the time and place appointed for the drawing of the lots, each candidate may draw 1 of the slips from the box. The candidate drawing a slip on which is written the word "elected" is considered legally elected to the office of delegate. The officer conducting the drawing shall immediately give the elected delegate a certificate of election. If an interested candidate fails to appear at the drawing, the officer conducting the drawing shall designate some person to draw for the absent candidate.

Sec. 608. (1) ~~The board of primary election inspectors~~ **COUNTY CLERK** shall certify ~~to the county clerk~~ the names of the electors elected as delegates, naming the political party upon whose ballot the delegates were elected.

(2) The county clerk shall record the names of the delegates elected in a book kept for that purpose and shall file the book among the records of the clerk's office.

(3) No later than 7 days following the primary election, the clerk shall notify each delegate elected of his or her election as delegate.

(4) The county clerk shall certify the following to the chairperson of the committee of each political party of the county:

(a) The delegates elected by the political party as delegates to the county conventions.

(b) The names of all persons nominated as candidates of a political party for county office and for state legislative office who are delegates at large under section 599(5), when those names become available to the county clerk.

(5) As used in this section, "persons nominated as candidates of a political party for county office and for state legislative office who are delegates at large under section 599(5)" means incumbent county officials, incumbent state legislators, and unsuccessful candidates for county offices and state legislative offices who were candidates at the last prior regular or special election held for the respective office."

2. Amend page 12, following line 26, by inserting:

~~"Sec. 625. A delegate ballot shall be voted and canvassed by the precinct inspectors in the same manner as ballots bearing the names of the candidates for other county offices~~ **COUNTY CLERK**. The returns shall be made direct to the county clerk, who shall immediately notify the successful candidates by registered, certified, or first class mail at the address given in their nominating petitions. The county clerk shall, at the same time, furnish the chairperson of the county committee of each political party with the names and addresses of the delegates to the county convention of the chairperson's political party as required in section 608. However, in case of a tie vote between the candidates for delegate in any precinct, the county clerk shall notify the candidates to appear in his or her office at a specified time, and the successful candidate shall be determined by drawing in a manner similar to that provided in section 851. If a candidate is elected who has not filed a nominating petition and whose name is not printed on the ballots, the ~~chairperson of the board of precinct election inspectors~~ **COUNTY CLERK** shall determine if the candidate is a registered elector in that precinct. If the candidate is a registered elector in that precinct, the candidate's name and address shall be certified ~~to~~ **BY** the county clerk on the return and if not registered, the candidate's name shall not be certified on the return.

Sec. 626. (1) The board of county election commissioners shall prepare separate ballots for each of the several political parties for each election precinct in the county. The ballots shall be numbered consecutively and shall, **SUBJECT TO SUBSECTION (2)**, set forth the names of the candidates for delegates who have filed affidavits of identity with the county, city, or township clerk under section 624. The ballot shall be prepared in such a manner that the electors of each political party may write, print, or paste the name of a candidate for delegate on the ballot. The delegate ballot at a partisan primary shall consist of 1 sheet of 70-pound white book paper, machine finished or equivalent, with 1 of the political party tickets printed on each side of the ballot. The names on the delegate ballot shall not be rotated. The ballots shall be delivered to the county clerk for distribution to the election precincts at least 10 days before the primary election. However, if there is located within a county, subject to the provisions of this chapter, 1 or more cities or townships, or parts of cities or townships, in which voting machines are used, the board of county election commissioners may, in its discretion, dispense with the preparation of ballots for the election of delegates to the county convention of the several political parties and provide for their election upon the voting machines.

(2) IF ONLY 1 CANDIDATE HAS FILED AN AFFIDAVIT OF IDENTITY FOR PRECINCT DELEGATE UNDER SECTION 624, THE NAME OF THE CANDIDATE SHALL NOT APPEAR ON THE BALLOT AND THE CANDIDATE SHALL BE CONSIDERED ELECTED PRECINCT DELEGATE AS IF THE PRIMARY ELECTION OCCURRED FOR ALL PURPOSES UNDER THIS ACT."

3. Amend page 15, following line 15, by inserting:

"Sec. 737a. (1) Except as otherwise provided in this section, the board of election inspectors shall not count a write-in vote for a person unless that person has filed a declaration of intent to be a write-in candidate as provided in this section. The write-in candidate shall file the declaration of intent to be a write-in candidate with the filing official for that elective office on or before 4 p.m. on the second Friday immediately before the election. The secretary of state, immediately after the 4 p.m. filing deadline under this subsection, shall prepare and have delivered a list of all persons

who have filed a declaration of intent to be a write-in candidate under this subsection, if any, to the appropriate county clerks. A filing official other than the secretary of state who receives a declaration of intent to be a write-in candidate or list of persons who filed a declaration of intent from another filing official under this subsection shall prepare and have delivered a list of all persons who have filed a declaration of intent to be a write-in candidate to the board of election inspectors in the appropriate precincts before the close of the polls on election day.

