

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 513

(As amended, June 30, 2005)

<<A bill to amend 1954 PA 116, entitled
"Michigan election law,"
by amending sections 31, 301, 302, 312, 370, 381, 476, 498, 500b, 501,
507, 509m, 509q, 509gg, 523, 552, 641, 642a, 653a, 699, 761, 766, 767,
792a, 961, 961a, and 963 (MCL 168.31, 168.301, 168.302, 168.312, 168.370,
168.381, 168.476, 168.498, 168.500b, 168.501, 168.507, 168.509m,
168.509q, 168.509gg, 168.523, 168.552, 168.641, 168.642a, 168.653a,
168.699, 168.761, 168.766, 168.767, 168.792a, 168.961, 168.961a, and
168.963), sections 31 and 961a as amended by 1999 PA 220, section 301 as
amended by 2004 PA 286, sections 302 and 312 as added and sections 370,
509gg, and 963 as amended by 2003 PA 302, section 381 as amended by 2004
PA 290, sections 476 and 961 as amended by 1999 PA 219, section 498 as
amended by 1984 PA 89, sections 500b and 507 as amended by 1989 PA 142,

section 509m as amended by 2004 PA 92, section 509q as added by 1994 PA 441, sections 523 and 792a as amended by 1996 PA 583, section 552 as amended by 2003 PA 188, section 641 as amended by 2003 PA 298, section 642a as amended by 2004 PA 294, section 653a as added by 1982 PA 2, section 699 as amended by 2004 PA 297, and section 761 as amended by 1996 PA 207, and by adding sections 302a and 509hh; and to repeal acts and parts of acts.>>

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

<<Sec. 31. (1) The secretary of state shall do all of the following:

(a) Subject to subsection (2), issue instructions and promulgate rules pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, for the conduct of elections and registrations in accordance with the laws of this state.

(b) Advise and direct local election officials as to the proper methods of conducting elections.

(c) Publish and furnish for the use in each election precinct before each state primary and election a manual of instructions that includes specific instructions on assisting voters in casting their ballots, directions on the location of voting stations in polling places, procedures and forms for processing challenges, and procedures on prohibiting campaigning in the polling places as prescribed in this act.

(d) Publish indexed pamphlet copies of the registration, primary, and election laws and furnish to the various county, city, township, and village clerks a sufficient number of copies for their own use and to enable them to include 1 copy with the election supplies furnished each precinct board of election inspectors under their respective jurisdictions. The secretary of state may furnish single copies of the publications to organizations or individuals who request the same for purposes of instruction or public reference.

(e) Prescribe and require uniform forms, notices, and supplies the secretary of state considers advisable for use in the conduct of elections and registrations.

(f) Prepare the form of ballot for any proposed amendment to the constitution or proposal under the initiative or referendum provision of the constitution to be submitted to the voters of this state.

(g) Require reports from the local election officials the secretary of state considers necessary.

(h) Investigate, or cause to be investigated by local authorities, the administration of election laws, and report violations of the election laws and regulations to the attorney general or prosecuting attorney, or both, for prosecution.

(i) Publish in the legislative manual the vote for governor and secretary of state by townships and wards and the vote for members of the state legislature cast at the preceding November election, which shall be returned to the secretary of state by the county clerks on or before the first day of December following the election. All clerks shall furnish to the secretary of state, promptly and without compensation, any further information requested of them to be used in the compilation of the

legislative manual.

(j) Establish a curriculum for comprehensive training and accreditation of all county, city, township, village, and school elections officials.

(k) Establish and require attendance by all new appointed or elected election officials at an initial course of instruction within 6 months before the date of the election.

(l) Establish a comprehensive training curriculum for all precinct inspectors.

(m) Create an election day dispute resolution team that has regional representatives of the department of state, which team shall appear on site, if necessary.

(2) Pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, the secretary of state ~~may~~ **SHALL** promulgate rules establishing uniform standards for state and local nominating, recall, and ballot question petition signatures. The standards for petition signatures may include, but need not be limited to, standards for all of the following:

(a) Determining the validity of registration of a circulator or individual signing a petition.

(b) Determining the genuineness of the signature of a circulator or individual signing a petition, **INCLUDING DIGITIZED SIGNATURES.**

(c) Proper designation of the place of registration of a circulator or individual signing a petition.>>

1 Sec. 301. (1) Unless a particular power or duty of an election
2 official or a particular election procedure is specifically
3 governed by a provision of this chapter, a school district election
4 is governed by the provisions of this act that generally govern
5 elections.

6 (2) Except as provided in section 305, the school district
7 election coordinator for a school district shall conduct each
8 regular election and each special election that is requested by the
9 school board to submit a ballot question or to fill a vacancy on
10 the school board. In addition to receiving requests from the school
11 board to hold special elections, the school district election
12 coordinator shall do all of the following:

13 (a) Receive filing fees or nominating petitions and affidavits
14 of identity from candidates for school board and petitions for
15 special elections.

- 16 (b) Procure the necessary qualified voter file precinct lists.
- 17 (c) Certify candidates.
- 18 (d) Receive ballot proposal language.
- 19 (e) Issue absent voter ballots.
- 20 (3) A school district election coordinator who is a county
- 21 clerk may delegate, if the city or township clerk agrees, all or a
- 22 portion of the school district election coordinator's duties to
- 23 that city or township clerk. The school district election
- 24 coordinator shall not delegate duties to any person not named in

1 this section.

2 (4) A school district election coordinator who is a county
3 clerk may delegate the following duties to the city or township
4 clerk, who shall perform the following duties:

5 (a) Distribute, receive, and process absent voter ballot
6 applications for a school election.

7 (b) Make voting systems available for the conduct of a school
8 election.

9 (c) Make available to the school district election coordinator
10 the list of election inspectors for that city or township.

11 **(D) NOTIFY SCHOOL DISTRICT ELECTORS OF PRECINCT AND POLLING**
12 **PLACE LOCATION CHANGES.**

13 **(5) IF THE COUNTY CLERK IS THE SCHOOL DISTRICT ELECTION**
14 **COORDINATOR FOR A SCHOOL DISTRICT, THE COUNTY ELECTION COMMISSION**
15 **SHALL ESTABLISH THAT SCHOOL DISTRICT'S ELECTION PRECINCTS AND**
16 **POLLING PLACE LOCATIONS IN ACCORDANCE WITH THIS ACT.**

17 Sec. 302. An individual is eligible for election as a school
18 board member if the individual is a citizen of the United States
19 and is a qualified and registered elector of the school district
20 the individual seeks to represent by the filing deadline. At least
21 1 school board member for a school district shall be elected at
22 each of the school district's regular elections held as provided in
23 section **642 OR** 642a. Except as otherwise provided in this section
24 or section 310 or 644g, a school board member's term of office is
25 prescribed by the applicable provision of section 11a, 617, 701, or
26 703 of the revised school code, 1976 PA 451, MCL 380.11a, 380.617,
27 380.701, and 380.703, or section 34, 34a, 41, 54, or 83 of the

1 community college act of 1966, 1966 PA 331, MCL 389.34, 389.34a,
2 389.41, 389.54, and 389.83. EXCEPT AS PROVIDED IN SECTION 302A, IF
3 A BALLOT QUESTION CHANGING THE NUMBER OF SCHOOL BOARD MEMBERS OR
4 CHANGING THE TERMS OF OFFICE FOR SCHOOL BOARD MEMBERS PURSUANT TO
5 SECTION 11A OF THE REVISED SCHOOL CODE, 1976 PA 451, MCL 380.11A,
6 IS PROPOSED AND A SCHOOL DISTRICT NEEDS A TEMPORARY VARIANCE FROM
7 THE TERMS OF OFFICE PROVISIONS IN THIS ACT AND THE REVISED SCHOOL
8 CODE, 1976 PA 451, MCL 380.1 TO 380.1852, TO PHASE IN OR OUT SCHOOL
9 BOARD MEMBERS' TERMS OF OFFICE, THE SCHOOL BOARD SHALL SUBMIT THE
10 PROPOSED BALLOT QUESTION LANGUAGE AND A PROPOSED TRANSITION PLAN TO
11 THE SECRETARY OF STATE AT LEAST 30 DAYS BEFORE THE SCHOOL BOARD
12 SUBMITS THE BALLOT QUESTION LANGUAGE TO THE SCHOOL DISTRICT
13 ELECTION COORDINATOR PURSUANT TO SECTION 312. THE SECRETARY OF
14 STATE SHALL APPROVE OR REJECT THE PROPOSED TRANSITION PLAN WITHIN
15 10 BUSINESS DAYS OF RECEIPT OF THE PROPOSED TRANSITION PLAN. THE
16 SECRETARY OF STATE SHALL APPROVE THE PROPOSED TRANSITION PLAN IF
17 THE PLAN PROVIDES ONLY TEMPORARY RELIEF TO THE SCHOOL DISTRICT FROM
18 THE TERMS OF OFFICE PROVISIONS IN THIS ACT AND THE REVISED SCHOOL
19 CODE, 1976 PA 451, MCL 380.1 TO 380.1852, UNTIL SUCH TIME THAT THE
20 TERMS OF OFFICE FOR SCHOOL BOARD MEMBERS CAN BE MADE TO COMPLY WITH
21 THIS ACT AND THE REVISED SCHOOL CODE, 1976 PA 451, MCL 380.1 TO
22 380.1852. THE SCHOOL BOARD SHALL NOT SUBMIT THE PROPOSED BALLOT
23 QUESTION LANGUAGE TO THE SCHOOL DISTRICT ELECTION COORDINATOR
24 PURSUANT TO SECTION 312 UNTIL THE PROPOSED TRANSITION PLAN IS
25 APPROVED BY THE SECRETARY OF STATE. A school board member's term
26 begins on 1 of the following dates:

27 (a) If elected at an election held on a November regular

1 election date, January 1 immediately following the election.

2 (b) If elected at an election held on a May regular election
3 date, July 1 immediately following the election.

