

SUBSTITUTE FOR
SENATE BILL NO. 584

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 613a, 614a, 615a, and 759a (MCL 168.613a, 168.614a, 168.615a, and 168.759a), section 613a as amended by 2003 PA 13, sections 614a and 615a as amended by 1999 PA 72, and section 759a as amended by 2010 PA 50, and by adding sections 615c and 759c; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 613a. (1) ~~Except in 2004 when no statewide presidential~~
2 ~~primary shall be conducted, a~~ **A** statewide presidential primary
3 election shall be conducted under this act on the fourth Tuesday in
4 February in each presidential election year.

5 (2) A political party that received 5% or less of the total

1 vote cast nationwide for the office of president in the last
2 presidential election shall not participate in the presidential
3 primary election.

4 (3) Except as otherwise provided in sections 614a ~~, 615a,~~ **TO**
5 616a, 624g, **759A, 759C,** and 879a, the statewide presidential
6 primary election shall be conducted under the provisions of this
7 act that govern the conduct of general primary elections.

8 Sec. 614a. (1) Not later than 4 p.m. of the second Friday in
9 November of the year before the presidential election, the
10 secretary of state shall issue a list of the individuals generally
11 advocated by the national news media to be potential presidential
12 candidates for each party's nomination by the political parties for
13 which a presidential primary election will be held under section
14 613a. **THE SECRETARY OF STATE SHALL MAKE THE LIST ISSUED UNDER THIS**
15 **SUBSECTION AVAILABLE TO THE PUBLIC ON AN INTERNET WEBSITE**
16 **MAINTAINED BY THE DEPARTMENT OF STATE.**

17 (2) Not later than 4 p.m. of the Tuesday following the second
18 Friday in November of the year before the presidential election,
19 the state chairperson of each political party for which a
20 presidential primary election will be held under section 613a shall
21 file with the secretary of state a list of individuals whom they
22 consider to be potential presidential candidates for that political
23 party. **THE SECRETARY OF STATE SHALL MAKE THE LISTS RECEIVED UNDER**
24 **THIS SUBSECTION AVAILABLE TO THE PUBLIC ON AN INTERNET WEBSITE**
25 **MAINTAINED BY THE DEPARTMENT OF STATE.**

26 (3) After the issuance of the list under subsection (1) and
27 after receipt of names from the state chairperson of each political

1 party under subsection (2), the secretary of state shall notify
2 each potential presidential candidate on the lists of the
3 provisions of this act relating to the presidential primary
4 election.

5 Sec. 615a. (1) Except as otherwise provided in this section,
6 the secretary of state shall cause the name of a presidential
7 candidate notified by the secretary of state under section 614a to
8 be printed on the **APPROPRIATE** presidential primary ballot ~~under the~~
9 ~~appropriate~~ **FOR THAT** political party. ~~heading.~~ A presidential
10 candidate notified by the secretary of state under section 614a may
11 file an affidavit with the secretary of state indicating his or her
12 party preference if different than the party preference contained
13 in the secretary of state notification and the secretary of state
14 shall cause that presidential candidate's name to be printed ~~under~~
15 **ON** the appropriate ~~party heading on the~~ presidential primary ballot
16 **FOR THAT POLITICAL PARTY. IF THE AFFIDAVIT OF A PRESIDENTIAL**
17 **CANDIDATE INDICATES THAT THE CANDIDATE HAS NO POLITICAL PARTY**
18 **PREFERENCE OR INDICATES A POLITICAL PARTY PREFERENCE FOR A**
19 **POLITICAL PARTY OTHER THAN A POLITICAL PARTY FOR WHICH A**
20 **PRESIDENTIAL PRIMARY ELECTION WILL BE HELD UNDER SECTION 613A, THE**
21 **SECRETARY OF STATE SHALL NOT CAUSE THAT PRESIDENTIAL CANDIDATE'S**
22 **NAME TO BE PRINTED ON A BALLOT FOR THE PRESIDENTIAL PRIMARY**
23 **ELECTION.** A presidential candidate notified by the secretary of
24 state under section 614a may file an affidavit with the secretary
25 of state ~~indicating that he or she does not wish to have his or her~~
26 ~~name printed on the presidential primary ballot~~ **SPECIFICALLY**
27 **STATING THAT "(CANDIDATE'S NAME) IS NOT A PRESIDENTIAL CANDIDATE",**

1 and the secretary of state shall not have that presidential
2 candidate's name printed on ~~the~~^A presidential primary ballot. A
3 presidential candidate shall file an affidavit described in this
4 subsection with the secretary of state no later than 4 p.m. on the
5 second Friday in December of the year before the presidential
6 election year or the affidavit is considered void.