(2) If a candidate whose name is printed on the official ballot for the election dies or is otherwise disqualified on or after the Wednesday immediately before the election, the requirement of filing a declaration of intent to be a write-in candidate under subsection (1) does not apply to a write-in candidate. If a death or disqualification has occurred as described in this subsection, the board of election inspectors shall count all write-in votes for write-in candidates for the office sought by the deceased or disqualified candidate.

~~(3) Subsections (1) and (2) do not apply to a write in candidate for precinct delegate. The board of election inspectors shall not count a write in vote for a write in candidate for precinct delegate unless that candidate has filed a declaration of intent to be a write in candidate as provided in this subsection. A write in candidate for precinct delegate shall file a declaration of intent to be a write in candidate with the appropriate city or township clerk for that precinct on or before 4 p.m. on the Friday immediately before the election or with the board of election inspectors in the appropriate precinct before the close of the polls on election day. A city or township clerk who receives a declaration of intent to be a write in candidate from a write in candidate for precinct delegate under this subsection shall prepare and have delivered a list of all persons who have filed a declaration of intent to be a write in candidate to the board of election inspectors in the appropriate precincts before the close of the polls on election day.~~

(3) ~~(4)~~ The secretary of state shall prescribe forms for the declaration of intent to be a write-in candidate. Clerks shall maintain a supply of declaration of intent to be a write-in candidate forms in the clerk's office and make the forms available in the polling places during the August primary for this purpose. The declaration of intent to be a write-in candidate form shall include all of the following information:

- (a) The name of the person intending to be a write-in candidate.
- (b) The elective office that the person seeks as a write-in candidate.
- (c) The residence address of the person seeking elective office as a write-in candidate.
- (d) Other information the secretary of state considers appropriate."

The motion prevailed and the amendments were adopted, a majority of the members serving voting therefor.

Rep. Ward moved to amend the bill as follows:

1. Amend page 9, line 4, after "SUBSECTION (8)" by inserting "AND SUBJECT TO THE REQUIREMENTS IN SUBSECTION (12)".

2. Amend page 10, following line 18, by inserting:

"(12) IF AN ELECTOR INDICATES ON THE FORM PRESCRIBED BY THE SECRETARY OF STATE UNDER SUBSECTION (1) THAT HE OR SHE DOES NOT WANT TO BE CONTACTED, THE PARTICIPATING POLITICAL PARTY OR A PERSON, ORGANIZATION, OR VENDOR, AS DESCRIBED IN SUBSECTION (8), SHALL NOT CONTACT THAT ELECTOR FOR ANY PURPOSE DESCRIBED IN THIS SECTION."

The motion prevailed and the amendments were adopted, a majority of the members serving voting therefor.

Rep. Miller moved to amend the bill as follows:

1. Amend page 2, following line 5, by inserting:

"Sec. 509o. (1) The secretary of state shall direct and supervise the establishment and maintenance of a statewide qualified voter file. The secretary of state shall establish the technology to implement the qualified voter file on or before January 1, 1997. The qualified voter file ~~shall be~~ **IS** the official file for the conduct of all elections held in this state on or after January 1, 1998. The secretary of state may direct that all or any part of the city, township, or village registration files shall be used in conjunction with the qualified voter file at the first state primary and election held after the creation of the qualified voter file.

(2) Notwithstanding any other provision of law to the contrary, beginning January 1, 1998, a person who appears to vote in an election and whose name appears in the qualified voter file for that city, township, village, or school district is considered a registered voter of that city, township, village, or school district under this act.

(3) The secretary of state, a designated voter registration agency, or a county, city, township, or village clerk shall not place a name of an individual into the qualified voter file unless that person signs an application as prescribed in section 509r(3). ~~The EXCEPT AS PROVIDED IN SUBSECTION (4), THE~~ secretary of state or a designated voter registration agency shall not allow a person to indicate a different address than the address in either the secretary of state's or designated voter registration agency's files to be placed in the qualified voter file.

(4) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, AN INDIVIDUAL MAY CHANGE THE RESIDENCE ADDRESS ON HIS OR HER OPERATOR'S OR CHAUFFEUR'S LICENSE ISSUED PURSUANT TO THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.1 TO 257.923, OR OFFICIAL STATE PERSONAL IDENTIFICATION CARD ISSUED PURSUANT TO 1972 PA 222, MCL 28.291

TO 28.300, WITHOUT CHANGING HIS OR HER ADDRESS FOR PURPOSES OF THE QUALIFIED VOTER FILE OR MAY CHANGE HIS OR HER ADDRESS ON THE QUALIFIED VOTER FILE WITHOUT CHANGING THE RESIDENCE ADDRESS ON HIS OR HER OPERATOR'S OR CHAUFFEUR'S LICENSE ISSUED PURSUANT TO THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.1 TO 257.923, OR OFFICIAL STATE PERSONAL IDENTIFICATION CARD ISSUED PURSUANT TO 1972 PA 222, MCL 28.291 TO 28.300."