4 **SEC. 302A. IF ON OR BEFORE JANUARY 1, 2004 A SCHOOL DISTRICT'S**
5 **ELECTORS APPROVED A PLAN TO CHANGE THE NUMBER OF SCHOOL BOARD**
6 **MEMBERS OR CHANGE THE TERMS OF OFFICE FOR SCHOOL BOARD MEMBERS, AND**
7 **IF LEGISLATION ENACTED AFTER JANUARY 1, 2004 MAKES IMPLEMENTATION**
8 **OF THESE CHANGES IMPOSSIBLE OR IMPRACTICAL, THE SCHOOL BOARD MAY**
9 **ADOPT BY RESOLUTION AT A PUBLIC HEARING A TRANSITION PLAN TO BRING**
10 **THE SCHOOL DISTRICT'S ELECTION SCHEDULE BACK INTO COMPLIANCE WITH**
11 **THE INTENT OF THE PLAN APPROVED BY THE ELECTORS ON OR BEFORE**
12 **JANUARY 1, 2004 WITHOUT REQUIRING APPROVAL OF THE TRANSITION PLAN**
13 **BY THE SECRETARY OF STATE OR PREPARATION OR PASSAGE OF A BALLOT**
14 **QUESTION.**

15 Sec. 312. (1) A school board may submit a ballot question to
16 the school electors on a regular election date, on a date when a
17 city or township within the school district's jurisdiction is
18 holding an election by adopting a resolution to that effect not
19 ~~less than 70 days before the election date~~ **LATER THAN THE TIME**
20 **PERMITTED FOR CERTIFICATION UNDER SECTION 646A(2)**, or on a special
21 election date as provided in section 641(4). The school board shall
22 certify the ballot question language to the school district
23 election coordinator not ~~less than 70 days before the election~~
24 ~~date~~ **LATER THAN THE TIME PERMITTED FOR CERTIFICATION UNDER SECTION**
25 **646A(2)**. If the ballot question is submitted on the same date as an
26 election for a state or county office, the school district election
27 coordinator shall send a copy of the ballot question language to

1 the county clerk of each county not less than 68 days before the
2 election.

3 (2) If a special election is called on a date provided under
4 section 641(4), the school district election coordinating committee
5 shall schedule the special election date.

6 Sec. 370. (1) Except as provided in subsection (2), if a
7 vacancy occurs in an elective or appointive township office, the
8 vacancy shall be filled by appointment by the township board, and
9 the person appointed shall hold the office for the remainder of the
10 unexpired term.

11 (2) If 1 or more vacancies occur in an elective township
12 office that cause the number of members serving on the township
13 board to be less than the minimum number of board members that is
14 required to constitute a quorum for the transaction of business by
15 the board, the board of county election commissioners shall make
16 temporary appointment of the number of members required to
17 constitute a quorum for the transaction of business by the township
18 board. An official appointed under this subsection shall hold the
19 office only until the official's successor is elected or appointed
20 and qualified. An official who is temporarily appointed under this
21 subsection shall not vote on the appointment of himself or herself
22 to an elective or appointive township office.

23 (3) If a township official submits a written resignation from
24 an elective township office, for circumstances other than a
25 resignation related to a recall election, that specifies a date and
26 time when the resignation is effective, the township board, within
27 30 days before that effective date and time, may appoint a person

1 to fill the vacancy at the effective date and time of the
2 resignation. The resigning official shall not vote on the
3 appointment.

4 (4) Except as provided in subsection (5), if the township
5 board does not make an appointment under subsection (3), or if a
6 vacancy occurs in an elective township office and the vacancy is
7 not filled by the township board or the board of county election
8 commissioners within 45 days after the beginning of the vacancy,
9 the county clerk of the county in which the township is located
10 shall ~~notify the governor of the fact~~ **CALL A SPECIAL ELECTION**
11 **WITHIN 5 CALENDAR DAYS TO FILL THE VACANCY.** ~~The governor shall~~
12 ~~call a special election to fill the vacancy. The governor shall~~
13 ~~provide for the date for the filing of the petitions, and that date~~
14 ~~shall also be the last date to register for the special primary~~
15 ~~election.~~ **NOT LATER THAN 4 P.M. ON THE FIFTEENTH CALENDAR DAY**
16 **AFTER THE COUNTY CLERK CALLS A SPECIAL ELECTION PURSUANT TO THIS**
17 **SECTION, THE TOWNSHIP PARTY COMMITTEE FOR EACH POLITICAL PARTY IN**
18 **THE TOWNSHIP SHALL SUBMIT A NOMINEE TO FILL THE VACANCY. THE**
19 **SPECIAL ELECTION SHALL BE HELD ON THE NEXT REGULAR ELECTION DATE**
20 **THAT IS NOT LESS THAN 60 DAYS AFTER THE DEADLINE FOR SUBMITTING**
21 **NOMINEES UNDER THIS SECTION OR 70 DAYS AFTER THE DEADLINE FOR**
22 **SUBMITTING NOMINEES UNDER THIS SECTION IF THE NEXT REGULAR ELECTION**
23 **DATE IS THE EVEN YEAR AUGUST PRIMARY OR THE GENERAL NOVEMBER**
24 **ELECTION. NOTICE OF THE SPECIAL ELECTION SHALL BE GIVEN IN THE SAME**
25 **MANNER REQUIRED BY SECTION 653A.** A special ~~primary or~~ election
26 called ~~by the governor~~ under ~~authority of~~ this section does not
27 affect the rights of a qualified elector to register for any other

1 election. A person elected to fill a vacancy shall serve for the
2 remainder of the unexpired term.

3 (5) Subsection (4) does not apply to the office of township
4 constable. If a vacancy occurs in the office of township constable,
5 the township board shall determine if and when the vacancy shall be
6 filled by appointment. If the township board does not fill the
7 vacancy by appointment, the office of township constable shall
8 remain vacant until the next general or special election in which
9 township offices are filled.

10 Sec. 381. (1) Except as provided in subsection (2) and
11 sections 383, 641, 642, and 644g, the qualifications, nomination,
12 election, appointment, term of office, and removal from office of a
13 village officer shall be as determined by the charter provisions
14 governing the village.

15 (2) If the membership of the village council of a village
16 governed by the general law village act, 1895 PA 3, MCL 61.1 to
17 74.25, is reduced to less than a quorum of 4 and a special election
18 for the purpose of filling all vacancies in the office of trustee
19 is called under section 13 of chapter II of the general law village
20 act, 1895 PA 3, MCL 62.13, temporary appointments of trustees shall
21 be made as provided in this subsection. The board of county
22 election commissioners of the county in which the largest portion
23 of the population of the village is situated shall make temporary
24 appointment of the number of trustees required to constitute a
25 quorum for the transaction of business by the village council. A
26 trustee appointed under this subsection shall hold the office only
27 until the trustee's successor is elected and qualified. A trustee

1 who is temporarily appointed under this subsection shall not vote
2 on the appointment of himself or herself to an elective or
3 appointive village office.

4 (3) Notwithstanding another provision of law or charter to the
5 contrary, an appointment to an elective or appointive village
6 office made by a quorum constituted by temporary appointments under
7 this subsection expires upon the election and qualification of
8 trustees under the special election called to fill the vacancies in
9 the office of trustee.

10 (4) Filing for a village office shall be with the township
11 clerk if the township is conducting the election or if the village
12 is located in more than 1 township with the township in which the
13 largest number of the registered electors of the village reside.

14 (5) IF A VILLAGE COUNCIL ADOPTS A RESOLUTION IN COMPLIANCE
15 WITH SECTION 642(7) TO HOLD ITS REGULAR ELECTION AT THE SEPTEMBER
16 PRIMARY ELECTION, THE NOMINATING PETITIONS FOR VILLAGE OFFICES TO
17 BE FILLED AT THE SEPTEMBER PRIMARY ELECTION SHALL BE FILED [AS PROVIDED
18 IN THIS SUBSECTION. UNTIL JANUARY 1, 2006, NOMINATING PETITIONS SHALL
19 BE FILED WITH THE VILLAGE CLERK BY 4 P.M. ON THE EIGHTH TUESDAY BEFORE
20 THE SEPTEMBER PRIMARY ELECTION. ON AND AFTER JANUARY 1, 2006, NOMINATING
21 PETITIONS SHALL BE FILED] WITH THE
22 VILLAGE CLERK BY 4 P.M. ON THE TWELFTH TUESDAY BEFORE THE SEPTEMBER
23 PRIMARY ELECTION. AFTER A NOMINATING PETITION IS FILED FOR A
24 CANDIDATE FOR A VILLAGE OFFICE, THE CANDIDATE IS NOT PERMITTED TO
WITHDRAW UNLESS A WRITTEN WITHDRAWAL NOTICE, SIGNED BY THE
CANDIDATE, IS FILED WITH THE VILLAGE CLERK NOT LATER THAN 4 P.M. OF
THE THIRD DAY AFTER THE LAST DAY FOR FILING THE NOMINATING
PETITION.

<<Sec. 476. (1) Upon receiving notification of the filing of the
petitions, the board of state canvassers shall canvass the petitions to
ascertain if the petitions have been signed by the requisite number of
qualified and registered electors. The qualified voter file may **SHALL** be
used to determine the validity of petition signatures by verifying the
registration of signers **AND THE GENUINENESS OF SIGNATURES ON PETITIONS**
S02096'05 (H-1)

WHEN THE QUALIFIED VOTER FILE CONTAINS DIGITIZED SIGNATURES. If the qualified voter file indicates that, on the date the elector signed the petition, the elector was not registered to vote, there is a rebuttable presumption that the signature is invalid. If the qualified voter file indicates that, on the date the elector signed the petition, the elector was not registered to vote in the city or township designated on the petition, there is a rebuttable presumption that the signature is invalid. ~~The~~ **IF THE BOARD IS UNABLE TO VERIFY THE GENUINENESS OF A SIGNATURE ON A PETITION USING THE DIGITIZED SIGNATURE CONTAINED IN THE QUALIFIED VOTER FILE,** the board may cause any doubtful signatures to be checked against the registration records by the clerk of any political subdivision in which the petitions were circulated, to determine the authenticity of the signatures or to verify the registrations. Upon request, the clerk of any political subdivision shall cooperate fully with the board in determining the validity of doubtful signatures by rechecking the signature against registration records in an expeditious and proper manner.

(2) The board of state canvassers may hold hearings upon any complaints filed or for any purpose considered necessary by the board to conduct investigations of the petitions. To conduct a hearing, the board may issue subpoenas and administer oaths. The board may also adjourn from time to time awaiting receipt of returns from investigations that are being made or for other necessary purposes, but shall complete the canvass at least 2 months before the election at which the proposal is to be submitted.

