

SENATE BILL NO. 291

February 10, 1999, Introduced by Senators BENNETT, SCHUETTE, MC MANUS, MC COTTER, SIKKEMA, MILLER, YOUNG, JAYE, LELAND, HART, MURPHY, SHUGARS and GOSCHKA and referred to the Committee on Government Operations.

A bill to amend 1954 PA 116, entitled
"Michigan election law,"
by amending sections 30a, 500f, 500g, 501a, 505, 509n, 509r, 509gg, 544c, 644k, 690, 862, 863, 954, and 972 (MCL 168.30a, 168.500f, 168.500g, 168.501a, 168.505, 168.509n, 168.509r, 168.509gg, 168.544c, 168.644k, 168.690, 168.862, 168.863, 168.954, and 168.972), section 501a as amended by 1995 PA 87, sections 509n, 509r, and 509gg as added by 1994 PA 441, section 544c as amended by 1993 PA 137, and section 972 as amended by 1989 PA 26.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 30a. (1) A 4-member board of canvassers is established
2 in every city and township having more than 5 precincts,
3 notwithstanding any statutory or charter provision, or any other
4 rule or law to the contrary. All of the powers granted to and

1 duties required by law to be performed by city and township
2 boards of canvassers are granted to and required to be performed
3 by the boards of city and township canvassers in cities and town-
4 ships having more than 5 precincts. ~~School district elections~~
5 ~~in cities of over 5 precincts which are held in conjunction with~~
6 ~~the city elections shall be canvassed by the city board of~~
7 ~~canvassers.~~ Members of the board OF CANVASSERS shall be
8 appointed for terms of 4 years beginning January 1 next following
9 their appointment. ~~Of the members first appointed, 1 member of~~
10 ~~each of the political parties represented on the canvassing board~~
11 ~~shall be appointed for a term ending December 31, 1967, and 1 for~~
12 ~~a term ending December 31, 1965.~~ Members of the board OF
13 CANVASSERS shall be notified of their appointment within 5 days
14 ~~thereafter~~ AFTER APPOINTMENT by their city or township clerk.

15 (2) The city council or the township board of any city or
16 township having more than 5 precincts may contract with the board
17 of supervisors of the county in which all or the greater portion
18 of the city or township's population resides to provide that the
19 board of county canvassers of that county shall perform all the
20 functions of the board of city or township canvassers. Financial
21 arrangements of such a contract may provide that the city or
22 township shall bear all or part of cost of such work.

23 Sec. 500f. The clerk of a township shall transmit to the
24 village clerk of a village, the whole or part of which lies in
25 the township, information necessary to complete the village reg-
26 istration of a person registered under sections 500a to 500j.
27 ~~The clerk of a city or township shall transmit to the secretary~~

~~1 of a school district, where applicable, the information on the~~
~~2 application of a person residing within the school district and~~
~~3 registered under sections 500a to 500j.~~

4 Sec. 500g. A registration card prepared under sections 500a
5 to 500j shall be sworn to and signed by the voter at the first
6 election during which the voter appears at the polls, or may be
7 signed in the ~~office of the secretary of the school district or~~
8 ~~in the~~ clerk's office. The application shall be retained by the
9 city or township clerk for signature purposes until the registra-
10 tion card is signed, except that the application shall be sent to
11 the appropriate precinct for each election until the registration
12 card is signed. The secretary of state may provide an applica-
13 tion form ~~which~~ THAT allows a completed affidavit to be
14 attached to a registration card prepared by a local clerk. The
15 registrant shall not be required to sign a registration card if
16 the completed affidavit is attached.

17 Sec. 501a. The BOARD OF election ~~commission~~ COMMISSIONERS
18 of a city, village, or township may authorize the clerk of the
19 city, village, or township to create a registration list. The
20 registration list shall be alphabetically arranged and shall con-
21 tain the name of each registered elector in a precinct. The name
22 shall be followed by the address and date of birth of the
23 elector. The BOARD OF election ~~commission~~ COMMISSIONERS may
24 also provide that the registration list may be used instead of
25 the precinct registration file when this act provides for the use
26 of a precinct registration file. ~~A school district or an~~
27 ~~intermediate school district may also use a registration list~~

1 ~~instead of the precinct registration file when a precinct~~
2 ~~registration file is required.~~ A city, village, or township
3 shall maintain a file containing the signature of each elector
4 registered in the city, village, or township.