2. Amend page 19, following line 25, by inserting:

"Enacting section 3. This amendatory act does not take effect unless House Bill No. 4448 of the 94th Legislature is enacted into law."

The question being on the adoption of the amendments offered by Rep. Miller,

Rep. Miller demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendments offered by Rep. Miller,

The amendments were not adopted, a majority of the members serving not voting therefor, by yeas and nays, as follows:

Roll Call No. 325

Yeas—53

Accavitti	Cushingberry	Johnson	Miller
Angerer	Dillon	Jones, Robert	Polidori
Bauer	Donigan	Lahti	Sak
Bennett	Ebli	Law, Kathleen	Sheltrown
Bieda	Espinoza	LeBlanc	Simpson
Brown	Farrah	Leland	Smith, Alma
Byrnes	Gonzales	Lemmons	Smith, Virgil
Byrum	Griffin	Lindberg	Spade
Clack	Hammel	Mayer	Tobocman
Clemente	Hammon	McDowell	Vagnozzi
Condino	Hood	Meadows	Valentine
Constan	Hopgood	Meisner	Wojno
Corriveau	Jackson	Melton	Young
Coulouris			

Nays—50

Acciavatti	Garfield	Meekhof	Proos
Agema	Green	Meltzer	Robertson
Amos	Hansen	Moolenaar	Rocca
Ball	Hildenbrand	Moore	Schuitmaker
Booher	Hoogendyk	Moss	Shaffer
Brandenburg	Horn	Nitz	Sheen
Calley	Huizenga	Nofs	Stahl
Casperson	Hune	Opsommer	Stakoe
Caswell	Jones, Rick	Palsrok	Steil
DeRoche	Knollenberg	Pastor	Walker
Elsenheimer	LaJoy	Pavlov	Ward
Emmons	Law, David	Pearce	Wenke
Gaffney	Marleau		

In The Chair: Byrnes

Rep. Condino moved to substitute (H-4) the bill.

The motion prevailed and the substitute (H-4) was adopted, a majority of the members serving voting therefor.

Rep. Miller moved to amend the bill as follows:

1. Amend page 15, following line 15, by inserting:

“Sec. 758. ~~(1) For the purposes of AS USED IN~~ this act, “absent voter” means a qualified and registered elector who ~~meets 1 or more of the following requirements:~~

~~(a) On account of physical disability, cannot without another’s assistance attend~~ **VOTES WITHOUT ATTENDING** the polls on the day of an election.

~~(b) On account of the tenets of his or her religion, cannot attend the polls on the day of election.~~

~~(c) Cannot attend the polls on the day of an election in the precinct in which he or she resides because of being an election precinct inspector in another precinct.~~

~~(d) Is 60 years of age or older.~~

~~(e) Is absent or expects to be absent from the township or city in which he or she resides during the entire period the polls are open for voting on the day of an election.~~

~~(f) Cannot attend the polls on election day because of being confined in jail awaiting arraignment or trial.~~

~~(2) Subsection (1) does not apply to~~ **ABSENT VOTER DOES NOT INCLUDE** a person who has moved outside of this state, regardless of length of his or her residence outside of this state, and who no longer maintains an actual residence in this state. The storage of personal effects or household goods, the ownership of property that is rented or leased to others, or occasional brief visits to a former domicile in this state while residing outside of this state for most of the year ~~does~~ **DO** not constitute a residence for voting purposes in this state, except for each of the following:

(a) A person described in section 1 of article II of the state constitution of 1963 and statutes enacted under that section.

(b) A person described in section 759a.

Sec. 759. (1) At any time during the 75 days before a primary **ELECTION** or special primary **ELECTION**, but not later than 2 p.m. of the Saturday immediately before the primary **ELECTION** or special primary **ELECTION**, an elector who ~~qualifies~~ **WANTS** to vote as an absent voter, ~~as defined in section 758,~~ may apply for an absent voter ballot. The elector shall apply in person or by mail with the clerk of the township, city, or village in which the elector is registered. An application received before a primary **ELECTION** or special primary **ELECTION** may be for either that primary **ELECTION** only, or for that primary **ELECTION** and the election that follows.

(2) Except as otherwise provided in subsection (1), at any time during the 75 days before an election, but not later than 2 p.m. of the Saturday before the election, an elector who ~~qualifies~~ **WANTS** to vote as an absent voter, ~~as defined in section 758,~~ may apply for an absent voter ballot. The elector shall apply in person or by mail with the clerk of the township, city, or village in which the voter is registered.

(3) An application for an absent voter ballot under this section may be made in any of the following ways:

(a) By a written request signed by the ~~voter stating the statutory grounds for making the application~~ **ELECTOR**.

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

(c) On a federal postcard application.