(3) At least 2 business days before the board of state canvassers meets to make a final determination on challenges to and sufficiency of a petition, the bureau of elections shall make public its staff report concerning disposition of challenges filed against the petition. Beginning with the receipt of any document from local election officials pursuant to subsection (1), the board of state canvassers shall make that document available to petitioners and challengers on a daily basis.>>

25 Sec. 498. (1) The governing body of a township, city, or
 26 village may provide by resolution that in that township, city, or
 27 village the clerk shall be at the clerk's office, or in some other

1 convenient place designated by the clerk, during the hours
2 designated by the governing body on the thirtieth day preceding an
3 election or primary election in the township, city, or village,
4 unless the thirtieth day falls on a Saturday, Sunday, or legal
5 holiday, in which event registration shall be accepted during the
6 same hours on the following day.

7 (2) In a township, city, or village in which the clerk does
8 not maintain regular daily office hours, the township board or the
9 legislative body of the city or village may require that the clerk
10 of the township, city, or village shall be at the clerk's office or
11 other designated place for the purpose of receiving applications
12 for registration on the days which the board or legislative body
13 designates, but not more than 5 days before the last day for
14 registration.

15 (3) The clerk of each township, city, and village shall give
16 public notice of the days and hours that the clerk will be at the
17 clerk's office or other designated place for the purpose of
18 receiving registrations before an election or primary election by
19 publication of the notice, except as provided in subsection (4) and
20 section 497(2), ~~at least twice~~ in a newspaper published or of
21 general circulation in the township, city, or village and, if
22 considered advisable by the township, city, or village clerk, by
23 posting written or printed notices in at least 2 of the most
24 conspicuous places in each election precinct. Except as provided in
25 subsection (4), ~~and except for a notice of registration for a~~
26 ~~special election held pursuant to section 640,~~ the ~~first~~
27 publication or posting shall be made not less than ~~10~~ 7 days

1 before the last day for receiving registrations. ~~If the notice of~~
2 ~~registration is for a special election for purposes of voting upon~~
3 ~~a proposal, other than a special election held pursuant to section~~
4 ~~640, the proposal as it will appear on the ballot shall be stated~~
5 ~~in the notice.~~ **THE NOTICE OF REGISTRATION SHALL INCLUDE THE**
6 **OFFICES TO BE FILLED THAT WILL APPEAR ON THE BALLOT. IF THE NOTICE**
7 **OF REGISTRATION IS FOR AN ELECTION THAT INCLUDES A BALLOT PROPOSAL,**
8 **A CAPTION OR BRIEF DESCRIPTION OF THE BALLOT PROPOSAL ALONG WITH**
9 **THE LOCATION WHERE AN ELECTOR CAN OBTAIN THE FULL TEXT OF THE**
10 **BALLOT PROPOSAL SHALL BE STATED IN THE NOTICE.**

11 (4) Notice of registration for a school millage election that
12 will be held pursuant to section 36 of the general property tax
13 act, ~~Act No. 206 of the Public Acts of 1893, as amended, being~~
14 ~~section 211.36 of the Michigan Compiled Laws~~ **1893 PA 206, MCL**
15 **211.36**, shall be required to be published ~~only~~ once and shall be
16 made not less than 5 days before the last day for receiving
17 registrations as provided in section 497a.

18 (5) A county clerk may enter into an agreement with the clerk
19 of 1 or more townships or cities in the county or the clerks of 1
20 or more cities or townships in a county may enter into an agreement
21 to jointly publish the notice required in subsection (3). The
22 notice shall be published in a newspaper of general circulation in
23 the cities and townships listed in the notice.

24 Sec. 500b. (1) Not more than 5 business days after receipt of
25 an application for registration, the county clerk shall forward the
26 application for registration to the clerk of the city or township
27 in which the applicant resides.

Senate Bill No. 513 (H-1) as amended June 15, 2005

1 (2) Compensation to be paid county clerks for ~~transmittal of~~
2 **TRANSMITTING** applications shall be appropriated by the legislature
3 to the secretary of state for equitable distribution by the
4 secretary of state to the county clerks. The city or township clerk
5 shall obtain needed additional information on an application that
6 is not completed properly or return to the secretary of state's
7 election division an application needing additional information or
8 not completed properly. An application received by the clerk of a
9 city or township in which the applicant does not reside shall be
10 transmitted promptly to the appropriate county clerk of the county
11 in which the applicant resides. If the city or township clerk knows
12 the city or township in which the applicant resides, the clerk
13 shall inform the county clerk of the county in which the applicant
14 resides and forward the application directly to the clerk of the
15 city or township in which the applicant resides.

16 (3) **THE SECRETARY OF STATE MAY ELECTRONICALLY TRANSMIT TO THE**
17 **QUALIFIED VOTER FILE [VOTER REGISTRATION CHANGE OF ADDRESS INFORMATION]**
18 **RECEIVED FROM**
19 **A REGISTERED ELECTOR WHO IS CHANGING THE ADDRESS ON HIS OR HER**
20 **OPERATOR'S OR CHAUFFEUR'S LICENSE ISSUED PURSUANT TO THE MICHIGAN**
21 **VEHICLE CODE, 1949 PA 300, MCL 257.1 TO 257.923, OR OFFICIAL STATE**
22 **PERSONAL IDENTIFICATION CARD ISSUED PURSUANT TO 1972 PA 222, MCL**
23 **28.291 TO 28.300. THE SECRETARY OF STATE IS NOT REQUIRED TO**
24 **TRANSMIT [A] PAPER COPY OF AN ELECTOR'S VOTER REGISTRATION**
25 **[CHANGE OF ADDRESS INFORMATION] IF THE ELECTOR'S SIGNATURE IS**
26 **ALREADY CAPTURED OR**
27 **REPRODUCED UNDER SECTION 307 OF THE MICHIGAN VEHICLE CODE, 1949 PA**
28 **300, MCL 257.307, AND [HAS] BEEN TRANSMITTED TO THE QUALIFIED VOTER FILE.**
29 **THIS SUBSECTION APPLIES TO ADDRESS CHANGES MADE WITHIN A CITY OR**

1 **TOWNSHIP AND TO ADDRESS CHANGES MADE FROM 1 CITY OR TOWNSHIP TO**
 2 **ANOTHER CITY OR TOWNSHIP.**

~~<<Sec. 501. The original registration cards shall be filed by precincts arranged either alphabetically or according to the numerical order of the houses located on each street, said file to be hereinafter termed the "precinct file". The duplicate registration cards shall be filed alphabetically without regard to wards or precincts, said file to be hereinafter termed the "master file": Provided, That in townships, cities and villages having not more than 1 voting precinct the duplicate "master" registrations may be dispensed with. AND SHALL BE TERMED THE "MASTER FILE". THE MASTER FILE SHALL CONTAIN THE SIGNATURE OF EACH ELECTOR REGISTERED IN THE CITY, TOWNSHIP, OR VILLAGE, UNLESS THE CLERK OF THE JURISDICTION HAS ACCESS TO THE QUALIFIED VOTER FILE AND THE ELECTOR HAS A DIGITIZED SIGNATURE IN THE QUALIFIED VOTER FILE.~~

Sec. 507. (1) A registered elector who has removed from 1 election precinct of a township, city, or village to another election precinct of the same township, city, or village and has not recorded the removal with the local clerk shall execute a transfer of registration request, listing the new residence address over his or her signature, with the election board in the precinct in which he or she is registered at the next ensuing primary or election.

(2) ~~The IF AN ELECTOR'S SIGNATURE CONTAINED IN THE QUALIFIED VOTER FILE IS AVAILABLE IN THE POLLING PLACE, THE~~ inspector of election in charge of the registration records shall compare the **DIGITIZED** signature **PROVIDED BY THE QUALIFIED VOTER FILE** with the signature ~~upon the applicant's registration record~~ and, if the signatures correspond, then the inspector shall certify the fact by affixing his or her initials upon the request. **IF AN ELECTOR'S SIGNATURE IS NOT CONTAINED IN THE QUALIFIED VOTER FILE, THE ELECTION OFFICIAL SHALL PROCESS THE TRANSFER OF REGISTRATION REQUEST IN THE SAME MANNER AS TRANSFER OF REGISTRATION REQUESTS ARE PROCESSED WHEN A VOTER REGISTRATION LIST IS USED IN THE POLLING PLACE.** The applicant for transfer, after having signed an application to vote as provided in section 523, shall then be permitted to vote in the precinct for that primary or election only. The application for transfer shall be filed with the township, city, or village clerk who shall transfer the elector's registration pursuant to the application. If the name of a street or resident house number in a township, city, or village is changed, the township, city, or village clerk shall make the change to show the proper name of the street or resident house number in the registration records and notify the county clerk of the change. It is not necessary for the elector to change his or her registration to reflect the change in order to be eligible to vote.>>

3 Sec. 509m. (1) The purposes of this section and sections 509n
 4 to ~~509g~~ **509HH** are all of the following:

5 (a) To establish a statewide qualified voter file that
 6 consists of all qualified electors who wish to be registered to
 7 vote in local, state, and federal elections.

8 (b) To enhance the uniformity of the administration of
 9 elections by creating and maintaining a statewide **QUALIFIED VOTER**

10 file. ~~of qualified voters.~~

11 (c) To increase the efficiency and decrease the public cost of
12 maintaining voter registration files and implementing the national
13 voter registration act of 1993.

14 (d) To increase the integrity of the voting process by
15 creating a single qualified voter file that will permit the name of
16 each citizen of this state to appear only once and that is compiled
17 from other state files that require citizens to verify their
18 identity and residence.

19 (e) To apply technology and information gathered by principal
20 executive departments, state agencies, and county, city, township,
21 and village clerks in a manner that ensures that accurate and
22 current records of qualified voters are maintained.

23 (2) As used in sections 509n to ~~509gg~~ **509HH**:

24 (a) "Designated voter registration agency" means an office
25 designated under section 509u to perform voter registration
26 activities in this state.

27 (b) "Qualified voter file" means the statewide qualified voter

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1 file established according to section 509o.

