

HOUSE BILL No. 5956

November 13, 2014, Introduced by Reps. MacMaster, Franz and Genetski and referred to the Committee on Elections and Ethics.

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 495, 500a, 509q, 509gg, 523, 570, and 576 (MCL 168.495, 168.500a, 168.509q, 168.509gg, 168.523, 168.570, and 168.576), sections 495 and 500a as amended by 1995 PA 87, section 509q as amended by 2012 PA 586, section 509gg as amended by 2014 PA 94, section 523 as amended by 2012 PA 523, section 570 as amended by 1985 PA 160, and section 576 as amended by 1996 PA 213, and by adding section 495b; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 495. (1) The **FORMS USED FOR VOTER** registration
- 2 ~~affidavit required under section 493~~ shall contain all of the
- 3 following:
- 4 (a) The name of the elector.

1 (b) The residence address of the elector, including the
2 street and number or rural route and box number and the apartment
3 number, if any.

4 (c) The birthplace and date of birth of the elector.

5 (d) The driver's license or state personal identification
6 card number of the elector, if available.

7 (e) A statement that the elector is a citizen of the United
8 States.

9 (f) A statement that the elector is at the time of
10 completing the affidavit, ~~REGISTRATION~~, or will be on the date of
11 the next election, not less than 18 years of age.

12 (g) A statement that the elector has or will have lived in
13 this state not less than 30 days before the next election.

14 (h) A statement that the elector has or will have
15 established his or her residence in the township, city, or
16 village in which the elector is applying for registration not
17 less than 30 days before the next election.

18 (i) A statement that the elector is or will be a qualified
19 elector of the township, city, or village on the date of the next
20 election.

21 (j) A space in which the elector shall state the place of
22 the elector's last registration, if any.

23 **(K) FOR THE PURPOSE OF VOTING IN A PRIMARY ELECTION OR**
24 **PRESIDENTIAL PRIMARY ELECTION, A SPACE FOR THE ELECTOR TO DECLARE**
25 **A PARTY PREFERENCE.**

26 **(2) THE SECRETARY OF STATE OR THE SECRETARY OF STATE'S AGENT**
27 **SHALL PRINT A NOTICE THAT SHALL BE PROVIDED TO EACH PERSON**

1 APPLYING FOR REGISTRATION. THE NOTICE SHALL CONTAIN ALL OF THE
2 FOLLOWING INFORMATION:

3 (A) THAT, FOR PURPOSE OF VOTING IN A PRIMARY ELECTION OR
4 PRESIDENTIAL PRIMARY ELECTION, THE ELECTOR MUST DECLARE A PARTY
5 PREFERENCE.

6 (B) THAT, IF THE ELECTOR PREFERS TO REGISTER WITH NO PARTY
7 PREFERENCE, THE ELECTOR IS NOT ELIGIBLE TO VOTE IN A PRIMARY
8 ELECTION OR PRESIDENTIAL PRIMARY ELECTION UNLESS THE ELECTOR
9 DECLARES A PARTY PREFERENCE AT LEAST 30 DAYS BEFORE THE PRIMARY
10 ELECTION OR PRESIDENTIAL PRIMARY ELECTION.

11 (C) THAT, EVEN IF CURRENTLY REGISTERED TO VOTE, THE ELECTOR
12 IS NOT ELIGIBLE TO VOTE IN A PRIMARY ELECTION OR PRESIDENTIAL
13 PRIMARY ELECTION UNLESS THE ELECTOR DECLARES IN WRITING TO THE
14 CITY OR TOWNSHIP CLERK A PARTY PREFERENCE AT LEAST 30 DAYS BEFORE
15 THE PRIMARY ELECTION OR PRESIDENTIAL PRIMARY ELECTION.

16 (D) THAT, IF THE ELECTOR DECLARES A PARTY PREFERENCE OR
17 DECLARES THAT THE ELECTOR HAS NO PARTY PREFERENCE, THAT
18 DECLARATION OF PREFERENCE REMAINS AS THAT ELECTOR'S PREFERENCE
19 UNTIL THE ELECTOR CHANGES HIS OR HER PARTY PREFERENCE OR DECLARES
20 THAT HE OR SHE HAS NO PARTY PREFERENCE ON A FORM PRESCRIBED BY
21 THE SECRETARY OF STATE OR IN WRITING TO THE CITY OR TOWNSHIP
22 CLERK.