(4) An applicant for an absent voter ballot shall sign the application. A clerk or assistant clerk shall not deliver an absent voter ballot to an applicant who does not sign the application. A person ~~other than~~ **SHALL NOT BE IN POSSESSION OF A SIGNED ABSENT VOTER BALLOT APPLICATION EXCEPT FOR** the applicant; a member of the applicant’s immediate family; a person residing in the applicant’s household; a person whose job normally includes the handling of mail, but only during the course of his or her employment; a registered elector requested by the applicant **TO RETURN THE APPLICATION**; or a clerk, assistant of the clerk, or other authorized election official. ~~shall not be in possession of a signed absent voter ballot application.~~ A registered elector who is requested by the applicant to return his or her absent voter ballot application shall sign the certificate on the absent voter ballot application.

(5) The clerk of the city, township, or village shall have absent voter ballot application forms available in the **CLERK’S** office ~~of the clerk~~ at all times and shall furnish an absent voter ballot application form to anyone upon a verbal or written request. The absent voter ballot application shall be in substantially the following form:

“Application for absent voter ballot for:

[] The primary **ELECTION** or special primary election to be held on ~~,,,,, 19~~.....[DATE].

[] The election to be held on ~~,,,,, 19~~.....[DATE].

(Check applicable election or elections)

I,....., a qualified and registered elector of the precinct of the township of or village of or of the ward of the city of, in the county of and state of Michigan, apply for an official ballot, or ballots, to be voted by me at the election or elections as requested in this application.

The statutory grounds on which I base my request are:

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

~~[] I am physically unable to attend the polls without the assistance of another.~~

~~[] I cannot attend the polls because of the tenets of my religion.~~

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

~~[] I am 60 years of age or older.~~

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

~~(Check applicable reason)~~

Send absent voter ballot to me at:

.....

(Street No. or R.R.)

.....
(Post Office)

(State)

(ZIP CODE)

My registered address

(Street No. or R.R.)

.....
(Post Office)

(State)

(ZIP CODE)

Date.....

I ~~declare~~ **CERTIFY** that the statements in this absent voter ballot application are true.

.....

(Signature)

WARNING

A person making a false statement in this absent voter ballot application is guilty of a misdemeanor. It is a violation of Michigan election law for a person other than those listed in the instructions to return, offer to return, agree to return, or solicit to return your absent voter ballot application to the clerk. An assistant authorized by the clerk who receives absent voter ballot applications at a location other than the **CLERK'S** office ~~of the clerk~~ must have credentials signed by the clerk. Ask to see his or her credentials before entrusting your application with a person claiming to have the clerk's authorization to return your application.

Certificate of Authorized Registered

Elector Returning Absent Voter

Ballot Application

I certify that my name is, my address is, and my date of birth is; that I am delivering the absent voter ballot application of at his or her request; that I did not solicit or request to return the application; that I have not made any markings on the application; that I have not altered the application in any way; that I have not influenced the applicant; and that I am aware that a false statement in this certificate is a violation of Michigan election law.

(Date)

(Signature)"

(6) The following instructions for an applicant for an absent voter ballot shall be included with each application furnished an applicant:

INSTRUCTIONS FOR APPLICANTS FOR ABSENT VOTER BALLOTS

Step 1. After completely filling out the application, sign and date the application in the place designated. Your signature must appear on the application or you will not receive an absent voter ballot.

Step 2. Deliver the application by 1 of the following methods:

(a) Place the application in an envelope addressed to the appropriate clerk and place the necessary postage upon the return envelope and deposit it in the United States mail or with another public postal service, express mail service, parcel post service, or common carrier.

(b) Deliver the application personally to the office of the clerk, to the clerk, or to an authorized assistant of the clerk.

(c) In either (a) or (b), a member of the immediate family of the voter including a father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandparent, or grandchild or a person residing in the voter's household may mail or deliver the application to the clerk for the applicant.

(d) ~~In the event~~ **IF** an applicant cannot return the application in any of the above methods, the applicant may select any registered elector to return the application. The person returning the application must sign and return the certificate at the bottom of the application.

(7) A person who prints and distributes absent voter ballot applications shall print on the application the warning, certificate of authorized registered elector returning absent voter ballot application, and instructions required by this section.

(8) A person who makes a false statement in an absent voter ballot application is guilty of a misdemeanor. A person who forges a signature on an absent voter ballot application is guilty of a felony. A person who is not authorized in this act and who both distributes absent voter ballot applications to absent voters and returns those absent voter ballot applications to a clerk or assistant of the clerk is guilty of a misdemeanor.”.

The question being on the adoption of the amendment offered by Rep. Miller,
Rep. Miller demanded the yeas and nays.

The demand was supported.