2 Sec. 509q. The qualified voter file shall contain all of the
3 following information for each qualified voter:

4 (a) The name; residence address including house number and
5 street name or rural route and box number, and the apartment
6 number, if any; city; state; zip code; and date of birth.

7 (b) The driver's license number or state personal
8 identification card number or similar number issued by a designated
9 voter registration agency.

10 (c) Jurisdictional information including county and city or
11 township; village, if any; and school district.

12 (d) Precinct numbers and ward numbers, if any.

13 (e) Any other information that the secretary of state
14 determines is necessary to assess the eligibility of qualified
15 electors or to administer voter registration or other aspects of
16 the election process.

17 (f) Voting history for a 5-year period.

18 (G) THE <<MOST RECENT>> DIGITIZED SIGNATURE OF AN ELECTOR IF
19 CAPTURED OR REPRODUCED BY THE SECRETARY OF STATE OR A COUNTY, CITY, OR TOWNSHIP
20 CLERK FROM A VOTER REGISTRATION APPLICATION PURSUANT TO SECTION
21 509HH, OR CAPTURED OR REPRODUCED BY THE SECRETARY OF STATE PURSUANT
22 TO SECTION 307 OF THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL
23 257.307.

24 Sec. 509gg. The information described in this section that is
25 contained in a registration record is exempt from the freedom of
26 information act, 1976 PA 442, MCL 15.231 to 15.246. The secretary
27 of state, a designated voter registration agency, or a county,

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1 city, township, or village clerk shall not release a copy of that
 2 portion of a registration record that contains any of the
 3 following:

- 4 (a) The record that a person declined to register to vote.
- 5 (b) The office that received a registered voter's application.
- 6 (c) A registered voter's driver's license or state personal
 7 identification card number.
- 8 (d) The month and day of birth of a registered voter.
- 9 (e) The telephone number provided by the registered voter.

10 (F) THE DIGITIZED SIGNATURE OF AN ELECTOR THAT IS CAPTURED OR
 11 REPRODUCED AND TRANSMITTED TO THE QUALIFIED VOTER FILE BY THE
 12 SECRETARY OF STATE OR A COUNTY, CITY, OR TOWNSHIP CLERK UNDER
 13 SECTION 509HH OR BY THE SECRETARY OF STATE UNDER SECTION 307 OF THE
 14 MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.307.

15 SEC. 509HH. (1) THE SECRETARY OF STATE MAY CAPTURE OR
 16 REPRODUCE THE SIGNATURE OF AN ELECTOR FROM A VOTER REGISTRATION
 17 APPLICATION OR PURSUANT TO SECTION 307 OF THE MICHIGAN VEHICLE
 18 CODE, 1949 PA 300, MCL 257.307, AND TRANSMIT THE SIGNATURE TO THE
 19 QUALIFIED VOTER FILE PURSUANT TO SECTION 509Q.

20 (2) THE COUNTY, CITY, OR TOWNSHIP CLERK MAY CAPTURE OR
 21 REPRODUCE THE SIGNATURE OF AN ELECTOR FROM A VOTER REGISTRATION
 22 APPLICATION AND TRANSMIT THE SIGNATURE TO THE QUALIFIED VOTER FILE
 23 PURSUANT TO SECTION 509Q.

24 Sec. 523. (1) At each election, before being given a ballot, each
 25 registered elector offering to vote shall identify himself or herself by
 26 presenting an official state identification card issued to that
 27 individual pursuant to Act No. 222 of the Public Acts of 1972, being

1 sections 28.291 to 28.295 of the Michigan Compiled Laws, an operator's or
 2 chauffeur's license issued to that individual pursuant to the Michigan
 vehicle code, Act No. 300 of the Public Acts of 1949, being sections
 257.1 to 257.923 of the Michigan Compiled Laws, or other generally
 recognized picture identification card and by executing an application
 showing his or her signature or mark and address of residence in the
 presence of an election official. ~~If the voter registration cards are
 used in the precinct,~~ **IF AN ELECTOR'S SIGNATURE CONTAINED IN THE
 QUALIFIED VOTER FILE IS AVAILABLE IN THE POLLING PLACE,** the election
 official ~~in charge of the precinct registration file~~ shall compare the
 signature upon the application with the **DIGITIZED** signature ~~upon the
 registration card~~ **PROVIDED BY THE QUALIFIED VOTER FILE. IF AN ELECTOR'S
 SIGNATURE IS NOT CONTAINED IN THE QUALIFIED VOTER FILE, THE ELECTION
 OFFICIAL SHALL PROCESS THE APPLICATION IN THE SAME MANNER AS APPLICATIONS
 ARE PROCESSED WHEN A VOTER REGISTRATION LIST IS USED IN THE POLLING
 PLACE.** If voter registration lists are used in the precinct, the election
 inspector shall determine if the name on the application to vote appears
 on the voter registration list. If the name appears on the voter
 registration list, the elector shall provide further identification by
 giving his or her date of birth or other information stated upon the
 voter registration list. In precincts using voter registration lists, the
 date of birth may be required to be placed on the application to vote. If
 the signature or an item of information does not correspond, the vote of
 the person shall be challenged, and the same procedure shall be followed
 as provided in this act for the challenging of an elector. If the person
 offering to vote has signed the registration card or application by
 making a mark, the person shall identify himself or herself by giving his
 or her date of birth, which shall be compared with the date of birth
 stated upon the registration card or voter registration list, or shall
 give other identification as may be referred to upon the registration
 card or voter registration list. If the elector does not have an official
 state identification card, operator's or chauffeur's license as required
 in this subsection, or other generally recognized picture identification
 card, the individual shall sign an affidavit to that effect before an
 election inspector and be allowed to vote as otherwise provided in this
 act. However, an elector being allowed to vote without the identification
 required under this subsection is subject to challenge as provided in
 section 727.

(2) If, upon a comparison of the signature or other identification
AS REQUIRED IN SUBSECTION (1), it is found that the applicant is entitled
 to vote, the election officer having charge of the registration list
 shall approve the application and write his or her initials on the
 application, after which the number on the ballot issued shall be noted
 on the application. The application shall serve as 1 of the 2 poll lists
 required to be kept as a record of a person who has voted. The
 application shall be filed with the township, city, or village clerk. If
 voter registration cards are used in the precinct, the date of the
 election shall be noted by 1 of the election officials upon the precinct
 registration card of each elector voting at an election. If voter

registration lists are used in the precinct, the election official shall clearly indicate upon the list each elector voting at that election. The clerk of a city, village, or township shall maintain a record of voting participation for each registered elector.

Sec. 552. (1) The county or city clerk, after the last day specified in this act for receiving and filing nominating petitions, shall immediately certify to the proper board or boards of election commissioners in the city, county, district, or state the name and post office address of each party candidate whose petitions meet the requirements of this act, together with the name of the political party and the office for which he or she is a candidate.

(2) If the county clerk receives a sworn complaint, in writing, questioning the registration or genuineness of the signature of the circulator or of a person signing a petition filed with the county clerk for an office, the county clerk shall commence an investigation. The county clerk shall cause the petition that he or she considers necessary to be forwarded to the proper city clerk or township clerk to compare the signatures appearing on the petition with the signatures appearing on the registration record, ~~or in some other proper manner determine whether the signatures appearing on the petition are valid and genuine~~ **AS REQUIRED BY SUBSECTION (13). THE COUNTY CLERK MAY CONDUCT THE SIGNATURE COMPARISONS AS REQUIRED BY SUBSECTION (13) USING THE DIGITIZED SIGNATURES IN THE QUALIFIED VOTER FILE, IN LIEU OF REQUESTING THE LOCAL CLERK TO CONDUCT THE SIGNATURE COMPARISON.** If the request has been made by the county clerk, the city clerk or township clerk shall complete the investigation and report his or her findings to the county clerk within 7 days after the request. The investigation shall include the validity of the signatures and the genuineness of a petition as is specified in the sworn complaint and may include any other doubtful signatures or petitions filed on behalf of the candidate against whose petitions the sworn complaint is directed, as the county clerk considers necessary. The county clerk is not required to act on a complaint respecting the validity and genuineness of signatures on a petition unless the complaint sets forth the specific signatures claimed to be invalid and the specific petition for which the complaint questions the validity and genuineness of the signature or registration of the circulator, and unless the complaint is received by the county clerk within 7 days after the deadline for the filing of the nominating petitions.

(3) In addition to the duty specified in subsection (2) for the examination of petitions, the county clerk, on his or her own initiative, on receipt of the nominating petitions, may examine the petitions, and if after examination the county clerk is in doubt as to the validity of the registration or genuineness of the signature of the circulator or persons signing or purported to have signed the petitions, the county clerk shall commence an investigation. Subject to subsection (13), the county clerk shall cause the petitions in question to be forwarded to the proper city clerk or township clerk to compare the signatures appearing on the petitions with the signatures appearing on the registration records, ~~or in some other proper manner to determine whether the signatures appearing~~

~~on the petitions are valid and genuine. THE COUNTY CLERK MAY CONDUCT THE SIGNATURE COMPARISONS AS REQUIRED BY SUBSECTION (13) USING THE DIGITIZED SIGNATURES IN THE QUALIFIED VOTER FILE, IN LIEU OF REQUESTING THE LOCAL CLERK TO CONDUCT THE SIGNATURE COMPARISON.~~

(4) The clerk of a political subdivision shall cooperate fully with the county clerk in a request made to the clerk by the county clerk in determining the validity of doubtful signatures by checking the signatures against registration records in an expeditious and proper manner.

(5) At least 2 business days before the county clerk makes a final determination on challenges to and sufficiency of a petition, the county clerk shall make public its staff report concerning disposition of challenges filed against the petition. Beginning with the receipt of any document from local election officials under subsection (2) or (3), the county clerk shall make that document available to petitioners and challengers on a daily basis.

(6) Upon the completion of the investigation or examination, the county clerk shall immediately make an official declaration of the sufficiency or insufficiency of nominating petitions for which a sworn complaint has been received or of the sufficiency or insufficiency of nominating petitions that the county clerk has examined or investigated on his or her own initiative. A person feeling aggrieved by a determination made by the county clerk may have the determination reviewed by the secretary of state by filing a written request with the secretary of state within 3 days after the official declaration of the county clerk, unless the third day falls on a Saturday, Sunday, or legal holiday, in which case the request may be filed not later than 4 p.m. on the next day that is not a Saturday, Sunday, or legal holiday. Alternatively, the aggrieved person may have the determination of the county clerk reviewed by filing a mandamus, certiorari, or other appropriate remedy in the circuit court. A person who filed a nominating petition and feels aggrieved by the determination of the secretary of state may then have that determination reviewed by mandamus, certiorari, or other appropriate remedy in the circuit court.

