

House Bill 4867

Sponsor: Rep. Mary D. Waters

Committee: Redistricting and Elections

Complete to 6-13-01

A SUMMARY OF HOUSE BILL 4867 AS INTRODUCED 6-5-01

The bill would amend the Michigan Election Law in a number of ways. The following is a brief description of the bill's provisions.

- Beginning March 30, 2002, each precinct in the state would be required to use a uniform voting system. If the board of state canvassers had approved a particular model of the uniform voting system, a county, city, or township could use that model.

- A bipartisan uniform voting system task force would be created to select a uniform voting system for the state by December 31, 2001. The voting system selected would have to be one approved by the board of state canvassers. The task force would have 17 members, including two Republican and two Democratic state senators; two Republican and two Democratic state representatives; the director of the Bureau of Elections (or a designee) and one other representative from the secretary of state's office; two representatives of the county clerks' association, one from an urban area and one from a rural area; two representatives of the municipal clerks' association, one from an urban area and one from a rural area; and three members of the general public selected by the secretary of state from a list of names submitted by interested persons, two to represent urban areas and one to represent a rural area. The task force would be required to conduct public hearings to take testimony from clerks, voters, and other concerned citizens; to review information on voting systems from the secretary of state, system vendors, the board of state canvassers, and other interested persons; and to report on the selection to the legislature by January 31, 2002.

- Local units would be allowed to participate in "early voting" beginning January 1, 2002. That term would be defined to mean the period of time from one week before a primary, general, or special election through the day before the election when a voter could vote in person at a polling place designated by the clerk holding the election. The secretary of state would have to approve a plan for early voting submitted by a local jurisdiction if it met the secretary of state's guidelines. Those guidelines would have to include that the plan from the local jurisdiction contain a commitment from the local legislative body to conduct early voting; that early voting would be planned and implemented to reduce delays and congestion at the polls on election day; and that the polling places selected be convenient for voters. Polling places could include community centers, shopping malls, or other locations open to the public. Polls would open and close at the times designated by the clerk. Jurisdictions conducting early voting would have to comply with provisions of the election law regarding the selection of polling places; election inspectors; challenges; poll books and lists; notices, instructions, and placards; the security of voting machines or other voting systems; and ballot security, ballot containers, ballot counting,

and ballot preservation. The secretary of state would be required to cooperate with a jurisdiction conducting early voting and provide technical assistance on request.

- The bill would allow eligible persons to register to vote on election day at the appropriate precinct, and the clerk or an assistant clerk of a city, township, or village would have to be present at the polls on election day to receive applications for registration. The elector would have to execute in duplicate a registration sworn statement and swear to and sign the sworn statement in the presence of the clerk or the assistant clerk. The clerk or assistant clerk would require the applicant for registration to answer under oath a question concerning the elector's qualifications as an elector. The clerk or assistant could administer oaths and swear persons as to the truth of the statements contained in registration sworn statements. The clerk could employ and swear an interpreter to interpret all questions put to an applicant and the answer to those questions. Making a material statement that was false in answer to a question or in the sworn statement would be a misdemeanor. If the applicant was entitled to registration, the clerk or assistant clerk would have to personally sign the registration card and note on it the acceptance of the registration. If the registration was refused, the clerk or assistant would destroy the card. Cards validated under the bill's provisions would be designated as prescribed by the secretary of state. A clerk or assistant would be prohibited from accepting a fee from an elector applying for registration, either for the registering of the elector or for the taking of the acknowledgment on the sworn statement. A clerk or assistant who took a fee would be guilty of a misdemeanor. Immediately after approving an application for registration, the clerk or assistant would have to prepare a registration card or an insert to a registration list in a form prescribed by the secretary of state. The card or insert would be transferred to the board of election inspectors at the polling place in order for the newly registered elector to apply to vote. The clerk would have to prepare and send a voter identification card to the newly registered elector as soon as practical after the election.

- The bill would permit open absentee voting; that is, the only qualification for voting by absentee ballot would be that the voter wished to vote without attending the polls on the day of the election. The current requirements that must be met would be eliminated.

- An election inspector or other individual in the polling place or within 100 feet from an entrance to the building in which a polling place was located could not ask a voter if the voter owed back child support; had an outstanding warrant for his or her arrest; or had been convicted of a felony.

- The bill would specify that when a voter was challenged (by an election inspector or other qualified challenger), the election inspector would have to notify the voter of the rights of challengers under Section 729 of the act, which allows a challenged voter to vote if his or her sworn answers to questions show him or her to be a qualified elector. The bill also would require that printed instructions informing challenged voters of their rights would have to be printed in large type and conspicuously displayed in each polling place.

- If the board of election commissioner determined that the number of non-English-speaking electors in a precinct indicated the need for an interpreter, the board could appoint an individual who was fluent in that non-English language to assist electors. An interpreter could only provide the same type of assistance that an election inspector can provide to an English-speaking elector. An individual appointed as an interpreter would have to have the qualifications

of an election inspector, except for the requirement of a political party affiliation; would have to have verbal and written fluency in English and a non-English language; would have to sign a sworn statement that he or she would interpret and translate literally and without paraphrasing; and could not attempt to influence a vote for or against a candidate or ballot question. An interpreter would receive compensation to be determined by the local unit of government.

- The secretary of state would be required to develop and implement, in cooperation with local clerks, voter education seminars; mailings to voters providing instruction in the use of voting equipment and on other pertinent issues; and a toll-free telephone line to answer pre-election questions.

- The curriculum for training county, city, township, village, and school election officials and election inspectors would have to include training regarding standards of appropriate conduct. The training of clerks involved in the training of election inspectors would have to include standards of appropriate conduct, including civility and interpersonal relations.

- The secretary of state would be specifically required to maintain, in cooperation with county, city, township, and village clerks, the accuracy of the qualified voter file. The secretary of state would have to provide qualified voter file information to a local clerk at least one week before an election to permit the clerk adequate time to review the information and update registration records.

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Analyst: C. Couch

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.