The question being on the adoption of the amendment offered by Rep. Miller,

The amendment was not adopted, a majority of the members serving not voting therefor, by yeas and nays, as follows:

Roll Call No. 326**Yeas—52**

Angerer	Coulouris	Jackson	Miller
Bauer	Cushingberry	Johnson	Moore
Bennett	Donigan	Lahti	Nofs
Bieda	Ebli	Law, Kathleen	Polidori
Brown	Espinoza	LeBlanc	Sak
Byrnes	Gaffney	Leland	Sheltrown
Byrum	Gonzales	Lemmons	Simpson
Calley	Griffin	Lindberg	Smith, Alma
Casperson	Hammel	Mayes	Spade
Clack	Hammon	McDowell	Vagnozzi
Clemente	Hopgood	Meadows	Valentine
Constan	Horn	Meisner	Wojno
Corriveau	Hune	Melton	Young

Nays—48

Acciavatti	Garfield	Meekhof	Rocca
Agema	Green	Meltzer	Schuitmaker
Amos	Hansen	Moolenaar	Shaffer
Ball	Hildenbrand	Moss	Sheen
Booher	Hoogendyk	Nitz	Smith, Virgil
Brandenburg	Huizenga	Opsommer	Stahl
Caswell	Jones, Rick	Palsrok	Stakoe
Condino	Jones, Robert	Pastor	Steil
DeRoche	Knollenberg	Pavlov	Tobocman
Elsenheimer	LaJoy	Pearce	Walker
Emmons	Law, David	Proos	Ward
Farrah	Marleau	Robertson	Wenke

In The Chair: Byrnes

Rep. Tobocman moved that the bill be placed on the order of Third Reading of Bills.

The motion prevailed.

Rep. Tobocman moved that the bill be placed on its immediate passage.

The motion prevailed, a majority of the members serving voting therefor.

By unanimous consent the House returned to the order of

Third Reading of Bills**Senate Bill No. 624, entitled**

A bill to amend 1954 PA 116, entitled “Michigan election law,” by amending sections 613a, 614a, 615a, 624g, 641, and 759a (MCL 168.613a, 168.614a, 168.615a, 168.624g, 168.641, and 168.759a), section 613a as amended by 2003

PA 13, sections 614a and 615a as amended by 1999 PA 72, section 624g as amended by 1990 PA 7, section 641 as amended by 2005 PA 71, and section 759a as amended by 2006 PA 605, and by adding sections 615c and 759c; and to repeal acts and parts of acts.

Was read a third time and passed, a majority of the members serving voting therefor, by yeas and nays, as follows:

Roll Call No. 327**Yeas—67**

Accavitti	Emmons	Law, Kathleen	Rocca
Acciavatti	Farrah	LeBlanc	Sak
Agema	Gaffney	Leland	Schuitmaker
Amos	Gonzales	Marleau	Shaffer
Angerer	Green	Meekhof	Sheen
Bennett	Hammel	Meltzer	Sheltrown
Booher	Hammon	Moolenaar	Smith, Alma
Brandenburg	Hildenbrand	Moss	Smith, Virgil
Byrnes	Hood	Nitz	Stahl
Clack	Hoogendyk	Opsommer	Stakoe
Clemente	Hopgood	Palsrok	Steil
Condino	Huizenga	Pastor	Tobocman
Coulouris	Johnson	Pavlov	Vagnozzi
DeRoche	Jones, Robert	Pearce	Walker
Dillon	Knollenberg	Polidori	Wenke
Donigan	LaJoy	Proos	Young
Elsenheimer	Law, David	Robertson	

Nays—34

Ball	Corriveau	Jones, Rick	Miller
Bauer	Ebli	Lahti	Moore
Bieda	Espinoza	Lindberg	Nofs
Brown	Garfield	Mayer	Simpson
Byrum	Griffin	McDowell	Spade
Calley	Hansen	Meadows	Valentine
Casperson	Horn	Meisner	Ward
Caswell	Hune	Melton	Wojno
Constan	Jackson		

In The Chair: Byrnes

The question being on agreeing to the title of the bill,

Rep. Tobocman moved to amend 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 613a, 614a, 615a, 616a, 624g, 641, and 759a (MCL 168.613a, 168.614a, 168.615a, 168.616a, 168.624g, 168.641, and 168.759a), section 613a as amended by 2003 PA 13, sections 614a and 615a as amended by 1999 PA 72, section 616a as added by 1988 PA 275, section 624g as amended by 1990 PA 7, section 641 as amended by 2005 PA 71, and section 759a as amended by 2006 PA 605, and by adding sections 19, 615c, and 759c; and to repeal acts and parts of acts.

The motion prevailed.

The House agreed to the title as amended.
Rep. Tobocman moved that the bill be given immediate effect.
The motion prevailed, 2/3 of the members serving voting therefor.

—————

Rep. Calley, having reserved the right to explain his protest against the passage of the bill, made the following statement:
“Mr. Speaker and members of the House:

While I fully support the effort to move the Michigan Primary to January 15th of 2008, I cannot support a state sponsored primary wherein a party declaration is required. I believe party identification is a private matter and this information should not be collected by the government.”

By unanimous consent the House returned to the order of
Motions and Resolutions

Rep. Tobocman moved that when the House adjourns today it stand adjourned until Wednesday, September 5, at 1:30 p.m.
The motion prevailed.