(7) A city clerk with whom nominating petitions are filed may examine the petitions and investigate the validity and genuineness of signatures appearing on the petitions. Subject to subsection (13), the city clerk may check the signatures against registration records. The city clerk shall make a determination as to the sufficiency or insufficiency of the petitions upon the completion of the examination or investigation, and shall make an official declaration of the findings. A person feeling aggrieved by the determination has the same rights of review as in case of a determination by the county clerk.

(8) Upon the filing of nominating petitions with the secretary of state, the secretary of state shall notify the board of state canvassers within 5 days after the last day for filing the petitions. The notification shall be by first-class mail. Upon the receipt of the nominating petitions, the board of state canvassers shall canvass the petitions to ascertain if the petitions have been signed by the requisite

number of qualified and registered electors. Subject to subsection (13), for the purpose of determining the validity of the signatures, the board of state canvassers may cause a doubtful signature to be checked against **THE QUALIFIED VOTER FILE OR** the registration records by the clerk of a political subdivision in which the petitions were circulated. If the board of state canvassers receives a sworn complaint, in writing, questioning the registration of or the genuineness of the signature of the circulator or of a person signing a nominating petition filed with the secretary of state, the board of state canvassers shall commence an investigation. Subject to subsection (13), the board of state canvassers shall **VERIFY THE REGISTRATION OR THE GENUINENESS OF A SIGNATURE AS REQUIRED BY SUBSECTION (13). IF THE BOARD IS UNABLE TO VERIFY THE GENUINENESS OF A SIGNATURE ON A PETITION THE BOARD SHALL** cause the petition to be forwarded to the proper city clerk or township clerk to compare the signatures on the petition with the signatures on the registration record, or in some other manner determine whether the signatures on the petition are valid and genuine. The board of state canvassers is not required to act on a complaint respecting the validity and genuineness of signatures on a petition unless the complaint sets forth the specific signatures claimed to be invalid and the specific petition for which the complaint questions the validity and genuineness of the signature or the registration of the circulator, and unless the complaint is received by the board of state canvassers within 7 days after the deadline for filing the nominating petitions. After receiving a request from the board of state canvassers under this subsection, the clerk of a political subdivision shall cooperate fully in determining the validity of doubtful signatures by rechecking the signatures against registration records in an expeditious and proper manner. The board of state canvassers may extend the 7-day challenge period if it finds that the challenger did not receive a copy of each petition sheet that the challenger requested from the secretary of state. The extension of the challenge deadline under this subsection does not extend another deadline under this section.

(9) The board of state canvassers may hold a hearing upon a complaint filed or for a purpose considered necessary by the board of state canvassers to conduct an investigation of the petitions. In conducting a hearing, the board of state canvassers may issue subpoenas and administer oaths. The board of state canvassers may also adjourn periodically awaiting receipt of returns from investigations that are being made or for other necessary purposes, but shall complete the canvass not less than 9 weeks before the primary election at which candidates are to be nominated. Before making a final determination, the board of state canvassers may consider any deficiency found on the face of the petition that does not require verification against data maintained in the qualified voter file or in the voter registration files maintained by a city or township clerk.

(10) At least 2 business days before the board of state canvassers meets to make a final determination on challenges to and sufficiency of a

petition, the board shall make public its staff report concerning disposition of challenges filed against the petition. Beginning with the receipt of any document from local election officials under subsection (8), the board of state canvassers shall make that document available to candidates and challengers on a daily basis.

(11) An official declaration of the sufficiency or insufficiency of a nominating petition shall be made by the board of state canvassers not less than 60 days before the primary election at which candidates are to be nominated. At the time of filing a nominating petition with the secretary of state, the person filing the petition may request a notice of the approval or rejection of the petition. If a request is made at the time of filing the petition, the secretary of state, immediately upon the determination of approval or rejection, shall transmit by registered mail to the person making the request an official notice of the sufficiency or insufficiency of the petitions.

(12) A person who filed a nominating petition with the secretary of state and who feels aggrieved by a determination made by the board of state canvassers may have the determination reviewed by mandamus, certiorari, or other appropriate process in the supreme court.

(13) The qualified voter file may be used to determine the validity of petition signatures by verifying the registration of signers. If the qualified voter file indicates that, on the date the elector signed the petition, the elector was not registered to vote, there is a rebuttable presumption that the signature is invalid. If the qualified voter file indicates that, on the date the elector signed the petition, the elector was not registered to vote in the city or township designated on the petition, there is a rebuttable presumption that the signature is invalid. **THE QUALIFIED VOTER FILE SHALL BE USED TO DETERMINE THE GENUINENESS OF A SIGNATURE ON A PETITION. SIGNATURE COMPARISONS SHALL BE MADE WITH THE DIGITIZED SIGNATURES IN THE QUALIFIED VOTER FILE. THE COUNTY CLERK OR THE BOARD OF STATE CANVASSERS SHALL CONDUCT THE SIGNATURE COMPARISON USING DIGITIZED SIGNATURES CONTAINED IN THE QUALIFIED VOTER FILE FOR THEIR RESPECTIVE INVESTIGATIONS. IF THE QUALIFIED VOTER FILE DOES NOT CONTAIN A DIGITIZED SIGNATURE OF AN ELECTOR, THE CITY OR THE TOWNSHIP CLERK SHALL COMPARE THE PETITION SIGNATURE TO THE SIGNATURE CONTAINED ON THE MASTER CARD.**

(14) Not less than 60 days before the primary election at which candidates are to be nominated, the secretary of state shall certify to the proper boards of election commissioners in the various counties in the state, the name and post office address of each partisan or nonpartisan candidate whose petitions have been filed with the secretary of state and meet the requirements of this act, together with the name of the political party, if any, and the office for which he or she is a candidate.>>

3 Sec. 641. (1) Except as otherwise provided in this section and
4 sections 642 and 642a, beginning January 1, 2005, an election held
5 under this act shall be held on 1 of the following regular election
6 dates:

7 (a) The February regular election date, which is the fourth
8 Tuesday in February.

9 (b) The May regular election date, which is the first Tuesday
10 after the first Monday in May.

11 (c) The August regular election date, which is the first
12 Tuesday after the first Monday in August.

13 (d) The November regular election date, which is the first
14 Tuesday after the first Monday in November.

15 (2) If an elective office is listed by name in section 643,
16 requiring the election for that office to be held at the general
17 election, and if candidates for the office are nominated at a
18 primary election, the primary election shall be held on the August
19 regular election date.

20 (3) Except as otherwise provided in this subsection and
21 subsection (4), a special election shall be held on a regular
22 election date. A special election called by the governor under
23 section 145, 178, ~~370,~~ 632, 633, or 634 to fill a vacancy or
24 called by the legislature to submit a proposed constitutional
25 amendment as authorized in section 1 of article XII of the state
26 constitution of 1963 may, but is not required to be, held on a
27 regular election date.

1 (4) A school district may call a special election to submit a
2 ballot question to borrow money, increase a millage, or establish a
3 bond if an initiative petition is filed with the county clerk. The
4 petition shall be signed by a number of qualified and registered
5 electors of the district equal to not less than 10% of the electors
6 voting in the last gubernatorial election in that district or 3,000
7 signatures, whichever number is lesser. Section 488 applies to a
8 petition to call a special election for a school district under
9 this section. **IN ADDITION TO THE REQUIREMENTS SET FORTH IN SECTION**
10 **488, THE PROPOSED DATE OF THE SPECIAL ELECTION SHALL APPEAR BENEATH**
11 **THE PETITION HEADING, AND THE PETITION SHALL CLEARLY STATE THE**
12 **AMOUNT OF THE MILLAGE INCREASE OR THE AMOUNT OF THE LOAN OR BOND**
13 **SOUGHT AND THE PURPOSE FOR THE MILLAGE INCREASE OR THE PURPOSE FOR**
14 **THE LOAN OR BOND.** The petition shall be filed with the county clerk
15 by 4 p.m. of the ~~tenth~~ **TWELFTH** Tuesday before the proposed date
16 of the special election. The petition signatures shall be obtained
17 within 60 days before the filing of the petition. Any signatures
18 obtained more than 60 days before the filing of the petition are
19 not valid. If the special election called by the school district is
20 not scheduled to be held on a regular election date as provided in
21 subsection (1), the special election shall be held on a Tuesday. A
22 special election called by a school district under this subsection
23 shall not be held within 30 days before or 35 days after a regular
24 election date as provided in subsection (1). A school district may
25 only call 1 special election **PURSUANT TO THIS SUBSECTION** in each
26 calendar year.

27 (5) The secretary of state shall make a report to the house

1 and senate committees that consider election issues by December 1,
2 2006. The secretary of state shall report about the special
3 elections held under this subsection, including, but not limited
4 to, all of the following:

5 (a) The number of times a special election has been held.

6 (b) Which school districts have held special elections.

7 (c) Information about the success rate of the ballot question
8 submitted at the special elections.

9 (d) Information about voter turnout, including the percentage
10 and number of registered voters who voted in each special election.

11 (6) The secretary of state shall direct and supervise the
12 consolidation of all elections held under this act.

13 (7) This section shall be known and may be cited as the
14 "Hammerstrom election consolidation law".

15 Sec. 642a. (1) After December 31, 2004, a city council that
16 adopted a resolution so that its regular election is held on the
17 May regular election date may change its regular election to the
18 odd year general election by adopting a resolution in compliance
19 with section 642. If a city council adopts the resolution in
20 compliance with section 642 to hold its regular election at the odd
21 year general election, after December 31 of the year in which the
22 resolution is adopted, the city's regular election is at the odd
23 year general election.

24 (2) After December 31, 2004, a city council that holds its
25 regular election for city offices annually or in the even year on
26 the November regular election date may change its regular election
27 schedule to the odd year general election and the odd year primary

1 election by adopting a resolution in compliance with section 642.
2 If a city council adopts the resolution in compliance with section
3 642, the city's regular election is at the odd year general
4 election and its primary is at the odd year primary election.

