

SENATE BILL NO. 224

February 26, 1997, Introduced by Senators BENNETT, STEIL, MC MANUS, SCHUETTE, SCHWARZ, GAST and SHUGARS and referred to the Committee on Government Operations.

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

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

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

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

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

27 ~~The clerk of a city or township shall transmit to the secretary~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4 The petition shall be in the following form:

5

6

NOMINATING PETITION

7

(PARTISAN)

8

We, the undersigned, registered and qualified voters of

9 the city or township (STRIKE 1) of, THE SCHOOL DISTRICT

10 OF, in the county of

11 ~~-(strike 1)-~~

12 and state of Michigan, nominate,

13,

14 (Name of Candidate)

15,

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

17 as a candidate of the party for the office of

1 , ,
2 (District, if any)

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

4 day of , 19... .

5 WARNING

6 A person who knowingly signs more petitions for the same
7 office than there are persons to be elected to the office or
8 signs a name other than his or her own is violating the provi-
9 sions of the Michigan election law.

10 _____
—

11	Printed	Street Address		
12	Name and	or	Post Office	Date of Signing
13	Signature	Rural Route		Mo. Day
	Year			

14 _____
—

15 1.

16 2.

17 3.

18 4.

19 numbered lines as above

1 CERTIFICATE OF CIRCULATOR

2 The undersigned circulator of the above petition asserts
3 that he or she is qualified to circulate this petition and that
4 each signature on the petition was signed in his or her presence;
5 and that, to his or her best knowledge and belief, each signature
6 is the genuine signature of the person purporting to sign the
7 petition, the person signing the petition was at the time of
8 signing a qualified registered elector of the city or township
9 listed in the heading of the petition, and the elector was quali-
10 fied to sign the petition.

11 Circulator--Do not sign or date certificate until after cir-
12 culating petition.

13 _____
14 (Printed Name and Signature of Circulator) (Date)

15 _____
16 (City or Township Where Registered)

17 _____
18 Complete Address (Street and Number or Rural Route)

19 _____
20 (Post Office)

21 Warning-A circulator WHO knowingly ~~making~~ MAKES a false
22 statement in the above certificate, a person not a circulator who

1 signs as ~~a~~ THE circulator, or a person who signs a name other
2 than his or her own as circulator is guilty of a misdemeanor.

3 (2) The petition shall be in a form providing a space for
4 the circulator and each elector who signs the petition to print
5 his or her name. The secretary of state shall prescribe the
6 location of the space for the printed name. The failure of the
7 circulator or an elector who signs the petition to print his or
8 her name or to print his or her name in the location prescribed
9 by the secretary of state does not affect the validity of the
10 signature of the circulator or the elector who signs the
11 petition. A printed name located in the space prescribed for
12 printed names does not constitute the signature of the circulator
13 or elector.

14 (3) At the time of circulation, the circulator of a petition
15 shall be a registered elector of this state. At the time of exe-
16 cuting the certificate of circulator, the circulator shall be
17 registered in the city or township indicated in the certificate
18 of circulator on the petition.

19 (4) The circulator of a petition shall sign and date the
20 certificate of circulator before the petition is filed. A circu-
21 lator shall not obtain electors' signatures after the circulator
22 has signed and dated the certificate of circulator. A filing
23 official shall not count electors' signatures that were obtained
24 after the date the circulator signed the certificate or that are
25 contained in a petition that the circulator did not sign and
26 date.

1 (5) Except as provided in section 544d, a petition sheet
2 shall not be circulated in more than 1 city or township and each
3 signer of a petition sheet shall be a registered elector of the
4 city or township indicated in the heading of the petition sheet.
5 The invalidity of 1 or more signatures on a petition does not
6 affect the validity of the remainder of the signatures on the
7 petition.

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

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

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

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

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

23 Sec. 644k. (1) If all or portion of a ~~school district or~~
24 ~~a~~ community college district is wholly or partly within a city
25 or more than 1 city that elects city officers at the odd year
26 general election, the ~~school district or~~ community college
27 district ~~, except a first class school district,~~ may hold its

1 election biennially at the odd year general election if existing
2 law requires ~~or an agreement pursuant to section 533 of Act No.~~
3 ~~269 of the Public Acts of 1955, as amended, being section 340.533~~
4 ~~of the Michigan Compiled Laws, authorizes~~ each city to conduct
5 the ~~school or~~ community college election at the same time as
6 and in conjunction with the city election.

7 (2) The board of ~~education of a school district or the~~
8 ~~board of~~ trustees of a community college district may determine
9 by resolution whether the district shall hold its election as
10 provided in this section. The resolution shall be adopted
11 ~~before May 1, 1971, if it is to be applicable to the 1971 odd~~
12 ~~year general election, otherwise it shall be adopted~~ not less
13 than 6 months preceding the date of any regularly scheduled
14 ~~school or~~ community college district election. In its resolu-
15 tion the board shall provide that the term of office of members
16 of the ~~school district or~~ community college district board
17 shall be for an even number of years and shall provide for an
18 election schedule ~~which~~ THAT implements the change. A term may
19 be extended for not more than 1 year for this purpose. The board
20 may change the filing date of nominating petitions for board of
21 education candidates to conform with the filing dates of a city
22 election that is held in conjunction with the school board
23 election. ~~In the case of school elections held in accordance~~
24 ~~with this section, the last date for nomination shall not be more~~
25 ~~than 49 days before the scheduled school election.~~ The board may
26 provide that all members shall not be elected at the same
27 election. Incumbents' terms shall be ~~in accordance with~~

