

SENATE BILL No. 751

October 12, 2011, Introduced by Senators ROBERTSON and GREEN and referred to the Committee on Local Government and Elections.

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 509r, 509aa, 658, 659, and 761 (MCL 168.509r, 168.509aa, 168.658, 168.659, and 168.761), section 509r as amended by 2003 PA 302, section 509aa as amended by 2004 PA 92, section 659 as amended by 2004 PA 296, and section 761 as amended by 2005 PA 71, and by adding section 764c.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 509r. (1) The secretary of state shall establish and
2 maintain the computer system and programs necessary to the
3 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
14 registration agency.

15 (c) An application to register to vote taken by a county,
16 city, township, or village clerk.

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

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

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

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

26 (4) A designated voter registration agency or a county,
27 city, township, or village clerk shall not add to, delete from,

1 or change any information contained in the qualified voter file
2 during the period beginning on the seventh day before an election
3 and ending on the day of the election.

4 (5) THE SECRETARY OF STATE SHALL CREATE AN INACTIVE VOTER
5 FILE.

6 (6) IF A VOTER IS SENT A NOTICE UNDER SECTION 509AA TO
7 CONFIRM THE VOTER'S RESIDENCE INFORMATION OR IF A VOTER DOES NOT
8 VOTE FOR 6 CONSECUTIVE YEARS, THE SECRETARY OF STATE SHALL PLACE
9 THE REGISTRATION RECORD OF THAT VOTER IN THE INACTIVE VOTER FILE
10 AND THE REGISTRATION RECORD OF THAT VOTER SHALL REMAIN IN THE
11 INACTIVE VOTER FILE UNTIL THE VOTER VOTES AT AN ELECTION.

12 (7) WHILE THE REGISTRATION RECORD OF A VOTER IS IN THE
13 INACTIVE VOTER FILE, THE VOTER REMAINS ELIGIBLE TO VOTE AND HIS
14 OR HER NAME SHALL APPEAR ON THE PRECINCT VOTER REGISTRATION LIST.

15 (8) IF THE REGISTRATION RECORD OF A VOTER IS IN THE INACTIVE
16 VOTER FILE AND THAT VOTER VOTES AT AN ELECTION BY ABSENT VOTER
17 BALLOT, THAT ABSENT VOTER BALLOT SHALL BE PREPARED AS A
18 CHALLENGED BALLOT AS PROVIDED IN SECTION 727.

19 Sec. 509aa. (1) A clerk may use change of address
20 information supplied by the United States postal service or other
21 reliable information received by the clerk that identifies
22 registered voters whose addresses may have changed as provided in
23 this section.

24 (2) Upon receipt of reliable information that a registered
25 voter has moved his or her residence within the city or township,
26 the clerk shall send by forwardable mail all of the following to
27 the voter:

1 (a) A notice that the clerk has received information
2 indicating that the voter has moved his or her residence within
3 the city or township.

4 (b) A postage prepaid and preaddressed return card on which
5 the voter may verify or correct the address information.

6 (c) A notice explaining that, if the address information is
7 correct and the voter has moved his or her residence within the
8 city or township, the voter should complete and return the card
9 to the clerk with a postmark of 30 days or more before the date
10 of the next election. If the voter has moved his or her residence
11 within the city or township and does not complete and return the
12 card to the clerk with a postmark of 30 days or more before the
13 date of the next election, the voter will be required to vote in
14 his or her former precinct of residence in the city or township.
15 The voter will also be required to submit an address correction
16 before being permitted to vote.

17 (3) Upon the receipt of reliable information that a
18 registered voter has moved his or her residence to another city
19 or township, the clerk shall send by forwardable mail all of the
20 following to the voter:

21 (a) A notice that the clerk has received information
22 indicating that the voter has moved his or her residence to
23 another city or township.

24 (b) A postage prepaid and preaddressed return card on which
25 the voter may verify or correct the address information.

26 (c) A notice containing all of the following information:

27 (i) If the address information is incorrect and the voter has

1 not moved to another city or township and wishes to remain
2 registered to vote, the voter should complete and return the card
3 to the clerk with a postmark of 30 days or more before the date
4 of the next election. If the card is not completed and returned
5 with a postmark of 30 days or more before the date of the next
6 election, the voter may be required to affirm his or her current
7 address before being permitted to vote. Further, if the voter
8 does not vote in an election within the period beginning on the
9 date of the notice and ending on the first business day
10 immediately following the second November general election that
11 is held after the date on the notice, the registration of the
12 voter will be canceled and his or her name will be removed from
13 the registration record of that city or township.