5 (3) After December 31, 2004, a city council that adopted a
6 resolution so that its regular election primary is held at the
7 September primary election may change its regular election primary
8 to the odd year primary election by adopting a resolution in
9 compliance with section 642. If a city council adopts the
10 resolution in compliance with section 642 to hold its regular
11 election primary on the odd year primary election date, after
12 December 31 of the year in which the resolution is adopted, the
13 city's regular election primary is on the odd year primary election
14 date.

15 (4) After December 31, 2004, a school district's school board
16 that adopted a resolution so that its regular election is held on a
17 date other than at the odd year general election may change its
18 regular election to the odd year general election, **THE GENERAL**
19 **NOVEMBER ELECTION, THE NOVEMBER REGULAR ELECTION DATE IN BOTH EVEN**
20 **AND ODD YEARS, OR THE ODD YEAR MAY REGULAR ELECTION DATE** by
21 adopting a resolution in compliance with section 642. If a school
22 board adopts the resolution in compliance with section 642 to hold
23 its regular election at the odd year general election, **THE GENERAL**
24 **NOVEMBER ELECTION, THE NOVEMBER REGULAR ELECTION DATE IN BOTH EVEN**
25 **AND ODD YEARS, OR THE ODD YEAR MAY REGULAR ELECTION DATE**, after
26 December 31 of the year in which the resolution is adopted, the
27 school board's school district shall hold its regular election ~~at~~

1 ON the ~~odd year general~~ election **DATE ADOPTED IN THE RESOLUTION.**

2 (5) After December 31, 2004, a village council that adopted a
3 resolution so that its regular election is held on the September
4 primary election date may change its regular election to the
5 November regular election date by adopting a resolution in
6 compliance with section 642. If a village council adopts the
7 resolution in compliance with section 642 to hold its regular
8 election at the November regular election date, after December 31
9 of the year in which the resolution is adopted, the village's
10 regular election is at the November regular election date.

11 ~~----- (6) This section takes effect September 1, 2004.~~

12 Sec. 653a. (1) On receipt of the notice from the county clerk
13 pursuant to section 652, the clerk of each city and township shall
14 give notice of the time and place at which the election is to be
15 held, the offices to be filled, and the proposals to be submitted
16 to the voters. ~~If the notice pertains to a special election for~~
17 ~~the purpose of voting upon a proposal, the proposal, as it will~~
18 ~~appear on the ballot, shall be contained in the notice.~~ The notice
19 shall be published ~~at least twice~~ in a newspaper published, or of
20 general circulation, in the city or township. **A CAPTION OR BRIEF**
21 **DESCRIPTION OF THE PROPOSAL OR PROPOSALS ALONG WITH THE LOCATION**
22 **WHERE AN ELECTOR CAN OBTAIN THE FULL TEXT OF THE PROPOSAL OR**
23 **PROPOSALS SHALL BE INCLUDED IN THE NOTICE.** The ~~first~~ publication
24 shall be **MADE** not less than ~~10~~ 7 days before the election. The
25 notice shall be in substantially the following form:

26

ELECTION NOTICE

1 To the qualified electors of the city or township _____

2 notice is hereby given that a _____

(indicate whether regular, special, or primary)

election will be held in _____ on _____

3 (date)

4 from 7 a.m. to 8 p.m. for the purpose of nominating or electing

5 candidates for the following offices: _____

6 (list of offices)

7 and to vote on the following proposals: _____

8 (list all proposals to be submitted to voters)

9 List of polling place locations: _____.

10 _____

11 (clerk)

12 (2) A county clerk may enter into an agreement with the clerk
13 of 1 or more townships or cities in the county or the clerks of 1
14 or more cities or townships in a county may enter into an agreement
15 to jointly publish the notice in subsection (1). The notice shall
16 be published in a newspaper of general circulation in the cities
17 and townships listed in the notice. If certain offices or proposals
18 are to be voted on in less than all of the precincts, the notice
19 shall specify the townships or cities that shall vote on only those
20 offices or proposals.

21 Sec. 699. At ~~the general November~~ **ANY REGULAR** election, the
22 names of the several nonpartisan offices to be voted for shall be
23 placed on a separate portion of the ballot containing no party
24 designation in the following order: justices of the supreme court,

1 judges of the court of appeals, judges of the circuit court, judges
 2 of the probate court, judges of the district court, **CITY OFFICERS**,
 3 the following village officers in substantially the following order
 4 in the year in which elections for the offices are held: president,
 5 clerk, treasurer, and trustees, and in a year in which an election
 6 for the office is held, **LOCAL** school **DISTRICT** board member,
 7 **COMMUNITY COLLEGE BOARD OF TRUSTEES MEMBER, INTERMEDIATE SCHOOL**
 8 **DISTRICT BOARD MEMBER, AND DISTRICT LIBRARY BOARD MEMBER.**

<<Sec. 761. (1) If the clerk of a city, township, or village receives an application for an absent voter ballot from a person registered to vote in that city, township, or village and if the signature on the application agrees with the signature **FOR THE PERSON CONTAINED IN THE QUALIFIED VOTER FILE OR** on the registration card **AS REQUIRED IN SUBSECTION (2)**, the clerk immediately upon receipt of the application or, if the application is received before the printing of the absent voter ballots, as soon as the ballots are received by the clerk, shall forward by mail, postage prepaid, or shall deliver personally 1 of the ballots or set of ballots if there is more than 1 kind of ballot to be voted to the applicant. Absent voter ballots may be delivered to an applicant in person at the office of the clerk.

(2) THE QUALIFIED VOTER FILE SHALL BE USED TO DETERMINE THE GENUINENESS OF A SIGNATURE ON AN APPLICATION FOR AN ABSENT VOTER BALLOT. SIGNATURE COMPARISONS SHALL BE MADE WITH THE DIGITIZED SIGNATURE IN THE QUALIFIED VOTER FILE. IF THE QUALIFIED VOTER FILE DOES NOT CONTAIN A DIGITIZED SIGNATURE OF AN ELECTOR, OR IS NOT ACCESSIBLE TO THE CLERK, THE CITY OR TOWNSHIP CLERK SHALL COMPARE THE SIGNATURE APPEARING ON THE APPLICATION FOR AN ABSENT VOTER BALLOT TO THE SIGNATURE CONTAINED ON THE MASTER CARD.

~~(2)~~ (3) Notwithstanding section 759, providing that no absent voter applications shall be received by the clerk after 2 p.m. on the Saturday before the election, a person qualified to vote as an absent voter may apply in person at the clerk's office before 4 p.m. on a day preceding the election except Sunday or a legal holiday to vote as an absent voter. The applicant shall receive his or her absent voter ballot and vote the ballot in the clerk's office. All other absent voter ballots, except ballots delivered pursuant to an emergency absent voter ballot application under section 759b, shall be mailed or delivered to the registration address of the applicant unless the application requests delivery to an address outside the city, village, or township or to a hospital or similar institution, in which case the absent voter ballots shall be mailed or delivered to the address given in the application. However, a clerk may mail or deliver an absent voter ballot, upon request of the absent voter, to a post office box if the post office box is where the absent voter normally receives personal mail and the absent voter does not receive mail at his or her registration address.

~~(3)~~ (4) Absent voter ballots shall be issued in the same order in which applications are received by the clerk of a city, township, or village, as nearly as may be, and each ballot issued shall bear the lowest number of each kind available for this purpose. However, this provision does not prohibit a clerk from immediately issuing an absent

voter ballot to an absent voter who applies in person in the clerk's office for absent voter ballots. The clerk shall enclose with the ballot or ballots a return envelope properly addressed to the clerk and bearing

upon the back of the envelope a printed statement in substantially the following form:

TO BE COMPLETED
BY THE CLERK

| | | |
|--|----------------------------------|-------------------------------|
| | | |
| | Name of Voter | Street Address or R.R. |
| | | |
| | City, Township or Village | County |
| | Ward | Precinct |
| | | Date of Election |

=====

TO BE COMPLETED BY THE ABSENT VOTER

I assert that I am a qualified and registered elector of the city, township, or village named above. I am voting as an absent voter in conformity with state election law. Unless otherwise indicated below, I personally marked the ballot enclosed in this envelope without exhibiting it to any other person.

I further assert that this absent voter ballot is being returned to the clerk or an assistant of the clerk by me personally; by public postal service, express mail service, parcel post service, or other common carrier; by a member of my immediate family; or by a person residing in my household.

| | | |
|--|--------------|----------------------------------|
| | DATE: | SIGN HERE: X |
| | | Signature of Absent Voter |

The above form must be signed or your vote will not be counted. AN ABSENT VOTER WHO KNOWINGLY MAKES A FALSE STATEMENT IS GUILTY OF A MISDEMEANOR.

=====

TO BE COMPLETED ONLY IF VOTER IS ASSISTED IN VOTING
BY ANOTHER PERSON

I assisted the above named absent voter who is disabled or otherwise unable to mark the ballot in marking his or her absent voter ballot pursuant to his or her directions. The absent voter ballot was inserted in the return envelope without being exhibited to any other person.

| | | | |
|--|--|-----------------------------------|-----------------------------------|
| | | | |
| | Signature of Person Assisting Voter | Street Address or R.R. | City, Twp., or Village |

PRINTED NAME OF PERSON ASSISTING VOTER

A PERSON WHO ASSISTS AN ABSENT VOTER AND WHO KNOWINGLY MAKES A FALSE STATEMENT IS GUILTY OF A FELONY.

=====

WARNING

PERSONS WHO CAN LEGALLY BE IN POSSESSION OF AN ABSENT VOTER BALLOT ISSUED TO AN ABSENT VOTER ARE LIMITED TO THE ABSENT VOTER; A PERSON WHO IS A MEMBER OF THE ABSENT VOTER'S IMMEDIATE FAMILY OR RESIDES IN THE ABSENT VOTER'S HOUSEHOLD AND WHO HAS BEEN ASKED BY THE ABSENT VOTER TO RETURN THE BALLOT; A PERSON WHOSE JOB IT IS TO HANDLE MAIL BEFORE, DURING, OR AFTER BEING TRANSPORTED BY A PUBLIC POSTAL SERVICE, EXPRESS MAIL SERVICE, PARCEL POST SERVICE, OR COMMON CARRIER, BUT ONLY DURING THE NORMAL COURSE OF HIS OR HER EMPLOYMENT; AND THE CLERK, ASSISTANTS OF THE CLERK, AND OTHER AUTHORIZED ELECTION OFFICIALS OF THE CITY, TOWNSHIP, VILLAGE, OR SCHOOL DISTRICT. ANY OTHER PERSON IN POSSESSION OF AN ABSENT VOTER BALLOT IS GUILTY OF A FELONY.