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 Thursday, August 30:

House Bill Nos. 5140 5141 5142 5143 5144 5145 5146 5147 5148 5149

The Clerk announced that the following Senate bill had been received on Thursday, August 30:

Senate Bill No. 689

Reports of Standing Committees

The Committee on Transportation, by Rep. Hopgood, Chair, reported
House Resolution No. 165.

A resolution to memorialize the United States Congress to enact H.R. 2927, which responsibly balances achievable fuel economy increases with important economic and social concerns, including consumer demand.

(For text of resolution, see House Journal No. 76, p. 1239.)

With the recommendation that the following substitute (H-1) be adopted and that the resolution then be adopted.

Substitute for House Resolution No. 165.

A resolution to memorialize the United States Congress to enact H.R. 2927, which responsibly balances achievable fuel economy increases with important economic and social concerns, including consumer demand.

Whereas, H.R. 2927 sets tough fuel economy standards without off ramps or loopholes, by requiring separate car and truck standards to meet a total fleet fuel economy between 32 and 35 mpg by 2022 — an increase of as much as 40 percent over current fuel economy standards — and requires vehicle fuel economy to be increased to the maximum feasible level in the years leading up to 2022; and

Whereas, H.R. 2927, while challenging, will provide automakers more reasonable lead time to implement technology changes in both the near and long term. Model year 2008 vehicles are already available today, and product and manufacturing planning is done through Model Year 2012. H.R. 2927 recognizes the critical need for engineering lead times necessary for manufacturers to make significant changes to their fleets; and

Whereas, H.R. 2927 respects consumer choice by protecting the important functional differences between passenger cars and light trucks/SUVs. Last year, 2006, was the sixth year in a row that Americans bought more trucks, minivans, and SUVs than passenger cars, because they value attributes such as passenger and cargo load capacity, four-wheel drive, and towing capability that most cars are not designed to provide; and

Whereas, While some would like fuel economy increases to be much more aggressive and be implemented with much less lead time, Corporate Average Fuel Economy (CAFE) standards must be set at levels and in time frames that do not impose economic harm on the manufacturers, suppliers, dealers, and others in the auto industry; and

Whereas, Proponents of unrealistic and unattainable CAFE standards cite Europe's 35 mpg fuel economy, without ever mentioning Europe's \$6 per gallon gasoline prices, the high sales of diesel vehicles, the high proportion of Europeans driving manual transmission vehicles (80 percent in Europe vs. 8 percent in the U.S.), the significant differences in the size mix of vehicles, or that trucks and SUVs are virtually nonexistent among Europe households; and

Whereas, Proponents of unreasonable CAFE standards claim they will save consumers billions, but they neglect to talk about the upfront costs of such changes to the manufacturers of meeting unduly strict CAFE standards — more than \$100 billion, according to the National Highway Traffic Safety Administration — which will lead to vehicle price increases of several thousand dollars; and

Whereas, Proponents of unrealistic CAFE standards ignore the potential safety impacts of downsized vehicles on America's highways and overlook the historical role and critical importance of manufacturing plants to our national and economic security. They seem unconcerned about threats to the 7.5 million jobs that are directly and indirectly dependent on a vibrant auto industry in the United States. They also seem unconcerned about maintaining CAFE rules that require the continuance of small car production in the United States; and

Whereas, H.R. 2927 is a reasonable bill that balances a number of important public policy concerns. The bill represents a tough but fair compromise that deserves serious consideration and support; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the United States Congress to enact H.R. 2927, which responsibly balances achievable fuel economy increases with important economic and social concerns, including consumer demand; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

The resolution and substitute were laid over one day under the rules.

Favorable Roll Call

To Report Out:

Yeas: Reps. Hopgood, Griffin, Accavitti, Bieda, Donigan, Ebli, Miller, Young, LaJoy, Casperson, Nitz, Pavlov, Pearce, Stahl and Knollenberg

Nays: None

The Committee on Transportation, by Rep. Hopgood, Chair, reported

House Resolution No. 166.

A resolution to encourage the Federal Highway Administration to approve the \$1,000,000 grant request, submitted by the Michigan Department of Transportation, to develop a rail transit route as an alternative to U.S. 23 in Livingston and Washtenaw counties.

(For text of resolution, see House Journal No. 76, p. 1240.)

With the recommendation that the resolution be adopted.

The resolution was laid over one day under the rules.

Favorable Roll Call

To Report Out:

Yeas: Reps. Hopgood, Griffin, Accavitti, Donigan, Ebli, Miller, Young, LaJoy, Casperson, Nitz, Pavlov, Pearce, Stahl and Knollenberg

Nays: None

COMMITTEE ATTENDANCE REPORT

The following report, submitted by Rep. Hopgood, Chair, of the Committee on Transportation, was received and read:
Meeting held on: Thursday, August 30, 2007

Present: Reps. Hopgood, Griffin, Accavitti, Bieda, Donigan, Ebli, Miller, Young, LaJoy, Casperson, Nitz, Pavlov, Pearce, Stahl and Knollenberg

Absent: Reps. Leland and Mayes

Excused: Reps. Leland and Mayes

Messages from the Senate

Senate Bill No. 689, entitled

A bill to amend 1943 PA 240, entitled "State employees' retirement act," (MCL 38.1 to 38.69) by adding section 19k. The Senate has passed the bill.