14 (ii) If the voter has moved his or her residence to another
15 city or township, information on how the voter can become
16 registered to vote at the next election in his or her new city or
17 township.

18 (4) If a notice sent under ~~this section~~ **SUBSECTION (2) OR**
19 **(3)** is returned to the clerk by the post office as undeliverable,
20 the clerk shall identify the registration record of a voter as
21 challenged as provided in this act. The clerk shall instruct the
22 board of election inspectors to challenge that voter at the first
23 election at which the voter appears to vote. If in response to
24 the challenge the voter indicates that he or she resides at the
25 registration address or has changed addresses within the city or
26 township, the voter shall be permitted to vote a regular ballot
27 rather than a challenged ballot. The voter shall complete a

1 change of address form at the polling place, if applicable. If
2 the person does not appear to vote in an election within the
3 period beginning on the date of the notice and ending on the
4 first business day immediately following the second November
5 general election that is held after the date of the notice, the
6 clerk shall cancel the registration of the voter and remove his
7 or her name from the registration record of the city or township.

8 (5) IF THE DEPARTMENT OF STATE RECEIVES NOTICE THAT A
9 REGISTERED VOTER HAS MOVED OUT OF STATE BY RECEIVING A
10 SURRENDERED MICHIGAN DRIVER LICENSE OF THAT REGISTERED VOTER, THE
11 SECRETARY OF STATE SHALL SEND BY FORWARDABLE MAIL ALL OF THE
12 FOLLOWING TO THE VOTER:

13 (A) A NOTICE THAT THE SECRETARY OF STATE HAS RECEIVED
14 INFORMATION INDICATING THAT THE VOTER HAS MOVED HIS OR HER
15 RESIDENCE TO ANOTHER STATE.

16 (B) A POSTAGE PREPAID AND PREAMDRESSED RETURN CARD ON WHICH
17 THE VOTER MAY VERIFY OR CORRECT THE ADDRESS INFORMATION.

18 (C) A NOTICE PROVIDING THAT IF THE ADDRESS INFORMATION IS
19 INCORRECT AND THE VOTER HAS NOT MOVED TO ANOTHER STATE AND WISHES
20 TO REMAIN REGISTERED TO VOTE, THE VOTER SHOULD COMPLETE AND
21 RETURN THE CARD TO THE SECRETARY OF STATE WITH A POSTMARK OF 30
22 DAYS OR MORE BEFORE THE DATE OF THE NEXT ELECTION. IF THE CARD IS
23 NOT COMPLETED AND RETURNED WITH A POSTMARK OF 30 DAYS OR MORE
24 BEFORE THE DATE OF THE NEXT ELECTION, THE VOTER MAY BE REQUIRED
25 TO AFFIRM HIS OR HER CURRENT ADDRESS BEFORE BEING PERMITTED TO
26 VOTE. FURTHER, IF THE VOTER DOES NOT VOTE IN AN ELECTION WITHIN
27 THE PERIOD BEGINNING ON THE DATE OF THE NOTICE AND ENDING ON THE

1 FIRST BUSINESS DAY IMMEDIATELY FOLLOWING THE SECOND NOVEMBER
2 GENERAL ELECTION THAT IS HELD AFTER THE DATE ON THE NOTICE, THE
3 REGISTRATION OF THE VOTER WILL BE CANCELED AND HIS OR HER NAME
4 WILL BE REMOVED FROM THE QUALIFIED VOTER FILE.

5 Sec. 658. When a city, ward, township, or village is divided
6 into 2 or more election precincts, pursuant to law, and it
7 appears from an examination of the precinct registration records
8 ~~—~~that there are not more than 400 **ACTIVE** registered electors in
9 the city, ward, township, or village using paper ballots, or not
10 more than 2,999 **ACTIVE** registered electors in the city, ward,
11 township, or village using voting machines, the election
12 commission, or other officials charged with the performance of
13 the duty by the charter of a city or village, by resolution, may
14 abolish the division or divisions and after that time the city,
15 ward, township, or village shall constitute a single election
16 precinct as if a division had not been made. A consolidation
17 shall not be made later than the 120 days before a primary or
18 election.