~~(4) A clerk may use absent voter ballot envelope stock purchased before March 28, 1996 for the remainder of the 1996 calendar year if both of the following requirements are satisfied:~~

~~(a) The warning in subsection (3) that describes persons who can legally be in possession of an absent voter ballot is affixed to the outside of the envelope.~~

~~(b) All other instructions required under subsection (3) regarding persons assisting the absent voter are inserted into the absent voter ballot envelope.~~

(5) An absent voter who knowingly makes a false statement on the absent voter ballot return envelope is guilty of a misdemeanor. A person who assists an absent voter and who knowingly makes a false statement on the absent voter ballot return envelope is guilty of a felony.

Sec. 766. (1) Upon receipt from the city, township or village clerk of any envelope containing the marked ballot or ballots of an absent voter, the board of inspectors of election shall verify the legality of such vote by an examination of **A DIGITIZED SIGNATURE FOR THE ABSENT VOTER INCLUDED IN THE QUALIFIED VOTER FILE UNDER SECTION 509Q OR** the registration record **AS PROVIDED IN SUBSECTION (2)** to see that the person has not voted in person, that he is a registered voter, and that the signature on the statement agrees with the signature on the registration record; and by an examination of the statement of such voter to see that it is properly executed.

(2) THE QUALIFIED VOTER FILE SHALL BE USED TO DETERMINE THE GENUINENESS OF A SIGNATURE ON AN ENVELOPE CONTAINING AN ABSENT VOTER BALLOT. SIGNATURE COMPARISONS SHALL BE MADE WITH THE DIGITIZED SIGNATURE IN THE QUALIFIED VOTER FILE. IF THE QUALIFIED VOTER FILE DOES NOT CONTAIN A DIGITIZED SIGNATURE OF AN ELECTOR, OR IS NOT ACCESSIBLE TO THE CLERK, THE CITY OR TOWNSHIP CLERK SHALL COMPARE THE SIGNATURE APPEARING ON AN ENVELOPE CONTAINING AN ABSENT VOTER BALLOT TO THE SIGNATURE CONTAINED ON THE MASTER CARD.

Sec. 767. If upon an examination of the envelope containing an absent voter's ballot or ballots, it is determined that the signature on the envelope does not agree sufficiently with the signature on the registration card **OR THE DIGITIZED SIGNATURE CONTAINED IN THE QUALIFIED VOTER FILE AS PROVIDED UNDER SECTION 766** so as to identify the voter or if the board shall have knowledge that the person voting the ballot or

ballots has died, or if it is determined by a majority of the board that such vote is illegal for any other reason, then such vote shall be rejected, and thereupon some member of the board shall, without opening the envelope, mark across the face of such envelope, "rejected as illegal", and the reason therefor. The statement shall be initialed by the chairman of the board of election inspectors. Said envelope and the ballot or ballots contained therein shall be returned to the city, township or village clerk and retained and preserved in the manner now provided by law for the retention and preservation of official ballots voted at such election.

Sec. 792a. (1) Except as otherwise provided in this subsection, the absent voter ballots in a city, township, or village that uses voting machines shall be counted by absent voter counting boards. The board of election commissioners of a city, township, or village that has 2 precincts or less or of a city that has 500,000 or more in population may decide that the absent voter ballots shall be counted in the manner provided in section 791. In a city, township, or village that does not use voting machines, the absent voter ballots may be counted by absent voter counting boards or in the same manner as is otherwise provided for precincts in which voting is not done on voting machines.

(2) The board of election commissioners shall establish the absent voter counting boards. The board of election commissioners shall determine the number of absent voter counting boards to be established and shall appoint the election inspectors to those absent voter counting boards 10 days or more before the election at which they are to be used. Sections 673a and 674 apply to the appointment of election inspectors to absent voter counting boards under this section. The board of election commissioners shall determine the number of ballots that may be expeditiously counted by an absent voter counting board in a reasonable period of time, taking into consideration the size and complexity of the ballot to be counted pursuant to the guidelines of the secretary of state. Combined ballots shall be regarded as the number of ballots as there are sections to the ballot.

(3) If more than 1 absent voter counting board is to be used, the city, township, or village clerk shall determine the number of voting machines or the number of ballot boxes and the number of election inspectors to be used in each of the absent voter counting boards and to which absent voter counting board the absent voter ballots for each precinct shall be assigned for counting. The clerk shall make the determination under this subsection 2 days or more before the election and shall not assign an absent voter counting board more ballots than the maximum number authorized by the board of election commissioners under subsection (2). The clerk is not required to use all of the absent voter counting boards authorized by the board of election commissioners under subsection (2).

(4) In a city, township, or village that uses absent voter counting boards under this section, absent voter ballots shall be counted in the manner provided in this section and absent voter ballots shall not be delivered to the polling places. The board of election commissioners shall provide a place for each absent voter counting board to count the absent voter ballots. Section 662 applies to the designation and prescribing of the absent voter counting place or places in which the absent voter counting board performs its duties under this section. The places shall be designated as absent voter counting places. Except as

otherwise provided in this section, laws relating to paper ballot precincts, including laws relating to the appointment of election inspectors, apply to absent voter counting places. If a counting place uses voting machines, the provisions of this section relating to placing of absent voter ballots on voting machines apply. More than 1 absent voter counting board may be located in 1 building.

(5) The clerk of a city, township, or village that uses absent voter counting boards shall supply each absent voter counting board with supplies necessary to carry out their duties under this act. The supplies shall be furnished to the city, township, or village clerk in the same manner and by the same persons or agencies as for other precincts.

(6) Absent voter ballots received by the clerk before election day shall be delivered to the absent voter counting board by the clerk at the time the election inspectors of the absent voter counting boards report for duty, which time shall be established by the board of election commissioners. Absent voter ballots received by the clerk on election day shall be delivered to the absent voter counting boards before the time set for the closing of the polls. Absent voter ballots shall be delivered to the absent voter counting boards in the sealed absent voter ballot return envelopes in which they were returned to the clerk. Written or stamped on each of the return envelopes shall be the time and the date that the envelope was received by the clerk and a statement by the clerk that the signatures of the absent voters on the envelopes have been checked and found to agree with the signatures of the voters on the registration cards **OR THE DIGITIZED SIGNATURES OF VOTERS CONTAINED IN THE QUALIFIED VOTER FILE AS PROVIDED UNDER SECTION 766**. If a signature on the registration card **OR A DIGITIZED SIGNATURE CONTAINED IN THE QUALIFIED VOTER FILE** and on the absent voter ballot return envelope does not agree **AS PROVIDED UNDER SECTION 766**, if the absent voter failed to sign the envelope, or if the statement of the absent voter is not properly executed, the clerk shall mark the envelope "rejected" and the reason for the rejection and shall place his or her name under the notation. An envelope marked "rejected" shall not be delivered to the absent voter counting board but shall be preserved by the clerk until other ballots are destroyed in the manner provided in this act. The clerk shall also comply with section 765(5).

(7) At the time of issuing or mailing absent voter ballots to qualified applicants, the clerk of a city, township, or village that uses absent voter counting boards shall mark the letters "A.V." and the date of election on the registration card of the applicant in the precinct registration file.

(8) This chapter does not prohibit an absent voter from voting in person within the voter's precinct at an election, notwithstanding that the voter may have applied for an absent voter ballot and the ballot may have been mailed or otherwise delivered to the voter. The voter, the election inspectors, and other election officials shall proceed in the manner prescribed in section 769. The clerk shall preserve the canceled ballots for 2 years.

(9) The absent voter counting boards shall process the ballots and returns in as nearly as possible the same manner as ballots are processed in paper ballot precincts. The poll book may be combined with the absent voter list or record required by section 760, and the applications for absent voter ballots may be used as the poll list. The processing and tallying of absent voter ballots may commence at 7 a.m. on the day of the election.

(10) An election inspector, challenger, or any other person in attendance at an absent voter counting place at any time after the processing of ballots has begun shall take and sign the following oath that may be administered by the chairperson or a member of the absent voter counting board:

"I (name of person taking oath) do solemnly swear (or affirm) that I shall not communicate in any way any information relative to the processing or tallying of votes that may come to me while in this counting place until after the polls are closed."

(11) The oaths administered under subsection (10) shall be placed in an envelope provided for the purpose and sealed with the red state seal. Following the election the oaths shall be delivered to the city, township, or village clerk. Except as otherwise provided in subsection (16), a person in attendance at the absent voter counting place shall not leave the counting place after the tallying has begun until the polls close. A person who causes the polls to be closed or who discloses an election result or in any manner characterizes how any ballot being counted has been voted in a voting precinct before the time the polls can be legally closed on election day is guilty of a felony.

(12) At the time the board of election commissioners provide for the use of absent voter counting boards, the board of election commissioners may provide that the absent voter counting boards shall record the votes contained on absent voter ballots on voting machines. In that case, the recording of ballots shall be done by the chairperson of the absent voter counting board or another member designated by the chairperson. The act of casting the votes shall be performed in the presence of and under the careful observation and full view of all members of the absent voter counting board, party challengers, and any other persons lawfully present at the absent voter counting place. The vote as indicated by the voting pointers shall not be recorded until each member of the absent voter counting board is satisfied that the arrangement of the voting pointers fully carries out the intent of the absent voter as shown by the cross marks or check marks on the absent voter ballot. A certificate that the requirements of this subsection were met shall be made on the election inspectors' statement of returns.

(13) As soon as absent voter ballots have been cast on a voting machine pursuant to subsection (12), but not before 8 p.m., the election inspectors shall seal the operating lever of the machine against voting and shall then proceed to determine and record the votes cast in the manner provided in this act.

(14) Voted absent voter ballots shall be placed in a ballot box and the ballot bag and ballot box shall be sealed in the manner provided by this act for paper ballot precincts. The seal numbers shall be recorded on the statement sheet and in the poll book.