5 Sec. 505. (1) At the time an elector is applying for regis-
6 tration, the registration officer shall ascertain if the elector
7 is already registered as a voter. If the elector is previously
8 registered, the elector shall at the time of applying for regis-
9 tration sign an authorization to cancel any previous
10 registration. The secretary of state shall prescribe forms for
11 this purpose. The form may be a part of the application or a
12 separate form. The clerk of the city or township in which the
13 elector is newly registered shall notify the registration officer
14 of the place of previous registration of the authorization to
15 cancel.

16 (2) An authorization to cancel ~~which~~ THAT indicates a pre-
17 vious address in a state other than this state shall be forwarded
18 to the secretary of state of that state. Notice may be made by
19 forwarding the separate cancellation form, by forwarding the por-
20 tion of an application listing a previous place of registration
21 or by forwarding a list certified by the clerk containing the
22 names of people authorizing cancellation.

23 (3) Notices of cancellation shall contain the name, birth
24 date, and address at which the elector was previously registered,
25 and the name of the city or township of previous registration of
26 all persons authorizing cancellations. Notices shall be sent

1 within 30 days after receipt, but not later than 5 days after the
2 close of registration.

3 (4) Upon receipt of the notice, the clerk shall cancel the
4 registration of the persons listed on the notice. The clerk
5 shall also notify the registration officer of each village ~~and~~
6 ~~school district~~ in which the person resides of receipt of an
7 authorization to cancel. An authorization to cancel a voter reg-
8 istration signed by the voter and received from another state or
9 a notice from an election official of another state that an elec-
10 tor has registered in that state shall have the same force and
11 effect as the notice of authorization to cancel of this state.

12 Sec. 509n. The secretary of state is responsible for the
13 coordination of the requirements imposed under this chapter and
14 the national voter registration act of 1993. The secretary of
15 state shall do all of the following:

16 (a) Develop a mail registration form and make the form
17 available for distribution through governmental and private enti-
18 ties, with special emphasis on making the form available to voter
19 registration programs established for the purpose of registering
20 citizens of this state to vote.

21 (b) Instruct designated voter registration agencies, ~~+~~ AND
22 county, city, township, and village clerks ~~;~~ ~~and school~~
23 ~~officials~~ regarding the voter registration procedures and
24 requirements imposed by law.

25 Sec. 509r. (1) The secretary of state shall establish and
26 maintain the computer system and programs necessary to the
27 operation of the qualified voter file. The secretary of state

1 shall allow each county, city, township, or village access to the
2 qualified voter file. The county, city, township, and village
3 clerks shall verify the accuracy of the names and addresses of
4 registered voters in the qualified voter file.

5 (2) Subject to subsection (3), the secretary of state and
6 county, city, township, and village clerks shall compile the
7 qualified voter file that consists of all qualified electors from
8 the following sources and in the following priority:

9 (a) A driver's license or, if there is no driver's license,
10 a state personal identification card, including renewals and
11 changes of address with the department of state.

12 (b) An application for benefits or services, including
13 renewals and changes of address, taken by a designated voter reg-
14 istration agency.

15 (c) An application to register to vote taken by a county,
16 city, township, or village clerk. ~~or secretary of a school~~
17 ~~board.~~

18 (3) A person whose name does not otherwise appear in the
19 qualified voter file shall be placed in the qualified voter file
20 only if the person signs under penalty of perjury an application
21 that contains an attestation that the applicant meets all of the
22 following requirements:

23 (a) Is 17-1/2 years of age or older.

24 (b) Is a citizen of the United States and this state.

25 (c) Is a resident of the city or township where the person's
26 street address is located.

1 (4) A designated voter registration agency or a county,
2 city, township, or village clerk shall not add to, delete from,
3 or change any information contained in the qualified voter file
4 during the period beginning on the seventh day before an election
5 and ending on the day of the election.