7 (2) The name of an individual who is not listed as a potential
8 presidential candidate under section 614a shall be printed on the
9 ballot for the **APPROPRIATE POLITICAL PARTY FOR THE** presidential
10 primary ~~under the appropriate political party heading~~ **ELECTION** if
11 he or she files a nominating petition with the secretary of state
12 no later than 4 p.m. on the second Friday in December of the year
13 before the presidential election year. The nominating petition
14 shall contain valid signatures of registered and qualified electors
15 equal to not less than 1/2 of 1% of the total votes cast in the
16 state at the previous presidential election for the presidential
17 candidate of the political party for which the individual is
18 seeking this nomination. However, the total number of signatures
19 required on a nominating petition under this subsection shall not
20 exceed 1,000 times the total number of congressional districts in
21 this state. A signature on a nominating petition is not valid if
22 obtained before October 1 of the year before the presidential
23 election year in which the individual seeks nomination. To be
24 valid, a nominating petition must conform to the requirements of
25 this act regarding nominating petitions, but only to the extent
26 that those requirements do not conflict with the requirements of
27 this subsection.

1 (3) The names of the presidential candidates ~~under~~ ON each
2 political party heading ~~BALLOT~~ shall be rotated on the ballot BY
3 **PRECINCT**. The ~~EACH~~ ballot shall contain a space for an elector to
4 vote uncommitted.

5 **SEC. 615C. (1) IN ORDER TO VOTE AT A PRESIDENTIAL PRIMARY**
6 **ELECTION, AN ELECTOR SHALL INDICATE IN WRITING, ON A FORM**
7 **PRESCRIBED BY THE SECRETARY OF STATE, WHICH POLITICAL PARTY BALLOT**
8 **HE OR SHE WISHES TO VOTE WHEN APPEARING AT A PRESIDENTIAL PRIMARY**
9 **ELECTION.**

10 (2) THE SECRETARY OF STATE SHALL DEVELOP A PROCEDURE FOR CITY
11 AND TOWNSHIP CLERKS TO USE WHEN KEEPING A SEPARATE RECORD AT A
12 PRESIDENTIAL PRIMARY ELECTION THAT CONTAINS THE PRINTED NAME,
13 ADDRESS, AND QUALIFIED VOTER FILE NUMBER OF EACH ELECTOR AND THE
14 POLITICAL PARTY BALLOT SELECTED BY THAT ELECTOR AT THE PRESIDENTIAL
15 PRIMARY ELECTION.

16 (3) THE INFORMATION ACQUIRED OR IN THE POSSESSION OF A PUBLIC
17 BODY INDICATING WHICH POLITICAL PARTY BALLOT AN ELECTOR SELECTED AT
18 A PRESIDENTIAL PRIMARY ELECTION IS NOT EXEMPT FROM DISCLOSURE UNDER
19 THE FREEDOM OF INFORMATION ACT, 1976 PA 442, MCL 15.231 TO 15.246.

20 (4) WITHIN 71 DAYS AFTER THE PRESIDENTIAL PRIMARY ELECTION,
21 THE SECRETARY OF STATE SHALL MAKE AVAILABLE TO THE PUBLIC IN AN
22 ELECTRONIC FORMAT A FILE OF THE RECORDS FOR EACH POLITICAL PARTY
23 DESCRIBED UNDER SUBSECTION (2). THE SECRETARY OF STATE SHALL SET A
24 SCHEDULE FOR COUNTY, CITY, AND TOWNSHIP CLERKS TO SUBMIT DATA OR
25 DOCUMENTS REQUIRED UNDER SUBSECTION (2). THE SECRETARY OF STATE AND
26 COUNTY, CITY, AND TOWNSHIP CLERKS SHALL DESTROY THE INFORMATION
27 INDICATING WHICH POLITICAL PARTY BALLOT EACH ELECTOR SELECTED AT

1 THE PRESIDENTIAL PRIMARY ELECTION AS RECORDED IN SUBSECTION (2)
2 IMMEDIATELY AFTER THE EXPIRATION OF THE 22-MONTH FEDERAL ELECTION
3 RECORDS RETENTION PERIOD.

4 Sec. 759a. (1) An absent uniformed services voter or an
5 overseas voter who is not registered, but possessed the
6 qualifications of an elector under section 492, may apply for
7 registration by using the federal postcard application. The
8 department of state, bureau of elections, is responsible for
9 disseminating information on the procedures for registering and
10 voting to an absent uniformed services voter and an overseas voter.

11 (2) Upon the request of an absent uniformed services voter or
12 an overseas voter, the clerk of a county, city, township, or
13 village shall electronically transmit a blank voter registration
14 application or blank absent voter ballot application to the voter.
15 The clerk of a county, city, township, or village shall accept a
16 completed voter registration application or completed absent voter
17 ballot application electronically transmitted by an absent
18 uniformed services voter or overseas voter. A voter registration
19 application or absent voter ballot application submitted by an
20 absent uniformed services voter or overseas voter shall contain the
21 signature of the voter.

