

MICHIGAN ELECTION LAW (EXCERPT)
Act 116 of 1954

168.493a Automatic voter registration; qualifications; qualified voter file; option to opt-out; notice; information added to qualified voter file; United States citizenship requirement; preregistration; erroneous registration not a violation; monthly data reports.

Sec. 493a.

(1) Subject to this section, the secretary of state shall automatically register to vote each individual who meets the qualifications of an elector under section 492 and who submits an application for an operator's or chauffeur's license issued under the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923, an official state personal identification card issued under 1972 PA 222, MCL 28.291 to 28.300, or an enhanced driver license or enhanced official state personal identification card issued under the enhanced driver license and enhanced official state personal identification card act, 2008 PA 23, MCL 28.301 to 28.308. In addition, subject to this section, the secretary of state shall automatically register to vote each individual who meets the qualifications of an elector under section 492 and who submits a change of address application for an operator's or chauffeur's license issued under the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923, an official state personal identification card issued under 1972 PA 222, MCL 28.291 to 28.300, or an enhanced driver license or enhanced official state personal identification card issued under the enhanced driver license and enhanced official state personal identification card act, 2008 PA 23, MCL 28.301 to 28.308.

(2) Subject to this subsection, for each individual who submits an application under subsection (1) or who is issued a graduated licensing status under section 310e of the Michigan vehicle code, 1949 PA 300, MCL 257.310e, who provides or has provided documentation demonstrating United States citizenship, and who is of sufficient age to register to vote, the secretary of state shall, if the individual is not already registered to vote in this state, add the information required under section 509q(1)(a), (b), and (g) to the qualified voter file for that individual and electronically forward the individual's information to the clerk of the city or township in which the individual resides to have the clerk register that individual to vote. For an individual registered to vote under this subsection, the qualified voter file must include an indication that the individual was registered to vote under this section. Subject to this subsection, the secretary of state shall send to the individual's residence address, by nonforwardable mail, a notice that the individual has been registered to vote and a postage prepaid and preaddressed return form by which the individual may decline the voter registration. The secretary of state shall prescribe the form of the notice described in this subsection. In addition, the secretary of state shall develop procedures for processing a voter registration under this subsection for an individual who has previously declined voter registration under subsection (4).

(3) The notice mailed to an individual under subsection (2) must include all of the following:

(a) An explanation of the eligibility requirements to register to vote, and a statement that if the individual is not eligible to vote, the individual must decline the voter registration by using the postage prepaid and preaddressed return form.

(b) A statement that an individual may decline the voter registration. The statement must also indicate that if the individual declines the voter registration, the fact that the individual declined the voter registration remains confidential and can be used only for purposes of voter registration statistics. The statement must also indicate that if the individual remains registered to vote, the office at which the individual was registered to vote remains confidential and can be used only for voter registration purposes.

(c) Information on how a registered elector may cast an absent voter ballot.

(4) If an individual returns a notice mailed under subsection (2) and declines the voter registration, that individual is considered to never have been registered to vote and any information added to the qualified voter file for that individual must be removed. However, if an individual has voted in an election and then returns a notice mailed under subsection (2) that declines the voter registration, the secretary of state's office shall contact that individual to determine whether the individual wishes to decline the voter registration or remain registered to vote.

(5) If a notice mailed under subsection (2) is returned to the secretary of state by the post office as undeliverable, the qualified voter file must generate a notification to the clerk of the city or township in which that individual resides to have the clerk mail the individual a notice required under section 509aa(3). If an individual returns a notice mailed under subsection (2) without selecting the option to decline the voter registration, the individual remains registered to vote.

(6) The secretary of state shall not provide an opportunity to register to vote or automatically register to vote any individual who, when submitting an application under subsection (1), provides documentation demonstrating that the individual is not a United States citizen. Subject to this subsection, for any other individual who submits an application under subsection (1) who has not provided documentation demonstrating United States citizenship, but who is of sufficient age to register to vote, the secretary of state shall offer to register to vote that individual if the

individual indicates on the individual's operator's or chauffeur's license application, official state personal identification card application, or change of address application that the individual is a citizen of the United States. The secretary of state shall add the information required under section 509q(1)(a), (b), and (g) to the qualified voter file for each elector registered under this subsection and shall electronically forward the name of each elector registered under this subsection to the clerk of the city or township in which each elector resides to have the clerk register that individual to vote. For an individual registered under this subsection, the qualified voter file must include an indication that the individual was registered to vote under this section. For purposes of this subsection only, the secretary of state shall not register to vote an individual under this subsection who indicates on the individual's operator's or chauffeur's license application, official state personal identification card application, or change of address application that the individual declines to use the application as a voter registration application. The secretary of state shall not transmit any information to the qualified voter file regarding any individual who declines under this subsection to use an application described in this section as a voter registration application.

(7) The secretary of state shall use the procedures in subsections (2) to (6) to preregister any individual who meets the qualifications to preregister to vote under section 496a and who submits an application under subsection (1). The procedures in subsections (2) to (5) must be used for each individual who submits an application under subsection (1), or who is issued a graduated licensing status under section 310e of the Michigan vehicle code, 1949 PA 300, MCL 257.310e, who provides or has provided documentation demonstrating United States citizenship, and who is of sufficient age to preregister to vote. The notice and procedures required in subsections (2) to (5) must be modified to reflect that the individual has been preregistered to vote, not registered to vote. The procedures in subsection (6) must be used for each individual who submits an application under subsection (1) and who has not provided documentation demonstrating United States citizenship, but is of sufficient age to preregister to vote, except that the secretary of state shall not provide an opportunity to preregister to vote or automatically preregister to vote any individual who, at the time of submitting an application under subsection (1), provides documentation demonstrating that the individual is not a United States citizen.

(8) An individual who is not eligible to vote and who, without intending to register to vote, becomes registered to vote through human or mechanical error is not considered to have knowingly intended to register to vote in violation of section 519.

(9) If an individual who is not eligible to vote becomes registered to vote under subsection (2) or section 493b and votes or attempts to vote in an election held after the effective date of the individual's voter registration, that individual is presumed to have a defense for a violation under section 932a(c). This subsection does not apply to an individual who knowingly and willfully makes a false statement to effectuate voter registration or who intentionally takes voluntary action to register to vote or vote knowing that the individual is not entitled to vote.

(10) Nothing in this section shall be construed to amend the substantive qualifications for voter registration in this state, or to require documentary proof of United States citizenship for voter registration.

(11) The secretary of state shall publicly release data reports, as described in this subsection, on a monthly basis. The data reports must not include any personally identifying information, must be subcategorized by sex and age of the individuals included, and must include all of the following information:

(a) The number of individuals registered to vote or preregistered to vote under the procedures in subsections (2) to (5).

(b) The number of individuals who declined voter registration or voter preregistration under the procedures in subsections (2) to (5).

(c) The number of individuals registered to vote or preregistered to vote under the procedures in subsection (6).

(d) The number of individuals who declined voter registration or voter preregistration under the procedures in subsection (6).

(e) The number of individuals whose voter registration or voter preregistration was updated pursuant to the requirement under sections 509o and 509r that the secretary of state use the residence address provided on a driver license or state personal identification card application as the applicant's residence address in the qualified voter file.

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Popular Name: Election Code