6 Sec. 509gg. The information described in this section that
7 is contained in a registration record is exempt from the freedom
8 of information act, ~~Act No. 442 of the Public Acts of 1976,~~
9 ~~being sections 15.231 to 15.246 of the Michigan Compiled Laws~~
10 1976 PA 442, MCL 15.231 TO 15.246. The secretary of state, a
11 designated voter registration agency ~~—~~ OR a county, city, town-
12 ship, or village clerk ~~—, or the secretary of a school board~~
13 shall not release a copy of that portion of a registration record
14 that contains any of the following:

15 (a) The record that a person declined to register to vote.

16 (b) The office that received a registered voter's
17 application.

18 (c) A registered voter's driver license or state personal
19 identification card number.

20 (d) The month and day of birth of a registered voter.

21 (e) The telephone number provided by the registered voter.

22 Sec. 544c. (1) A nominating petition shall be 8-1/2 inches
23 by 14 inches in size. On a nominating petition, the words
24 "nominating petition" shall be printed in 24-point boldface
25 type. "We, the undersigned," et cetera shall be printed in
26 8-point type. "Warning" and language in the warning shall be
27 printed in 12-point boldface type. The balance of the petition

1 shall be printed in 8-point type. The name, address, and party
 2 affiliation of the candidate and the office for which petitions
 3 are signed shall be printed in type not larger than 24-point.

4 The petition shall be in the following form:

5 NOMINATING PETITION

6 (PARTISAN)

7 We, the undersigned, registered and qualified voters of the
 8 city or township (STRIKE 1) of, THE SCHOOL DISTRICT
 9 OF, in the county of

10 ~~-(strike 1)-~~

11 and state of Michigan, nominate,

12 ,

13 (Name of Candidate)

14 ,

15 (Street Address or Rural Route) (Post Office)

16 as a candidate of the party for the office of

17 , ,

18 (District, if any)

19 to be voted for at the primary election to be held on the

20 day of , 19... .

21 WARNING

22 A person who knowingly signs more petitions for the same
 23 office than there are persons to be elected to the office or

1 signs a name other than his or her own is violating the
 2 provisions of the Michigan election law.

3 _____

4 Printed Street Address

5 Name and or Post Office Date of Signing

6 Signature Rural Route Mo. Day Year

7 _____

8 1. _____

9 2. _____

10 3. _____

11 4. _____

12 numbered lines as above

13 CERTIFICATE OF CIRCULATOR

14 The undersigned circulator of the above petition asserts
 15 that he or she is qualified to circulate this petition and that
 16 each signature on the petition was signed in his or her presence;
 17 and that, to his or her best knowledge and belief, each signature
 18 is the genuine signature of the person purporting to sign the
 19 petition, the person signing the petition was at the time of
 20 signing a qualified registered elector of the city or township
 21 listed in the heading of the petition, and the elector was quali-
 22 fied to sign the petition.

1 Circulator--Do not sign or date certificate until after cir-
2 culating petition.

3 _____
4 (Printed Name and Signature of Circulator) (Date)

5 _____
6 (City or Township Where Registered)

7 _____
8 Complete Address (Street and Number or Rural Route)

9 _____
10 (Post Office)

11 Warning-A circulator WHO knowingly ~~making~~ MAKES a false
12 statement in the above certificate, a person not a circulator who
13 signs as ~~a~~ THE circulator, or a person who signs a name other
14 than his or her own as circulator is guilty of a misdemeanor.

15 (2) The petition shall be in a form providing a space for
16 the circulator and each elector who signs the petition to print
17 his or her name. The secretary of state shall prescribe the
18 location of the space for the printed name. The failure of the
19 circulator or an elector who signs the petition to print his or
20 her name or to print his or her name in the location prescribed
21 by the secretary of state does not affect the validity of the
22 signature of the circulator or the elector who signs the
23 petition. A printed name located in the space prescribed for

1 printed names does not constitute the signature of the circulator
2 or elector.

3 (3) At the time of circulation, the circulator of a petition
4 shall be a registered elector of this state. At the time of exe-
5 cuting the certificate of circulator, the circulator shall be
6 registered in the city or township indicated in the certificate
7 of circulator on the petition.

8 (4) The circulator of a petition shall sign and date the
9 certificate of circulator before the petition is filed. A circu-
10 lator shall not obtain electors' signatures after the circulator
11 has signed and dated the certificate of circulator. A filing
12 official shall not count electors' signatures that were obtained
13 after the date the circulator signed the certificate or that are
14 contained in a petition that the circulator did not sign and
15 date.