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

Communications from State Officers

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

Notice of Filing
Administrative Rules

August 28, 2007

In accordance with the provisions of Section 46(1) of Act 306, Public Acts of 1969, as amended, and Executive Order 1995-6 this is to advise you that the Michigan Department of Labor & Economic Growth, State Office of Administrative Hearings and Rules filed at 2:28 P.M. this date, administrative rule (07-08-05) for the Department of Labor and Economic Growth, Director's Office, Entitled "*Part 528. Spray Finishing Operations*" These rules become effective immediately upon filing with the Secretary of State unless adopted under sections 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

Sincerely,
Terri Lynn Land
Secretary of State
Robin Houston, Office Supervisor
Office of the Great Seal

The communication was referred to the Clerk.

Introduction of Bills

Reps. Alma Smith, Sak and Hansen introduced

House Bill No. 5150, entitled

A bill to amend 1931 PA 328, entitled "The Michigan penal code," (MCL 750.1 to 750.568) by adding section 499. The bill was read a first time by its title and referred to the Committee on Judiciary.

Reps. Bieda and Condino introduced

House Bill No. 5151, entitled

A bill to amend 1975 PA 228, entitled "Single business tax act," by amending section 53 (MCL 208.53). The bill was read a first time by its title and referred to the Committee on Tax Policy.

Reps. Alma Smith, Valentine and Dean introduced

House Bill No. 5152, entitled

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," (MCL 500.100 to 500.8302) by adding section 3406s.

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

Reps. Alma Smith, Valentine and Dean introduced

House Bill No. 5153, entitled

A bill to amend 1980 PA 350, entitled "The nonprofit health care corporation reform act," (MCL 550.1101 to 550.1704) by adding section 416e.

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

Announcements by the Clerk

August 29, 2007

Received from the Auditor General 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 Human Services, for the period October 1, 2004 through September 30, 2006.

Richard J. Brown
Clerk of the House

August 30, 2007

Received from the Michigan Emergency Telephone Service Committee (ETSC) the Enhanced 9-1-1 Emergency Telephone Service Enabling Act report per the requirements of MCL 484.1412.

Richard J. Brown
Clerk of the House

Following is the schedule of the Standing Committee on Retiree Health Care Reforms for the 2007-2008 Legislative Session:

Thursdays 10:30 a.m. 521 House Office Building
Committee Clerk: Cath Petroskey, 517-373-8538

By unanimous consent the House returned to the order of

Motions and Resolutions

Reps. LeBlanc, Accavitti, Ball, Bauer, Booher, Byrnes, Caswell, Constan, Cushingberry, Gonzales, Hammel, Hansen, Rick Jones, Robert Jones, Leland, Lemmons, McDowell, Meadows, Melton, Opsommer, Polidori, Rocca, Schuitmaker, Scott, Shaffer, Stahl, Steil, Tobocman, Vagnozzi and Valentine offered the following resolution:

House Resolution No. 177.

A resolution to express support for the application by Northwest Airlines to operate direct flights between Detroit and Shanghai and Beijing, China.

Whereas, International air transportation is the modern bridge between cultures and peoples. In the spirit of international cooperation and goodwill, the United States and China have amended their international trade agreement to allow the addition of six new direct air passenger routes between the United States and China. The Northwest Airlines WorldGateway Hub at the Detroit Metropolitan Airport serves the economic and geographical heart of the Midwest. It is in a pivotal position to offer a broad network of connections and related air services. Clearly, Northwest Airlines stands ready to act as one of the key transportation links between our two nations. It already offers three daily flights to China through Tokyo, is ready to offer direct flights within two months of the United States Department of Transportation decision, and, by 2009, will be offering air service via Boeing 787 Dreamliners; and

Whereas, The addition of direct flights from Detroit to Shanghai in 2007 and Detroit to Beijing in 2009 would further promote the tourism, cultural exchanges, and, most importantly, the business growth and development that are key to our two nations' shared future. Indeed, Detroit is the "Motor City," the automotive high technology capitol of the world and China is the world's fastest growing economic power. The potential for economic cooperation between these complimentary economic engines is indeed staggering; and

Whereas, Michigan and the entire Midwest have a proud, historic connection with the people of China. As the United States Department of Transportation looks to base its decision on the new direct US-China flights on the maximization of public benefits, this relationship between peoples is a harbinger of the true potential these direct flights would have on mutual growth and development; now, therefore, be it

Resolved by the House of Representatives, That we hereby express our strong support for the application by Northwest Airlines to operate direct flights between Detroit and Shanghai and Beijing, China; and be it further

Resolved, That copies of this resolution be transmitted to the Secretary of the United States Department of Transportation.

The resolution was referred to the Committee on Transportation.