1 PURSUANT TO section 644g(1). The date for taking office shall be
2 as prescribed in section 644h.

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

9 Sec. 690. The APPROPRIATE township, city, or village board
10 of election commissioners, ~~as the case may be,~~ shall cause the
11 ballots required for any regular or special township, village,
12 ~~or~~ city, OR SCHOOL election, or official primary election for
13 the nomination of candidates for township, village, city, SCHOOL,
14 or ward offices, to be printed and delivered to the APPROPRIATE
15 township, village, or city clerk ~~, as the case may be,~~ at least
16 10 days before ~~any such~~ THE election. ~~, and like~~ SIMILAR
17 duties ~~as are hereinbefore enjoined~~ IMPOSED upon county boards
18 of election commissioners and upon county, township, and city
19 clerks relative to the printing, counting, packaging, sealing,
20 and delivery of official ballots, are ~~hereby enjoined~~ ALSO
21 IMPOSED upon the several township and municipal boards of elec-
22 tion commissioners and ~~upon~~ the several township, village, or
23 city clerks relative to the printing, counting, packaging,
24 sealing, and delivery of official ballots for use in each pre-
25 cinct of ~~such~~ THE township, village, or city at any ~~such~~
26 municipal, ~~or~~ township, OR SCHOOL election.

1 Sec. 862. A candidate for any office AT AN ELECTION,
2 including a candidate at ~~all~~ A school ~~elections except an~~
3 ~~election for board members in a primary school district, at any~~
4 ~~primary or election, conceiving himself~~ ELECTION, WHO BELIEVES
5 HE OR SHE IS aggrieved on account of fraud or mistake in the can-
6 vass of the votes by the inspectors of election, or in the
7 returns made ~~thereon~~ ON THE ELECTION by the BOARD OF ELECTION
8 inspectors, may petition for a recount of the votes cast for that
9 office in any precinct or precincts as provided in this chapter.

10 Sec. 863. A qualified and registered elector voting in a
11 city, township, ~~school district other than a primary school dis-~~
12 ~~trict at an election for board members,~~ or village at the last
13 preceding election who believes there has been fraud or error
14 committed by the inspectors of election in its canvass or returns
15 of the votes cast at the election, upon a proposed amendment to
16 the charter of the city or village or any other proposition sub-
17 mitted to the voters of the county, city, township, school dis-
18 trict, or village, may petition for a recount of the votes cast
19 in any precinct or precincts of that county, city, township,
20 school district, or village, upon that proposed amendment or
21 other proposition as provided in this chapter.

22 Sec. 954. ~~The~~ RECALL petitions shall be signed by regis-
23 tered and qualified electors of the electoral district of the
24 official whose recall is sought. ~~In a school district where~~
25 ~~school electors are not required to be registered, the signers of~~
26 ~~the petition shall not be required to be registered electors and~~
27 ~~the term "registered and qualified electors" shall mean~~

1 ~~"qualified electors".~~ Each signer of ~~the~~ A RECALL petition
2 shall affix his OR HER signature, address, and the date of
3 signing. ~~The persons signing the~~ A PERSON WHO SIGNS A RECALL
4 petition shall be A registered and qualified ~~electors~~ ELECTOR
5 of the governmental subdivision designated in the heading of the
6 petition.

7 Sec. 972. (1) Except as provided in subsection (2), a can-
8 didate for a nonpartisan office shall be nominated and voted for
9 in an election scheduled pursuant to section 971 by filing a nom-
10 inating petition not later than 4 p.m. on the fifteenth day
11 after the election is called. The nominating petition shall be
12 filed with the clerk or secretary of the electoral district and
13 signed by not less than 3% of the registered and qualified elec-
14 tors of the electoral district. However, a nominating petition
15 for the office of district library board member shall be signed
16 by not less than 3% of the number of persons voting in the dis-
17 trict library district at the last election at which district
18 library board members were elected and filed with the clerk of
19 the largest county or, if a school district is a participating
20 municipality, with the secretary of the largest participating
21 school district. For the purposes of this subsection, the term
22 "largest" ~~has the meaning ascribed to it~~ MEANS THAT TERM AS
23 DEFINED in section 2 of the district library establishment act,
24 1989 PA 24, MCL 397.172.

25 (2) This subsection applies to an election to fill a vacancy
26 for an unexpired term created by a recall of a SCHOOL BOARD
27 member, ~~of a board of education of a school district,~~ if the

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SB 224 as amended February 3, 1998

17

1 election is scheduled to be held on the same date as ~~an annual~~
2 ~~school election or~~ a general election. A petition filed by a
3 candidate shall be signed by a number of registered and qualified
4 electors of the school district equal to not less than 1% of the
5 total number of votes received by the candidate for SCHOOL BOARD
6 member ~~of the board of education~~ who received the greatest
7 number of votes at the last election at which members of the
8 SCHOOL board ~~of education~~ were elected, but the number shall
9 not be less than 20. The petition shall clearly state that it
10 relates to the filling of a vacancy for an unexpired term and
11 shall be filed with the ~~secretary of the board or in the office~~
12 ~~of the board of education~~ FILING OFFICIAL WHO RECEIVES NOMINAT-
13 ING PETITIONS UNDER SECTION 302 not later than 4 p.m. on the
14 fifteenth day after the election is called.

15 Enacting section 1. This amendatory act does not take
16 effect unless all of the following bills of the 89th Legislature
17 are enacted into law:

18 (a) Senate Bill No. 202.

19 (b) Senate Bill No. 207.

20