16 (5) Except as provided in section 544d, a petition sheet
17 shall not be circulated in more than 1 city or township and each
18 signer of a petition sheet shall be a registered elector of the
19 city or township indicated in the heading of the petition sheet.
20 The invalidity of 1 or more signatures on a petition does not
21 affect the validity of the remainder of the signatures on the
22 petition.

23 (6) A person shall not sign more nominating petitions for
24 the same office than there are persons to be elected to the
25 office. A PERSON WHO VIOLATES THIS SUBSECTION IS GUILTY OF A
26 MISDEMEANOR.

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

3 (8) A person who knowingly makes a false statement in a cer-
4 tificate on a petition, a person not a circulator who signs as a
5 circulator, or a person who signs a name as circulator other than
6 his or her own is guilty of a misdemeanor.

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

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

12 Sec. 644k. (1) If all or portion of a ~~school district or~~
13 ~~a~~ community college district is wholly or partly within a city
14 or more than 1 city that elects city officers at the odd year
15 general election, the ~~school district or~~ community college dis-
16 trict ~~, except a first class school district,~~ may hold its
17 election biennially at the odd year general election if existing
18 law requires ~~or an agreement pursuant to section 533 of Act~~
19 ~~No. 269 of the Public Acts of 1955, as amended, being section~~
20 ~~340.533 of the Michigan Compiled Laws, authorizes~~ each city to
21 conduct the ~~school or~~ community college election at the same
22 time as and in conjunction with the city election.

23 (2) The board of ~~education of a school district or the~~
24 ~~board of~~ trustees of a community college district may determine
25 by resolution whether the district shall hold its election as
26 provided in this section. The resolution shall be adopted
27 ~~before May 1, 1971, if it is to be applicable to the 1971 odd~~

1 ~~year general election, otherwise it shall be adopted~~ not less
2 than 6 months preceding the date of any regularly scheduled
3 ~~school or~~ community college district election. In its resolu-
4 tion the board shall provide that the term of office of members
5 of the ~~school district or~~ community college district board
6 shall be for an even number of years and shall provide for an
7 election schedule ~~which~~ THAT implements the change. A term may
8 be extended for not more than 1 year for this purpose. The board
9 may change the filing date of nominating petitions for board of
10 education candidates to conform with the filing dates of a city
11 election that is held in conjunction with the school board
12 election. ~~In the case of school elections held in accordance~~
13 ~~with this section, the last date for nomination shall not be more~~
14 ~~than 49 days before the scheduled school election.~~ The board may
15 provide that all members shall not be elected at the same
16 election. Incumbents' terms shall be ~~in accordance with~~
17 PURSUANT TO section 644g(1). The date for taking office shall be
18 as prescribed in section 644h.

19 (3) This section shall not be ~~deemed~~ CONSIDERED to change
20 the prior provisions of law regarding petitions, nominations, or
21 the conduct of ~~school district and~~ community college district
22 elections other than to allow a change in the date of the regular
23 district election and changes in the date for taking office and
24 the terms of office related to the change in election date.

25 Sec. 690. The APPROPRIATE township, city, or village board
26 of election commissioners, ~~as the case may be,~~ shall cause the
27 ballots required for any regular or special township, village,

1 ~~or~~ city, OR SCHOOL election, or official primary election for
 2 the nomination of candidates for township, village, city, SCHOOL,
 3 or ward offices, to be printed and delivered to the APPROPRIATE
 4 township, village, or city clerk ~~, as the case may be,~~ at least
 5 10 days before ~~any such~~ THE election. ~~, and like~~ SIMILAR
 6 duties ~~as are hereinbefore enjoined~~ IMPOSED upon county boards
 7 of election commissioners and upon county, township, and city
 8 clerks relative to the printing, counting, packaging, sealing,
 9 and delivery of official ballots, are ~~hereby enjoined~~ ALSO
 10 IMPOSED upon the several township and municipal boards of elec-
 11 tion commissioners and ~~upon~~ the several township, village, or
 12 city clerks relative to the printing, counting, packaging,
 13 sealing, and delivery of official ballots for use in each pre-
 14 cinct of ~~such~~ THE township, village, or city at any ~~such~~
 15 municipal, ~~or~~ township, OR SCHOOL election.