19 Sec. 659. (1) If a county, city, ward, township, village, or
20 school district is divided into 2 or more election precincts, the
21 county, city, ward, township, or village election commissioners
22 may, by resolution, consolidate the election precincts for a
23 particular election that is not a general November election,
24 primary election immediately before a general November election,
25 or other statewide or federal election. In making the
26 determination to consolidate election precincts for a particular
27 election, the election commission shall take into consideration

1 the number of choices the voter must make, the percentage of
2 registered voters who voted at the last similar election in the
3 jurisdiction, and the intensity of the interest of the electors
4 in the jurisdiction concerning the candidates and proposals to be
5 voted upon. Consolidated precincts shall not exceed 5,000 **ACTIVE**
6 registered electors.

7 (2) A consolidation under this section shall be made not
8 less than 60 days before a primary, general, or special election.

9 (3) Unless the polling places for the election precincts to
10 be consolidated are located in the same building, when a county,
11 city, ward, township, or village consolidates election precincts
12 for a particular election under subsection (1), the election
13 commissioners or other designated election officials shall do
14 both of the following:

15 (a) Provide notice to the registered electors of the
16 affected election precincts of the consolidation of election
17 precincts for the particular election and the location of the
18 polling place for the election precinct or precincts for that
19 election. Notice may be provided by mail or other method designed
20 to provide actual notice to the registered electors.

21 (b) Post a written notice at each election precinct polling
22 place stating the location of the consolidated election precinct
23 polling place.

24 (4) If a county, city, ward, township, or village
25 consolidates election precincts under this section, each affected
26 election precinct shall be treated as a whole unit and shall not
27 be divided during the consolidation.

1 Sec. 761. (1) If the clerk of a city, township, or village
2 receives an application for an absent voter ballot from a person
3 registered to vote in that city, township, or village and if the
4 signature on the application agrees with the signature for the
5 person contained in the qualified voter file or on the
6 registration card as required in subsection (2), the clerk
7 immediately upon receipt of the application or, if the
8 application is received before the printing of the absent voter
9 ballots, as soon as the ballots are received by the clerk, shall
10 forward by mail, postage prepaid, or shall deliver personally 1
11 of the ballots or set of ballots if there is more than 1 kind of
12 ballot to be voted to the applicant. ~~Absent~~**SUBJECT TO THE**
13 **IDENTIFICATION REQUIREMENT IN SUBSECTION (6), ABSENT** voter
14 ballots may be delivered to an applicant in person at the office
15 of the clerk.

16 (2) The qualified voter file shall be used to determine the
17 genuineness of a signature on an application for an absent voter
18 ballot. Signature comparisons shall be made with the digitized
19 signature in the qualified voter file. If the qualified voter
20 file does not contain a digitized signature of an elector, or is
21 not accessible to the clerk, the city or township clerk shall
22 compare the signature appearing on the application for an absent
23 voter ballot to the signature contained on the master card.

24 (3) Notwithstanding section 759, providing that no absent
25 voter applications shall be received by the clerk after 2 p.m. on
26 the Saturday before the election, **AND SUBJECT TO THE**
27 **IDENTIFICATION REQUIREMENT IN SUBSECTION (6)**, a person qualified

1 to vote as an absent voter may apply in person at the clerk's
2 office before 4 p.m. on a day ~~preceding~~ **BEFORE** the election
3 except Sunday or a legal holiday to vote as an absent voter. The
4 applicant shall receive his or her absent voter ballot and vote
5 the ballot in the clerk's office. All other absent voter ballots,
6 except ballots delivered pursuant to an emergency absent voter
7 ballot application under section 759b, shall be mailed or
8 delivered to the registration address of the applicant unless the
9 application requests delivery to an address outside the city,
10 village, or township or to a hospital or similar institution, in
11 which case the absent voter ballots shall be mailed or delivered
12 to the address given in the application. However, a clerk may
13 mail or deliver an absent voter ballot, upon request of the
14 absent voter, to a post office box if the post office box is
15 where the absent voter normally receives personal mail and the
16 absent voter does not receive mail at his or her registration
17 address.