23 (3) THE CITY OR TOWNSHIP CLERK SHALL PROVIDE EACH ELECTOR
24 WHO VOTES IN AN ELECTION IN THAT CITY OR TOWNSHIP THE NOTICE
25 REQUIRED UNDER SUBSECTION (2) ON A FORM PRESCRIBED BY THE
26 SECRETARY OF STATE ON WHICH AN ELECTOR MAY DECLARE HIS OR HER
27 PARTY PREFERENCE OR THAT THE ELECTOR HAS NO PARTY PREFERENCE FOR

1 THE PURPOSE OF VOTING IN A PRIMARY ELECTION OR PRESIDENTIAL
2 PRIMARY ELECTION.

3 (4) THE SECRETARY OF STATE SHALL PROVIDE EACH COUNTY CLERK
4 FOR DISTRIBUTION TO THE CITY OR TOWNSHIP CLERKS IN THE COUNTY A
5 SUFFICIENT NUMBER OF THE NOTICES REQUIRED FOR DISTRIBUTION TO
6 ELECTORS UNDER SUBSECTIONS (2) AND (3).

7 SEC. 495B. A PERSON MAKING A REQUEST UNDER THE FREEDOM OF
8 INFORMATION ACT, 1976 PA 442, MCL 15.231 TO 15.246, IS NOT
9 ENTITLED TO RECEIVE A COPY OF A PORTION OF A VOTER REGISTRATION
10 RECORD THAT CONTAINS A DECLARATION OF PARTY PREFERENCE OR NO
11 PARTY PREFERENCE OF AN ELECTOR. A CLERK OR ANY OTHER PERSON SHALL
12 NOT RELEASE A COPY OF A PORTION OF A VOTER REGISTRATION RECORD
13 THAT CONTAINS A DECLARATION OF PARTY PREFERENCE OR NO PARTY
14 PREFERENCE OF AN ELECTOR.

15 Sec. 500a. (1) The secretary of state or the secretary of
16 state's agent shall afford a person who appears in a department
17 of state branch office or a person who applies for renewal of an
18 operator's or chauffeur's license under section 307 of the
19 Michigan vehicle code, ~~Act No. 300 of the Public Acts of 1949,~~
20 ~~being section 257.307 of the Michigan Compiled Laws, 1949 PA 300,~~
21 MCL 257.307, an opportunity to complete an application to
22 register to vote or to change the person's voting registration
23 name, ~~or~~ address, OR, FOR THE PURPOSE OF VOTING IN A PRIMARY
24 ELECTION OR PRESIDENTIAL PRIMARY ELECTION, PARTY PREFERENCE, if
25 the applicant possesses the qualifications of an elector on the
26 date of application or will possess the qualifications at the
27 next election. This subsection does not require a registered

1 elector to periodically reregister or to renew his or her
2 registration. The application for registration made under this
3 section shall contain all of the following:

4 (a) The name of the applicant.

5 (b) The residence address of the applicant, including the
6 street and number or rural route and box number and apartment
7 number, if any.

8 (c) The city or township and county of residence of the
9 applicant, and the school district of the applicant, if known.

10 (d) The date of birth of the applicant.

11 (e) The birthplace of the applicant.

12 (f) The driver's license or state personal identification
13 card number of the applicant, if available.

14 (g) A statement that the applicant has the qualifications of
15 an elector as of the date of applying for registration, or will
16 have the qualifications of an elector at the next election.

17 **(H) A SPACE FOR THE APPLICANT TO DECLARE, FOR THE PURPOSE OF**
18 **VOTING IN A PRIMARY ELECTION OR PRESIDENTIAL PRIMARY ELECTION, A**
19 **PARTY PREFERENCE OR THAT THE APPLICANT HAS NO PARTY PREFERENCE.**

20 **(I) ~~(h)~~**—A statement that the registration is not effective
21 until processed by the clerk of the city or township in which the
22 applicant resides.

23 **(J) ~~(i)~~**—A statement that the applicant, if qualified, may
24 vote at an election occurring not less than 30 days after the
25 date of completing the application.

26 **(K) ~~(j)~~**—A space to indicate the applicant's last place of
27 registration, if any.

1 (I) ~~(K)~~—A statement authorizing the cancellation of
2 registration at the applicant's last place of registration.

3 (M) ~~(L)~~—A space for the applicant to sign and certify to the
4 truth of the statements on the application.

5 (2) The applicant shall sign the application. Upon receipt
6 of the application, the agent shall sign the application, stamp
7 the application with a validation stamp, and provide the
8 applicant with a receipt verifying the registration application.
9 The agent shall promptly forward the application to the county
10 clerk of the applicant's residence or to a city or township clerk
11 designated by the secretary of state.

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

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

17 (b) The driver's license number or state personal
18 identification card number or similar number issued by a
19 designated voter registration agency.

20 (c) Jurisdictional information including county and city or
21 township; village, if any; metropolitan district, if any; and
22 school district.