Reps. Opsommer, Ball, Booher, Hammel, Hansen, Horn, Pearce, Scott, Shaffer, Stahl and Tobocman offered the following concurrent resolution:

House Concurrent Resolution No. 42.

A concurrent resolution to memorialize Congress not to rely on the passport standards of the United Nation's International Civil Aviation Organization in the creation of any "dual-purpose driver's license initiative" in the United States, specifically as it would pertain to the incorporation of radio frequency identification chips into a state's driver's license.

Whereas, The International Civil Aviation Organization (ICAO), an agency of the United Nations with a mandate for setting international passport standards, has put forth guidelines in Document 9303. These guidelines call for the incorporation of radio frequency identification (RFID) "tags," or microchips, into passports that are capable of storing data and transmitting it in a wireless manner. The United States has followed these guidelines and is now embedding RFID chips that carry personal information such as name, nationality, sex, and date of birth into its new federal passports; and

Whereas, Security and privacy risks associated with RFID-enabled identification cards have been well documented by the Government Accountability Office (GAO), Department of Homeland Security Data Privacy and Integrity Advisory Committee, and other organizations. Threats such as skimming, eavesdropping, and tracking occur when an unauthorized individual with a RFID reader wirelessly gathers information from a RFID chip without the cardholder's knowledge or consent. While some technological countermeasures have been developed, new risks continue to be discovered due to the inherent nature of wireless technology, creating a cycle of necessary patches, upgrades, and fixes. Furthermore, computer experts in Britain, Germany, and the United States claim to have cloned and reproduced copies of their respective country's electronic passports in a simple and inexpensive manner, largely negating any advantages of RFID; and

Whereas, The time needed to incorporate such RFID chips into passports has also been partly responsible for the long delays citizens have been forced to endure waiting for new passports. The federal government should have reasonably foreseen this increase in demand since it was responsible for new federal legislation, such as the Western Hemisphere Travel Initiative (WHTI), that increased the need for citizens to apply for federal passports; and

Whereas, Since these new RFID rules, citizens of the United States have frequently been unable to get their passports in time for travel, despite applying several months in advance and paying additional fees to expedite the process. This has resulted in thousands of cases where travel has been cancelled or rescheduled, often at significant financial business loss and inconvenience to travelers. The high costs of passports and these delays have led the federal government to ask states to create so called "dual purpose driver's licenses;" a driver's license/passport hybrid that would negate the need for citizens to use a federal passport for travel within much of the Western Hemisphere. This places a burden on the states to solve a problem the federal government both created and has failed to properly administer, turning a state's driver's license into a federalized document; and

Whereas, Unlike a passport, a driver's license is commonly carried on a citizen's person in all places at all times, making the inclusion of embedded RFID particularly undesirable. The application of United Nation's standards into such internal identification documents should be pursued with caution, and the pursuit of a dual purpose license is needlessly complicated by relying on mandates for RFID. Such a decision can reasonably be expected to increase the wait times for licenses, as well as impacting decisions related to costs, administration, and branch locations. The dual purpose license pilot programs in Washington and Vermont call for RFID, eliminating them as an option for people who want to avoid RFID in their identification documents, and artificially accelerating the proliferation of inappropriate RFID technology into domestic documents; and

Whereas, These RFID chips bring little net value to passports or drivers licenses once a true cost benefit analysis has been completed that includes the cost of equipment, security issues, privacy risks, and identity theft. In particular, the choice of incorporating long-range RFID chips that can reliably broadcast between 20-30 feet, or more, is especially problematic. The trust of the American people, whose partnership will be necessary for any new border crossing initiative to be successful, must also be given prime consideration. To imply that no border crossing document can be made available or used without RFID when many other technology options exist violates that trust. A RFID mandate that gives no consideration to current machine readable technology, or even computer chips that are not wireless, is based on false assumptions that ignore the results of failed pilot programs, the recommendations of other governmental agencies, and needlessly jeopardizes the feasibility of both a competent federal passport system and an alternative state level, dual purpose driver's license; and

Whereas, The Congress must live up to its constitutional responsibility and ensure that citizens' security and privacy are protected by reexamining the RFID requirement in passports and eliminating the necessity of their incorporation into dual purpose driver's licenses. It must also fund and use all necessary resources to ensure that the federal passport system is robust and fully operational by opening additional locations, hiring more employees, and lowering the cost of passports so that it can continue to adequately provide passports in a timely manner; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That we memorialize Congress to create new rules that will allow States to create a dual purpose license that does not have to include wireless technology such as radio frequency identification chips, and further memorialize Congress to take the necessary steps to ensure a more affordable and fully functioning U.S. passport system; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

The concurrent resolution was referred to the Committee on Transportation.

Rep. Farrah moved that the House adjourn.

The motion prevailed, the time being 3:15 p.m.

Associate Speaker Pro Tempore Byrnes declared the House adjourned until Wednesday, September 5, at 1:30 p.m.

RICHARD J. BROWN
Clerk of the House of Representatives