22 (3) A spouse or dependent of an overseas voter who is a
23 citizen of the United States, is accompanying that overseas voter,
24 and is not a qualified and registered elector anywhere else in the
25 United States, may apply for an absent voter ballot even though the
26 spouse or dependent is not a qualified elector of a city or
27 township of this state.

1 (4) An absent uniformed services voter or an overseas voter,
2 whether or not registered to vote, may apply for an absent voter
3 ballot. Upon receipt of an application for an absent voter ballot
4 under this section that complies with this act, a county, city,
5 village, or township clerk shall forward to the applicant the
6 absent voter ballots requested, the forms necessary for
7 registration, and instructions for completing the forms. If the
8 ballots are not yet available at the time of receipt of the
9 application, the clerk shall immediately forward to the applicant
10 the registration forms and instructions, and forward the ballots as
11 soon as they are available. If a federal postcard application is
12 filed, the clerk shall accept the federal postcard application as
13 the registration application and shall not send any additional
14 registration forms to the applicant. If the ballots and
15 registration forms are received before the close of the polls on
16 election day and if the registration complies with the requirements
17 of this act, the absent voter ballots shall be delivered to the
18 proper election board to be tabulated. If the registration does not
19 comply with the requirements of this act, the clerk shall retain
20 the absent voter ballots until the expiration of the time that the
21 voted ballots must be kept and shall then destroy the ballots
22 without opening the envelope. The clerk may retain registration
23 forms completed under this section in a separate file. The address
24 in this state shown on a registration form is the residence of the
25 registrant.

26 (5) Not later than 45 days before an election, a county, city,
27 township, or village clerk shall electronically transmit or mail as

1 appropriate an absent voter ballot to each absent uniformed
2 services voter or overseas voter who applied for an absent voter
3 ballot 45 days or more before the election.

4 (6) Upon the request of an absent uniformed services voter or
5 overseas voter, the clerk of a county, city, township, or village
6 shall electronically transmit an absent voter ballot to the voter.
7 The voter shall print the absent voter ballot and return the voted
8 ballot by mail to the appropriate clerk.

9 (7) The secretary of state shall prescribe electronic absent
10 voter ballot formats and electronic absent voter ballot
11 transmission methods. Each county, city, township, or village clerk
12 shall employ the prescribed electronic ballot formats to fulfill an
13 absent voter ballot request received from an absent uniformed
14 services voter or overseas voter who wishes to receive his or her
15 absent voter ballot through an electronic transmission. The
16 secretary of state shall establish procedures to implement the
17 requirements in this section and for the processing of a marked
18 absent voter ballot returned by an absent uniformed services voter
19 or overseas voter who obtained his or her absent voter ballot
20 through an electronic transmission.

21 (8) The secretary of state shall modify the printed statement
22 provided under section 761(4) and the absent voter ballot
23 instructions provided under section 764a as appropriate to
24 accommodate the procedures developed for electronically
25 transmitting an absent voter ballot to an absent uniformed services
26 voter or overseas voter. A statement shall be included in the
27 certificate signed by the absent voter who obtained his or her

1 absent voter ballot through an electronic transmission that the
2 secrecy of the absent voter ballot may be compromised during the
3 duplication process. The absent voter ballot instructions provided
4 to an absent uniformed services voter or overseas voter shall
5 include the proper procedures for returning the absent voter ballot
6 to the appropriate clerk.

7 (9) The size of a precinct shall not be determined by
8 registration forms completed under this section.

9 (10) An absent uniformed services voter or an overseas voter
10 who submits an absent voter ballot application is eligible to vote
11 as an absent voter in any local or state election occurring in the
12 calendar year in which the absent voter ballot application is
13 received by the county, city, village, or township clerk, but not
14 in an election for which the application is received by the clerk
15 after 2 p.m. of the Saturday before the election. A county, city,
16 or township clerk receiving an absent voter ballot application from
17 an absent uniformed services voter or overseas voter shall transmit
18 to a village clerk and the school district election coordinators,
19 where applicable, the necessary information to enable the village
20 clerk and school district election coordinators to forward an
21 absent voter ballot for each applicable election in that calendar
22 year to the absent voter. A village clerk receiving an absent voter
23 ballot application from an absent uniformed services voter or
24 overseas voter shall transmit to the township clerk and the school
25 district election coordinators, where applicable, the necessary
26 information to enable the city or township clerk and school
27 district election coordinators to forward an absent voter ballot

1 for each applicable election in that calendar year to the absent
2 voter. If the local elections official rejects a voter registration
3 application or absent voter ballot application submitted by an
4 absent uniformed services voter or overseas voter, the election
5 official shall notify the voter of the rejection.