16 Sec. 862. A candidate for any office AT AN ELECTION,
 17 including a candidate at ~~all~~ A school ~~elections except an~~
 18 ~~election for board members in a primary school district, at any~~
 19 ~~primary or election, conceiving himself~~ ELECTION, WHO BELIEVES
 20 HE OR SHE IS aggrieved on account of fraud or mistake in the can-
 21 vass of the votes by the inspectors of election, or in the
 22 returns made ~~thereon~~ ON THE ELECTION by the BOARD OF ELECTION
 23 inspectors, may petition for a recount of the votes cast for that
 24 office in any precinct or precincts as provided in this chapter.

25 Sec. 863. A qualified and registered elector voting in a
 26 city, township, ~~school district other than a primary school~~
 27 ~~district at an election for board members,~~ or village at the

1 last preceding election who believes there has been fraud or
 2 error committed by the inspectors of election in its canvass or
 3 returns of the votes cast at the election, upon a proposed amend-
 4 ment to the charter of the city or village or any other proposi-
 5 tion submitted to the voters of the county, city, township,
 6 school district, or village, may petition for a recount of the
 7 votes cast in any precinct or precincts of that county, city,
 8 township, school district, or village, upon that proposed amend-
 9 ment or other proposition as provided in this chapter.

10 Sec. 954. ~~The~~ RECALL petitions shall be signed by regis-
 11 tered and qualified electors of the electoral district of the
 12 official whose recall is sought. ~~In a school district where~~
 13 ~~school electors are not required to be registered, the signers of~~
 14 ~~the petition shall not be required to be registered electors and~~
 15 ~~the term "registered and qualified electors" shall mean~~
 16 ~~"qualified electors".~~ Each signer of ~~the~~ A RECALL petition
 17 shall affix his OR HER signature, address, and the date of
 18 signing. ~~The persons signing the~~ A PERSON WHO SIGNS A RECALL
 19 petition shall be A registered and qualified ~~electors~~ ELECTOR
 20 of the governmental subdivision designated in the heading of the
 21 petition.

22 Sec. 972. (1) Except as provided in subsection (2), a can-
 23 didate for a nonpartisan office shall be nominated and voted for
 24 in an election scheduled pursuant to section 971 by filing a nom-
 25 inating petition not later than 4 p.m. on the fifteenth day
 26 after the election is called. The nominating petition shall be
 27 filed with the clerk or secretary of the electoral district and

1 signed by not less than 3% of the registered and qualified
2 electors of the electoral district. However, a nominating peti-
3 tion for the office of district library board member shall be
4 signed by not less than 3% of the number of persons voting in the
5 district library district at the last election at which district
6 library board members were elected and filed with the clerk of
7 the largest county or, if a school district is a participating
8 municipality, with the secretary of the largest participating
9 school district. For the purposes of this subsection, the term
10 "largest" ~~has the meaning ascribed to it~~ MEANS THAT TERM AS
11 DEFINED in section 2 of the district library establishment act,
12 1989 PA 24, MCL 397.172.

13 (2) This subsection applies to an election to fill a vacancy
14 for an unexpired term created by a recall of a SCHOOL BOARD
15 member, ~~of a board of education of a school district,~~ if the
16 election is scheduled to be held on the same date as ~~an annual~~
17 ~~school election or~~ a general election. A petition filed by a
18 candidate shall be signed by a number of registered and qualified
19 electors of the school district equal to not less than 1% of the
20 total number of votes received by the candidate for SCHOOL BOARD
21 member ~~of the board of education~~ who received the greatest
22 number of votes at the last election at which members of the
23 SCHOOL board ~~of education~~ were elected, but the number shall
24 not be less than 20. The petition shall clearly state that it
25 relates to the filling of a vacancy for an unexpired term and
26 shall be filed with the ~~secretary of the board or in the office~~
27 ~~of the board of education~~ FILING OFFICIAL WHO RECEIVES

1 NOMINATING PETITIONS UNDER SECTION 302 not later than 4 p.m. on
2 the fifteenth day after the election is called.

3 Enacting section 1. This amendatory act takes effect
4 January 1, 2002.

5 Enacting section 2. This amendatory act does not take
6 effect unless Senate Bill No. 292

7 of the 90th Legislature
8 is enacted into law.