(15) In a city, township, or village where challenged voters are required to vote on absent voter ballots, each challenged voter ballot and application for ballot, after having been voted and properly identified, shall be placed by the voter in an absent voter ballot return envelope. The applicable information required on the back of the envelope shall be completed by the board of election inspectors. The envelope shall be signed by the challenged voter and by the chairperson of the precinct board of election inspectors. The word "challenged" shall be written across the front of the envelope. The envelope and application for ballot shall be sealed and delivered to the absent voter counting place by the clerk of the city, township, or village. Immediately after the closing of the polls, the chairperson of the precinct board of election inspectors shall notify the clerk of the city, township, or

village of remaining challenged voter ballots to be delivered to the absent voter counting place. In a city, township, or village that uses voting machines where absent voter counting boards are not used, challenged ballots shall be counted and tallied in the precincts, in the same manner that absent voter ballots are tallied and counted as provided in section 791.

(16) Subject to this subsection, a local election official who has established an absent voter counting board, the deputy or employee of that local election official, or an employee of the state bureau of elections may enter and leave an absent voter counting board after the tally has begun but before the polls close. A person described in this subsection may enter an absent voter counting board only for the purpose of responding to an inquiry from an election inspector or a challenger or to provide instructions on the operation of the counting board. Before entering an absent voter counting board, a person described in this subsection shall take and sign the oath prescribed in subsection (10). The chairperson of the absent voter counting board shall record in the poll book the name of a person described in this subsection who enters the absent voter counting board. A person described in this subsection who enters an absent voter counting board and who discloses an election result or in any manner characterizes how any ballot being counted has been voted in a precinct before the time the polls can be legally closed on election day is guilty of a felony. As used in this subsection, "local election official" means a county, city, township, or village clerk, the secretary of a school board, or an employee of a school district designated to conduct a school election.

(17) The secretary of state shall develop instructions consistent with this act for the conduct of absent voter counting boards. The secretary of state shall distribute the instructions developed under this subsection to city and township clerks 40 days or more before a general election in which absent voter counting boards will be used. A city or township clerk shall make the instructions developed under this subsection available to the public and shall distribute the instructions to each challenger in attendance at an absent voter counting board. The instructions developed under this subsection are binding upon the operation of an absent voter counting board used in an election conducted by a county, city, township, village, school district, or any other jurisdiction empowered to conduct an election under this act.

Sec. 961. (1) A recall petition shall be filed with the filing officer provided in section 959 or 960. The filing official shall give a receipt showing the date of filing, the number of petition sheets filed, and the number of signatures claimed by the filer. This shall constitute the total filing, and additional petition sheets for this filing shall not be accepted by the filing official.

(2) Within 7 days after a recall petition is filed, the filing official with whom the petition was filed shall examine the recall petition. The filing official shall determine if the recall petition is in proper form and shall determine the number of signatures of the petition. In determining the number of signatures, the filing official shall not count signatures on a petition sheet if 1 or more of the following apply:

(a) The execution of the certificate of circulator is not in compliance with this act.

(b) The heading of the petition sheet is improperly completed.

(c) The reasons for recall are different than those determined by the board of county election commissioners to be of sufficient clarity to enable the officer whose recall is sought and the electors to identify the course of conduct which is the basis for this recall.

(d) The signature was obtained before the date of determination by the board of county election commissioners or more than 90 days before the filing of the petition.

(3) If the filing official determines that the form of the petition is improper or that the number of signatures is less than the minimum number required in section 955, the filing official shall proceed as provided in section 963(1).

(4) If the filing official determines that the number of signatures is in excess of the minimum number required in section 955, the filing official shall determine the validity of the signatures by verifying the registration of signers pursuant to subsection (6) **AND MAY DETERMINE THE GENUINENESS OF SIGNATURES PURSUANT TO SUBSECTION (7)** or shall forward each petition sheet to the clerk of the city or township appearing on the head of the petition sheet. However, the petition shall not be forwarded to the secretary of a school district.

~~(5) Subject to subsection (6), the city or township clerk shall compare the names on the petition with the city or township registration records. The clerk may compare with the signatures on the original registration record or with the name or address on registration lists on file in the clerk's office.~~ **THE CITY OR TOWNSHIP CLERK SHALL DETERMINE THE VALIDITY OF THE SIGNATURES BY VERIFYING THE REGISTRATION OF SIGNERS PURSUANT TO SUBSECTION (6) AND MAY DETERMINE THE GENUINENESS OF SIGNATURES PURSUANT TO SUBSECTION (7).** Within 15 days after receipt of the petition, the city or township clerk shall attach to the petition a certificate indicating the number of signers on each petition sheet that are registered electors in the city or township and in the governmental unit for which the recall is sought. The certificate shall be on a form approved by the secretary of state and may be a part of the petition sheet. If the recall petition is for the recall of a village official, the county clerk shall forward the petition to the clerk of the village, and the duties and responsibilities of the city or township clerk as set forth in this section shall be performed by the village clerk.

(6) The qualified voter file ~~may~~ **SHALL** be used to determine the validity of petition signatures by verifying the registration of signers. If the qualified voter file indicates that, on the date the elector signed the petition, the elector was not registered to vote, there is a rebuttable presumption that the signature is invalid. If the qualified voter file indicates that, on the date the elector signed the petition, the elector was not registered to vote in the city or township designated on the petition, there is a rebuttable presumption that the signature is invalid.

(7) THE QUALIFIED VOTER FILE SHALL BE USED TO DETERMINE THE GENUINENESS OF A CHALLENGED PETITION SIGNATURE APPEARING ON A RECALL PETITION. SIGNATURE COMPARISONS SHALL BE MADE WITH THE DIGITIZED SIGNATURE IN THE QUALIFIED VOTER FILE. IF THE QUALIFIED VOTER FILE DOES

NOT CONTAIN A DIGITIZED SIGNATURE OF AN ELECTOR, THE OFFICIAL WITH WHOM THE RECALL PETITION WAS FILED SHALL COMPARE THE CHALLENGED SIGNATURE TO THE SIGNATURE ON THE MASTER CARD.

Sec. 961a. (1) Not later than the business day following the filing of a recall petition, the official with whom the recall was filed shall notify in writing the officer whose recall is sought that the recall petition has been filed.

(2) An officer whose recall is sought may challenge the validity of the registration or the validity and genuineness of the signature of a circulator or person signing the recall petition. A challenge shall be in writing, specifying the challenged signature, and shall be delivered to the filing official within 30 days after the filing of the petitions. The officer whose recall is sought shall have not less than 8 days after the clerk has examined the signatures to check signatures on the original registration records.

(3) Subject to ~~subsection~~ **SUBSECTIONS (4) AND (5)**, a challenged signature shall be ~~compared with the signature on the original registration record~~ **VERIFIED BY THE OFFICIAL WITH WHOM THE RECALL WAS FILED.**

(4) The qualified voter file may be used to determine the validity of ~~petition signatures~~ **A CHALLENGED PETITION SIGNATURE APPEARING ON A RECALL PETITION** by verifying the registration of ~~signers~~ **THE SIGNER**. If the qualified voter file indicates that, on the date the elector signed the petition, the elector was not registered to vote, there is a rebuttable presumption that the signature is invalid. If the qualified voter file indicates that, on the date the elector signed the petition, the elector was not registered to vote in the city or township designated on the petition, there is a rebuttable presumption that the signature is invalid.

(5) THE QUALIFIED VOTER FILE SHALL BE USED TO DETERMINE THE GENUINENESS OF A CHALLENGED PETITION SIGNATURE APPEARING ON A RECALL PETITION. SIGNATURE COMPARISONS SHALL BE MADE WITH THE DIGITIZED SIGNATURE IN THE QUALIFIED VOTER FILE. IF THE QUALIFIED VOTER FILE DOES NOT CONTAIN A DIGITIZED SIGNATURE OF AN ELECTOR, THE OFFICIAL WITH WHOM THE RECALL PETITION WAS FILED SHALL COMPARE THE CHALLENGED SIGNATURE TO THE SIGNATURE ON THE MASTER CARD.>>

9 Sec. 963. (1) Within 35 days after the filing of the recall
10 petition, the filing official with whom the recall petition is
11 filed shall make an official declaration of the sufficiency or
12 insufficiency of the petition. If the recall petition is determined
13 to be insufficient, the filing official shall notify the person or
14 organization sponsoring the recall of the insufficiency of the
15 petition. It is not necessary to give notification unless the
16 person or organization sponsoring the recall files with the filing
17 official a written notice of sponsorship and a mailing address.

18 (2) Immediately upon determining that the petition is
19 sufficient, but not later than 35 days after the date of filing of
20 the petition, the county clerk with whom the petition is filed
21 shall call the special election to determine whether the electors
22 will recall the officer whose recall is sought. The election shall
23 be held on the next regular election date that is not less than ~~70~~
24 95 days after the date the petition is filed.

25 (3) If a petition is filed under section 959, the filing
26 official with whom the petition is filed shall call the special
27 election. The election shall be held on the next regular election

Senate Bill No. 513 (H-1) as amended June 15, 2005
as amended June 30, 2005

1 date that is not less than ~~70~~ 95 days after the petition is
2 filed.

<<Enacting section 1. Sections 500g and 501a of the Michigan
election law, 1954 PA 116, MCL 168.500g and 168.501a, are repealed.>>
[Enacting section <<2>>. Section 641(4) of the Michigan election
law, 1954 PA 116, MCL 168.641, as amended by this amendatory act, takes
effect 70 days after the date this amendatory act is enacted.]

<<Enacting section 3. Sections 31, 476, 501, 507, 523, 552, 961,
and 961a of the Michigan election law, 1954 PA 116, MCL 168.31, 168.476,
168.501, 168.507, 168.523, 168.552, 168.961, and 168.961a, as amended by
this amendatory act take effect January 1, 2007.>>

3 Enacting section [<<4>>]. If any portion of this amendatory act or
4 the application of this amendatory act to any person or
5 circumstances is found invalid by a court, the invalidity shall not
6 affect the remaining portions or applications of this amendatory
7 act that can be given effect without the invalid portion or
8 application, if the remaining portions are not determined by the
9 court to be inoperable, and to this end this amendatory act is
10 declared to be severable.