

HOUSE BILL No. 4445

March 8, 2001, Introduced by Reps. Whitmer, Kolb, Jacobs, McConico, Rich Brown, Clarke, Mans, Spade, Woodward, Murphy, Williams, Bovin, Bogardus, Phillips, Neumann, Daniels, Adamini, Rivet, Garza, Gielegem, Schauer, Dennis, Waters, Zelenko and Thomas and referred to the Committee on Redistricting and Elections.

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 491, 497, and 497a (MCL 168.491, 168.497, and 168.497a), sections 491 and 497 as amended by 1989 PA 142 and section 497a as amended by 1986 PA 220, and by adding section 499e.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

HOUSE BILL No. 4445
1 Sec. 491. The BOARD OF ELECTION inspectors ~~of election~~ at
2 an election ~~or primary election~~ in this state, or in a dis-
3 trict, county, township, city, or village in this state, shall
4 not receive the vote of a person whose name is not registered in
5 the registration book or listed on the computer voter
6 registration precinct list of the township, ward, or precinct in
7 which he or she offers to vote unless the person has met the

1 requirements of section 507b OR HAS REGISTERED TO VOTE AT THE
2 POLLING PLACE ON THE DAY OF THE ELECTION AS PROVIDED IN SECTION
3 499E.

4 Sec. 497. (1) A person who is not registered TO VOTE but
5 ~~possesses~~ MEETS the qualifications of an elector as ~~set forth~~
6 PROVIDED in section 492 ~~,~~ may apply for registration to the
7 clerk of the county, township, city, or village in which he or
8 she resides on a day other than Saturday, Sunday, OR a legal
9 holiday. ~~, or the day of a regular, primary, school, or special~~
10 ~~election.~~ Registrations accepted between the thirtieth day
11 ~~preceding~~ BEFORE an election and the day ~~of~~ BEFORE the elec-
12 tion, unless the thirtieth day falls on a Saturday, Sunday, or
13 legal holiday, in which event registration shall be accepted
14 during the following day, are not valid for the election but are
15 valid for A subsequent regular, primary, school, or special
16 ~~elections that are~~ ELECTION THAT IS held ~~so that not less~~
17 MORE than 30 days ~~intervene between~~ AFTER the date the person
18 registered. ~~and the date of the election.~~ A PERSON WHO IS NOT
19 REGISTERED TO VOTE BUT MEETS THE QUALIFICATIONS OF AN ELECTOR AS
20 PROVIDED IN SECTION 492 MAY APPLY FOR REGISTRATION TO THE CLERK
21 OF THE TOWNSHIP, CITY, OR VILLAGE, OR AUTHORIZED ASSISTANT TO THE
22 CLERK AT THE POLLING PLACE ON THE DAY OF AN ELECTION AS PROVIDED
23 IN SECTION 499E. A REGISTRATION ACCEPTED AT THE POLLING PLACE ON
24 THE DAY OF AN ELECTION IS VALID FOR THAT ELECTION AND ALL SUBSE-
25 QUENT ELECTIONS.

26 (2) Except as otherwise provided in THIS SECTION AND
27 sections ~~499a to 499c~~ 499E, 500a to 500j, and 504, an

1 application for registration shall not be executed at a place
2 other than the office of the county, township, city, or village
3 clerk or a public place or places designated by the clerk ~~or~~
4 ~~deputy registrar~~ for receiving registrations. ~~, but the~~
5 HOWEVER, A clerk or ~~deputy registrar~~ ASSISTANT CLERK may
6 receive an application wherever he or she may be. If a county,
7 township, city, or village clerk does not regularly keep his or
8 her office open daily during certain hours, the clerk ~~shall~~ IS
9 not ~~be~~ required to be at his or her office for the purpose of
10 receiving applications for registration on a particular day nor
11 during specific hours of a day, except as provided in section
12 498. Registrations taken after the time of closing registrations
13 before an election need not be processed until the date immedi-
14 ately following that election. A registration shall not be
15 placed in a precinct registration file until the date immediately
16 following that election. If a person registers at a time that
17 registrations are closed for an election, the person shall be
18 given a notice, signed by the clerk, on a form developed by the
19 secretary of state, informing him or her that, UNLESS THE PERSON
20 REGISTERS AT THE POLLING PLACE ON THE DAY OF THE ELECTION, he or
21 she is not eligible to vote in the election and indicating the
22 first date on which he or she is eligible to vote. Except as
23 provided in sections 500a to 500j, the provisions of this section
24 relating to registration shall apply.

25 Sec. 497a. The 30-day limitation contained in section 497
26 ~~shall~~ DOES not apply to a second school millage election
27 allowable under section 36(3) of the general property tax act,

1 ~~Act No. 206 of the Public Acts of 1893, as amended, being~~
2 ~~section 211.36 of the Michigan Compiled Laws, or to a first~~
3 ~~school millage election held under section 36(2) during calendar~~
4 ~~year 1986 if a school district's operating revenue is less than~~
5 ~~the total operating revenue for the previous school year 1893 PA~~
6 ~~206, MCL 211.36. For those elections, a registration taken on~~
7 ~~the days intervening~~ ACCEPTED between the tenth day ~~preceding~~
8 BEFORE the election and the day ~~of~~ BEFORE the election ~~shall~~
9 IS not ~~be~~ valid for that election but ~~shall be~~ IS valid for a
10 subsequent regular, primary, or special election of the
11 district. A PERSON MAY REGISTER AT THE POLLING PLACE ON THE DAY
12 OF THE ELECTION AS PROVIDED IN SECTION 499E.