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

24 (e) Any other information that the secretary of state
25 determines is necessary to assess the eligibility of qualified
26 electors or to administer voter registration or other aspects of
27 the election process.

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

2 (g) The most recent digitized signature of an elector if
3 captured or reproduced by the secretary of state or a county,
4 city, or township clerk from a voter registration application
5 pursuant to section 509hh, or captured or reproduced by the
6 secretary of state pursuant to section 307 of the Michigan
7 vehicle code, 1949 PA 300, MCL 257.307.

8 **(H) THE DECLARATION OF PARTY PREFERENCE OR NO PARTY**
9 **PREFERENCE OF AN ELECTOR.**

10 Sec. 509gg. (1) The information described in this subsection
11 that is contained in a registration record is exempt from
12 disclosure under the freedom of information act, 1976 PA 442, MCL
13 15.231 to 15.246. The secretary of state, a designated voter
14 registration agency, or a county, city, township, or village
15 clerk shall not release a copy of that portion of a registration
16 record that contains any of the following:

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

18 (b) The office that received a registered voter's
19 application.

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

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

23 (e) The telephone number provided by a registered voter.

24 (f) The digitized signature of an elector that is captured
25 or reproduced and transmitted to the qualified voter file by the
26 secretary of state or a county, city, or township clerk under
27 section 509hh or by the secretary of state under section 307 of

1 the Michigan vehicle code, 1949 PA 300, MCL 257.307.

2 **(G) THE DECLARATION OF PARTY PREFERENCE OR NO PARTY**
3 **PREFERENCE OF AN ELECTOR.**

4 (2) Except as otherwise provided in this subsection, the
5 last 4 digits of a registered voter's social security number
6 contained in a registration record are exempt from disclosure
7 under the freedom of information act, 1976 PA 442, MCL 15.231 to
8 15.246. The last 4 digits of a registered voter's social security
9 number contained in a registration record may only be used by the
10 secretary of state to verify a registered voter's data as
11 provided by the help America vote act of 2002 and to verify a
12 registered voter's status under this act, and shall not be used
13 or released for any other purpose.

14 Sec. 523. (1) At each election, before being given a ballot,
15 each registered elector offering to vote shall identify himself
16 or herself by presenting an official state identification card
17 issued to that individual under 1972 PA 222, MCL 28.291 to
18 28.300, an operator's or chauffeur's license issued to that
19 individual under the Michigan vehicle code, 1949 PA 300, MCL
20 257.1 to 257.923, or other generally recognized picture
21 identification card and by executing an application, on a form
22 prescribed by the secretary of state, in the presence of an
23 election official which includes all of the following:

- 24 (a) The name of the elector.
25 (b) The elector's address of residence.
26 (c) The elector's date of birth.
27 (d) An affirmative statement by the elector that is included

1 in the signature statement indicating that he or she is a citizen
2 of the United States.

3 (e) The elector's signature or mark.

4 (2) If an elector's signature contained in the qualified
5 voter file is available in the polling place, the election
6 official shall compare the signature upon the application with
7 the digitized signature provided by the qualified voter file. If
8 an elector's signature is not contained in the qualified voter
9 file, the election official shall process the application in the
10 same manner as applications are processed when a voter
11 registration list is used in the polling place. If voter
12 registration lists are used in the precinct, the election
13 inspector shall determine if the name on the application to vote
14 appears on the voter registration list. If the name appears on
15 the voter registration list, the elector shall provide further
16 identification or other information stated upon the voter
17 registration list. If the signature or an item of information
18 does not correspond, the vote of the person shall be challenged,
19 and the same procedure shall be followed as provided in this act
20 for the challenging of an elector. If the elector does not have
21 an official state identification card, operator's or chauffeur's
22 license, or other generally recognized picture identification
23 card as required under this subsection, the individual shall sign
24 an affidavit to that effect before an election inspector and be
25 allowed to vote as otherwise provided in this act. However, an
26 elector being allowed to vote without the identification required
27 under this subsection is subject to challenge as provided in

1 section 727.

2 (3) If, upon a comparison of the signature or other
3 identification as required in this section, it is found that the
4 applicant is entitled to vote, the election officer having charge
5 of the registration list shall approve the application and write
6 his or her initials on the application, after which the number on
7 the ballot issued shall be noted on the application. The
8 application shall serve as 1 of the 2 poll lists required to be
9 kept as a record of a person who has voted. The application shall
10 be filed with the township, city, or village clerk. If voter
11 registration cards are used in the precinct, the date of the
12 election shall be noted by 1 of the election officials upon the
13 precinct registration card of each elector voting at an election.
14 If voter registration lists are used in the precinct, the
15 election official shall clearly indicate upon the list each
16 elector voting at that election. The clerk of a city, village, or
17 township shall maintain a record of voting participation for each
18 registered elector.