18 (4) Absent voter ballots shall be issued in the same order
19 in which applications are received by the clerk of a city,
20 township, or village, as nearly as may be, and each ballot issued
21 shall bear the lowest number of each kind available for this
22 purpose. However, this provision does not prohibit a clerk from
23 immediately issuing an absent voter ballot to an absent voter who
24 applies in person in the clerk's office for absent voter ballots.
25 The clerk shall enclose with the ballot or ballots a return
26 envelope properly addressed to the clerk and bearing upon the
27 back of the envelope a printed statement in substantially the

1 following form:

2 TO BE COMPLETED

3 BY THE CLERK

4 _____ Street Address or R.R.
5 Name of Voter

6 _____
7 City, Township or Village County

8 Ward _____ Precinct _____ Date of Election _____

9 =====

10 TO BE COMPLETED BY THE ABSENT VOTER

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

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

21 DATE: _____ SIGN HERE: X _____
22 Signature of Absent Voter

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

26 =====

27 TO BE COMPLETED ONLY IF VOTER IS ASSISTED IN VOTING

28 BY ANOTHER PERSON

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

6 _____
7 Signature of Person Street Address City, Twp., or
8 Assisting Voter or R.R. Village

9 _____
10 Printed Name of Person Assisting Voter

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

13 =====

14 WARNING

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

27 (5) An absent voter who knowingly makes a false statement on

1 the absent voter ballot return envelope is guilty of a
2 misdemeanor. A person who assists an absent voter and who
3 knowingly makes a false statement on the absent voter ballot
4 return envelope is guilty of a felony.

5 (6) IF AN ELECTOR OBTAINS HIS OR HER ABSENT VOTER BALLOT IN
6 PERSON FROM THE CLERK OF THE CITY, TOWNSHIP, OR VILLAGE IN WHICH
7 HE OR SHE IS REGISTERED, THE CLERK OF THE CITY, TOWNSHIP, OR
8 VILLAGE SHALL NOT PROVIDE AN ABSENT VOTER BALLOT TO THAT ELECTOR
9 UNTIL THE ELECTOR IDENTIFIES HIMSELF OR HERSELF TO THE CLERK BY
10 PRESENTING AN OFFICIAL STATE IDENTIFICATION CARD ISSUED TO THAT
11 ELECTOR UNDER 1972 PA 222, MCL 28.291 TO 28.300, AN OPERATOR'S OR
12 CHAUFFEUR'S LICENSE ISSUED TO THAT ELECTOR UNDER THE MICHIGAN
13 VEHICLE CODE, 1949 PA 300, MCL 257.1 TO 257.923, OR OTHER
14 GENERALLY RECOGNIZED PICTURE IDENTIFICATION CARD. IF AN ELECTOR
15 DOES NOT HAVE AN OFFICIAL STATE IDENTIFICATION CARD, OPERATOR'S
16 OR CHAUFFEUR'S LICENSE, OR OTHER GENERALLY RECOGNIZED PICTURE
17 IDENTIFICATION CARD, THE ELECTOR MAY SIGN AN AFFIDAVIT TO THAT
18 EFFECT BEFORE THE CLERK OF THE CITY, TOWNSHIP, OR VILLAGE AND BE
19 ALLOWED TO OBTAIN HIS OR HER ABSENT VOTER BALLOT IN PERSON FROM
20 THE CLERK. HOWEVER, IF AN ELECTOR OBTAINS HIS OR HER ABSENT VOTER
21 BALLOT IN PERSON FROM THE CLERK AND VOTES BY ABSENT VOTER BALLOT
22 WITHOUT PROVIDING THE IDENTIFICATION REQUIRED UNDER THIS
23 SUBSECTION, THE ABSENT VOTER BALLOT OF THAT ELECTOR SHALL BE
24 PREPARED AS A CHALLENGED BALLOT AS PROVIDED IN SECTION 727.

25 SEC. 764C. IF A CITY, TOWNSHIP, OR VILLAGE HAS ACCESS TO THE
26 BALLOT TRACKER PROGRAM PROVIDED BY THE STATE, THE CLERK OF THAT
27 CITY, TOWNSHIP, OR VILLAGE SHALL UTILIZE THE BALLOT TRACKER

- 1 PROGRAM AND ALLOW VOTERS TO TRACK THEIR ABSENT VOTER BALLOTS
- 2 ONLINE.