6 (11) An electronic mail address provided by an absent
7 uniformed services voter or overseas voter for the purposes of this
8 section is confidential and exempt from disclosure under the
9 freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

10 (12) Under the uniformed and overseas citizens absentee voting
11 act, 42 USC 1973ff to ~~1973ff-6,~~ **1973FF-7**, the state director of
12 elections shall approve a ballot form and registration procedures
13 for absent uniformed services voters and overseas voters.

14 **(13) FOR A PRESIDENTIAL PRIMARY ELECTION, THE SECRETARY OF**
15 **STATE SHALL PRESCRIBE PROCEDURES FOR CONTACTING AN ELECTOR WHO IS**
16 **AN ABSENT UNIFORMED SERVICES VOTER OR AN OVERSEAS VOTER, AS**
17 **DESCRIBED IN THIS SECTION, AND WHO IS ELIGIBLE TO RECEIVE AN ABSENT**
18 **VOTER BALLOT OR WHO APPLIES FOR AN ABSENT VOTER BALLOT FOR THE**
19 **PRESIDENTIAL PRIMARY ELECTION, OFFERING THE ELECTOR THE OPPORTUNITY**
20 **TO SELECT A POLITICAL PARTY BALLOT FOR THE PRESIDENTIAL PRIMARY**
21 **ELECTION.**

22 (14) ~~(13)~~As used in this section:

23 (a) "Absent uniformed services voter" means any of the
24 following:

25 (i) A member of a uniformed service on active duty who, by
26 reason of being on active duty, is absent from the place of
27 residence where the member is otherwise qualified to vote.

1 (ii) A member of the merchant marine who, by reason of service
2 in the merchant marine, is absent from the place of residence where
3 the member is otherwise qualified to vote.

4 (iii) A spouse or dependent of a member referred to in
5 subparagraph (i) or (ii) who, by reason of the active duty or service
6 of the member, is absent from the place of residence where the
7 spouse or dependent is otherwise qualified to vote.

8 (b) "Member of the merchant marine" means an individual, other
9 than a member of a uniformed service or an individual employed,
10 enrolled, or maintained on the Great Lakes or the inland waterways,
11 who is either of the following:

12 (i) Employed as an officer or crew member of a vessel
13 documented under the laws of the United States, a vessel owned by
14 the United States, or a vessel of foreign-flag registry under
15 charter to or control of the United States.

16 (ii) Enrolled with the United States for employment or training
17 for employment, or maintained by the United States for emergency
18 relief service, as an officer or crew member of a vessel documented
19 under the laws of the United States, a vessel owned by the United
20 States, or a vessel of foreign-flag registry under charter to or
21 control of the United States.

22 (c) "Overseas voter" means any of the following:

23 (i) An absent uniformed services voter who, by reason of active
24 duty or service, is absent from the United States on the date of an
25 election.

26 (ii) A person who resides outside of the United States and is
27 qualified to vote in the last place in which the person was

1 domiciled before leaving the United States.

2 (iii) A person who resides outside of the United States and who,
3 but for such residence outside of the United States, would be
4 qualified to vote in the last place in which he or she was
5 domiciled before leaving the United States.

6 (d) "Uniformed services" means the army, navy, air force,
7 marine corps, coast guard, the commissioned corps of the public
8 health service, the commissioned corps of the national oceanic and
9 atmospheric administration, a reserve component of a uniformed
10 service, or the Michigan national guard as defined in section 105
11 of the Michigan military act, 1967 PA 150, MCL 32.505.

12 (15) ~~(14)~~—This section applies to the August 3, 2010 election
13 and to each succeeding election conducted in this state.

14 **SEC. 759C. FOR A PRESIDENTIAL PRIMARY ELECTION, THE SECRETARY**
15 **OF STATE SHALL REVISE THE ABSENT VOTER BALLOT APPLICATION FORM**
16 **DESCRIBED IN SECTION 759 OR PROVIDE A SEPARATE FORM TO REQUIRE THAT**
17 **A PRESIDENTIAL PRIMARY ELECTOR INDICATE A POLITICAL PARTY BALLOT**
18 **SELECTION WHEN REQUESTING AN ABSENT VOTER BALLOT.**

19 Enacting section 1. If any portion of this amendatory act or
20 the application of this amendatory act to any person or
21 circumstances is found invalid by a court, it is the intent of the
22 legislature that the provisions of this amendatory act are
23 severable and that the remainder of the amendatory act shall be
24 valid, operable, and in effect.

25 Enacting section 2. Section 495a of the Michigan election law,
26 1954 PA 116, MCL 168.495a, is repealed.