19 (4) **IN ADDITION TO THE REQUIREMENTS OF SUBSECTIONS (1) AND**
20 **(2), THE ELECTION OFFICIAL IN A PRIMARY ELECTION OR PRESIDENTIAL**
21 **PRIMARY ELECTION SHALL ONLY ALLOW AN ELECTOR TO VOTE THE PRIMARY**
22 **ELECTION BALLOT OR PRESIDENTIAL PRIMARY ELECTION BALLOT OF THE**
23 **PARTY PREFERENCE SHOWN ON THE PRECINCT REGISTRATION FILE OF THAT**
24 **ELECTOR. IF AN ELECTOR IS REGISTERED WITH NO PARTY PREFERENCE**
25 **SHOWN ON THE PRECINCT REGISTRATION FILE OF THAT ELECTOR, THE**
26 **ELECTOR SHALL NOT BE ALLOWED TO VOTE A PRIMARY BALLOT OR**
27 **PRESIDENTIAL PRIMARY BALLOT.**

1 (5) THE RECORD MAINTAINED BY THE CLERK OF A CITY OR TOWNSHIP
2 UNDER SUBSECTION (3) SHALL CONTAIN THE NAME OF THE PARTY BALLOT
3 VOTED UNDER SUBSECTION (4) BY THE ELECTOR AT THE PRIMARY ELECTION
4 OR PRESIDENTIAL PRIMARY ELECTION.

5 Sec. 570. Paper ballots shall be numbered consecutively and
6 identified by use of the words "official primary ballot" on the
7 upper right hand corner upon the front of the ballot with a
8 perforated line across the corner and underneath the number and
9 identification so that the corner with the number and
10 identification may be torn off. The detachable corner stub shall
11 serve for the several party tickets and the ballot number shall
12 be printed upon the stub on 1 side only. A political party
13 designation shall not appear upon a ballot corner ~~se~~ **THAT IS**
14 numbered and identified. After the ballots are trimmed and
15 wrapped in sealed packages, they shall be distributed for use at
16 the primary election in the same manner as is now provided by law
17 for the distribution of ballots to be used at general elections.
18 Ballots shall be prepared in substantially the following form:

19 OFFICIAL PRIMARY BALLOT
20 No.
21 OFFICIAL PRIMARY ELECTION BALLOT
22 Primary election to be held 19-(DATE) ...
23 in the county of
24party.
25 (Vignette)
26 ~~You cannot split your ticket. If you vote for candidates on~~
27 ~~more than 1 party ticket, your ballot will be rejected.~~

1 Make a cross or a check mark in the square to the left of
2 not more than the number of names for each office as may be
3 indicated under the title of each office.

4 _____
5 State. Legislative.

6 _____
7 Governor. State Senator.
8District.

9 Vote for not more than one. Vote for not more than one.

10 _____

11 [] 1 John Doe [] 7 John Doe

12 _____

13 [] 2 Richard Roe [] 8 Richard Roe

14 _____

15 [] []

16 _____

17 Congressional. Representative in State
18 Legislature.

19 United States Senator.....District.

20 Vote for not more than one. Vote for not more than one.

21 _____

22 [] 3 John Doe [] 9 John Doe

23 _____

24 [] 4 Richard Roe [] 10 Richard Roe

25 _____

26 [] []

27 _____

28 Representative in Congress. County.
29 District. Prosecuting Attorney.

30 Vote for not more than one. Vote for not more than one.

31 _____

1 [] 5 John Doe [] 11 John Doe

2

3 [] 6 Richard Roe [] 12 Richard Roe

4

5 [] []

6

7 Sec. 576. (1) An elector, after having received a ballot or
8 ballots, shall enter a booth or voting compartment and, while
9 there concealed from view, shall vote the ballot or ballots by
10 making a cross or a check mark in the square at the left of the
11 names of those candidates for whom the elector desires to vote,
12 but in no case for more candidates for ~~any~~**AN** office than is
13 indicated under the title of each office. However, an elector may
14 vote for a person whose name is not printed on the ballot by
15 inserting the name in a manner that will substitute it for ~~any~~
16 **ANOTHER** name that is printed on the ballot or where no
17 candidate's name appears upon the ballot.

18 (2) The elector shall indicate his or her choice of
19 candidate ~~son 1 party ticket only~~ and, after marking the ballot,
20 the elector shall fold it for deposit pursuant to the provisions
21 of this act. ~~A ballot on which more than 1 party ticket has been~~
22 ~~voted is void.~~

23 (3) This section is subject to section 736a.

24 Enacting section 1. Section 615c of the Michigan election
25 law, 1954 PA 116, MCL 168.615c, is repealed.