13 SEC. 499E. (1) THE CLERK OF A CITY, TOWNSHIP, OR VILLAGE
14 SHALL BE PRESENT OR HAVE AN ASSISTANT CLERK BE PRESENT AT A POLL-
15 ING PLACE AT ALL TIMES THE POLLING PLACE IS OPEN ON THE DAY OF AN
16 ELECTION HELD UNDER THIS ACT. THE CLERK OR ASSISTANT CLERK SHALL
17 RECEIVE APPLICATIONS FOR REGISTRATION AS PROVIDED IN THIS
18 SECTION.

19 (2) IN ADDITION TO ALL OTHER RIGHTS TO REGISTRATION UNDER
20 THIS CHAPTER, AN ELECTOR ENTITLED TO REGISTRATION IN AN ELECTION
21 PRECINCT MAY BECOME REGISTERED IN THE PRECINCT BY APPLYING IN
22 PERSON TO A CLERK OR ASSISTANT CLERK AT THE POLLING PLACE ON THE
23 DAY OF AN ELECTION. THE ELECTOR SHALL EXECUTE IN DUPLICATE A
24 REGISTRATION SWORN STATEMENT AND SWEAR TO AND SIGN THE SWORN
25 STATEMENT IN THE PRESENCE OF THE CLERK OR ASSISTANT CLERK.

26 (3) THE CLERK OR ASSISTANT CLERK SHALL REQUIRE THE APPLICANT
27 FOR REGISTRATION TO ANSWER UNDER OATH A QUESTION CONCERNING THE

1 ELECTOR'S QUALIFICATION AS AN ELECTOR. THE CLERK OR ASSISTANT
2 CLERK MAY ADMINISTER OATHS AND SWEAR PERSONS AS TO THE TRUTH OF
3 STATEMENTS CONTAINED IN REGISTRATION SWORN STATEMENTS. THE CLERK
4 MAY EMPLOY AND SWEAR AN INTERPRETER TO INTERPRET ALL QUESTIONS
5 PUT TO AN APPLICANT AND THE ANSWERS TO THOSE QUESTIONS. IF THE
6 APPLICANT, IN ANSWER TO A QUESTION OR IN THE REGISTRATION SWORN
7 STATEMENT, MAKES A MATERIAL STATEMENT THAT IS FALSE, THE APPLI-
8 CANT IS GUILTY OF A MISDEMEANOR.

9 (4) IF THE APPLICANT IS ENTITLED TO REGISTRATION, THE CLERK
10 OR ASSISTANT CLERK SHALL PERSONALLY SIGN AND NOTE ON THE CARD THE
11 ACCEPTANCE OF THE REGISTRATION. IF THE REGISTRATION IS REFUSED,
12 THE CLERK OR ASSISTANT CLERK SHALL DESTROY THE CARD OF THE
13 APPLICANT. CARDS VALIDATED BY THIS SECTION SHALL BE DESIGNATED
14 AS PRESCRIBED BY THE SECRETARY OF STATE. THE CLERK OR ASSISTANT
15 CLERK SHALL NOT ACCEPT A FEE FROM AN ELECTOR APPLYING FOR REGIS-
16 TRATION, EITHER FOR THE REGISTERING OF THE ELECTOR OR FOR THE
17 TAKING OF THE ACKNOWLEDGMENT ON THE SWORN STATEMENT. A CLERK OR
18 ASSISTANT CLERK WHO ACCEPTS A FEE IS GUILTY OF A MISDEMEANOR.

19 (5) IMMEDIATELY AFTER APPROVING AN APPLICATION FOR REGISTRA-
20 TION UNDER SUBSECTION (4), THE CLERK OR ASSISTANT CLERK SHALL
21 PREPARE A REGISTRATION CARD OR AN INSERT TO A REGISTRATION LIST
22 IN A FORM PRESCRIBED BY THE SECRETARY OF STATE. THE CLERK OR
23 ASSISTANT CLERK SHALL HAVE THE REGISTRATION CARD OR INSERT TO A
24 REGISTRATION LIST TRANSFERRED TO THE BOARD OF ELECTION INSPECTORS
25 AT THE POLLING PLACE IN ORDER FOR THE NEWLY REGISTERED ELECTOR TO
26 APPLY TO VOTE AS PROVIDED IN SECTION 523.

1 (6) THE CLERK SHALL PREPARE AND SEND A VOTER IDENTIFICATION
2 CARD IN THE MANNER PRESCRIBED FOR CORRECTED VOTER IDENTIFICATION
3 CARDS IN SECTION 499(3) AS SOON AS PRACTICAL AFTER THE ELECTION.