

SENATE BILL No. 584

August 24, 2011, Introduced by Senator RICHARDVILLE and referred to the Committee on Local Government and Elections.

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 613a, 614a, 615a, 641, and 759a (MCL 168.613a, 168.614a, 168.615a, 168.641, and 168.759a), section 613a as amended by 2003 PA 13, sections 614a and 615a as amended by 1999 PA 72, section 641 as amended by 2005 PA 71, 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~~ **IN 2012, A** statewide presidential
3 primary election shall be conducted under this act on the **DATE AS**
4 **PROVIDED IN SUBSECTION (3). A STATEWIDE PRESIDENTIAL PRIMARY**

1 ELECTION SHALL BE CONDUCTED UNDER THIS ACT ON THE fourth Tuesday in
2 February in each presidential election year AFTER 2012.

3 (2) FOR THE 2012 PRESIDENTIAL PRIMARY ELECTION, THERE IS A 3-
4 MEMBER PRESIDENTIAL PRIMARY ELECTION DATE SELECTION COMMITTEE
5 COMPOSED OF ALL OF THE FOLLOWING:

6 (A) ONE MEMBER APPOINTED BY THE GOVERNOR.

7 (B) ONE MEMBER APPOINTED BY THE SENATE MAJORITY LEADER.

8 (C) ONE MEMBER APPOINTED BY THE SPEAKER OF THE HOUSE OF
9 REPRESENTATIVES.

10 (3) NO LATER THAN OCTOBER 1, 2011, THE PRESIDENTIAL PRIMARY
11 ELECTION DATE SELECTION COMMITTEE SHALL MEET AND SET A DATE FOR THE
12 2012 PRESIDENTIAL PRIMARY ELECTION. THE DATE SELECTED BY THE
13 PRESIDENTIAL PRIMARY ELECTION DATE SELECTION COMMITTEE SHALL BE NO
14 EARLIER THAN FEBRUARY 28, 2012 AND NO LATER THAN MARCH 6, 2012. IF
15 THE PRESIDENTIAL PRIMARY ELECTION DATE SELECTION COMMITTEE DOES NOT
16 AGREE ON A DATE FOR THE PRESIDENTIAL PRIMARY ELECTION BY OCTOBER 1,
17 2011, THE 2012 PRESIDENTIAL PRIMARY ELECTION SHALL BE HELD ON
18 FEBRUARY 28, 2012.

19 (4) ~~(2)~~—A political party that received 5% or less of the
20 total vote cast nationwide for the office of president in the last
21 presidential election shall not participate in the presidential
22 primary election.

23 (5) ~~(3)~~—Except as otherwise provided in **THIS SECTION AND**
24 sections 614a, ~~615a~~, **TO 616a, 624g, 641, 759A, 759C,** and 879a, the
25 statewide presidential primary election shall be conducted under
26 the provisions of this act that govern the conduct of general
27 primary elections.

1 Sec. 614a. (1) Not later than 4 p.m. of the second Friday in
2 November of the year before the presidential election, the
3 secretary of state shall issue a list of the individuals generally
4 advocated by the national news media to be potential presidential
5 candidates for each party's nomination by the political parties for
6 which a presidential primary election will be held under section
7 613a. **THE SECRETARY OF STATE SHALL MAKE THE LIST ISSUED UNDER THIS**
8 **SUBSECTION AVAILABLE TO THE PUBLIC ON AN INTERNET WEBSITE**
9 **MAINTAINED BY THE DEPARTMENT OF STATE.**

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

19 (3) After the issuance of the list under subsection (1) and
20 after receipt of names from the state chairperson of each political
21 party under subsection (2), the secretary of state shall notify
22 each potential presidential candidate on the lists of the
23 provisions of this act relating to the presidential primary
24 election.

25 Sec. 615a. (1) Except as otherwise provided in this section,
26 the secretary of state shall cause the name of a presidential
27 candidate notified by the secretary of state under section 614a to

1 be printed on the **APPROPRIATE** presidential primary ballot ~~under the~~
2 ~~appropriate~~ **FOR THAT** political party. ~~heading.~~ A presidential
3 candidate notified by the secretary of state under section 614a may
4 file an affidavit with the secretary of state indicating his or her
5 party preference if different than the party preference contained
6 in the secretary of state notification and the secretary of state
7 shall cause that presidential candidate's name to be printed ~~under~~
8 **ON** the appropriate ~~party heading on the~~ presidential primary ballot
9 **FOR THAT POLITICAL PARTY. IF THE AFFIDAVIT OF A PRESIDENTIAL**
10 **CANDIDATE INDICATES THAT THE CANDIDATE HAS NO POLITICAL PARTY**
11 **PREFERENCE OR INDICATES A POLITICAL PARTY PREFERENCE FOR A**
12 **POLITICAL PARTY OTHER THAN A POLITICAL PARTY FOR WHICH A**
13 **PRESIDENTIAL PRIMARY ELECTION WILL BE HELD UNDER SECTION 613A, THE**
14 **SECRETARY OF STATE SHALL NOT CAUSE THAT PRESIDENTIAL CANDIDATE'S**
15 **NAME TO BE PRINTED ON A BALLOT FOR THE PRESIDENTIAL PRIMARY**
16 **ELECTION.** A presidential candidate notified by the secretary of
17 state under section 614a may file an affidavit with the secretary
18 of state indicating that he or she ~~does not wish to have his or her~~
19 ~~name printed on the presidential primary ballot~~ **IS NOT A**
20 **PRESIDENTIAL CANDIDATE,** and the secretary of state shall not have
21 that presidential candidate's name printed on ~~the~~ **A** presidential
22 primary ballot. A presidential candidate shall file an affidavit
23 described in this subsection with the secretary of state no later
24 than 4 p.m. on the second Friday in December of the year before the
25 presidential election year or the affidavit is considered void.
26 (2) The name of an individual who is not listed as a potential
27 presidential candidate under section 614a shall be printed on the

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

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

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

1 ELECTION.

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

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

12 (4) WITHIN 71 DAYS AFTER THE PRESIDENTIAL PRIMARY ELECTION,
13 THE SECRETARY OF STATE SHALL MAKE AVAILABLE TO THE PUBLIC IN AN
14 ELECTRONIC FORMAT A FILE OF THE RECORDS FOR EACH POLITICAL PARTY
15 DESCRIBED UNDER SUBSECTION (2). THE SECRETARY OF STATE SHALL SET A
16 SCHEDULE FOR COUNTY, CITY, AND TOWNSHIP CLERKS TO SUBMIT DATA OR
17 DOCUMENTS REQUIRED UNDER SUBSECTION (2). THE SECRETARY OF STATE AND
18 COUNTY, CITY, AND TOWNSHIP CLERKS SHALL DESTROY THE INFORMATION
19 INDICATING WHICH POLITICAL PARTY BALLOT EACH ELECTOR SELECTED AT
20 THE PRESIDENTIAL PRIMARY ELECTION AS RECORDED IN SUBSECTION (2)
21 IMMEDIATELY AFTER THE EXPIRATION OF THE 22-MONTH FEDERAL ELECTION
22 RECORDS RETENTION PERIOD.

23 Sec. 641. (1) Except as otherwise provided in this section and
24 sections 642 and 642a, ~~beginning January 1, 2005,~~ an election held
25 under this act shall be held on 1 of the following regular election
26 dates:

27 (a) The February regular election date, which is the fourth

1 Tuesday in February.

2 (b) The May regular election date, which is the first Tuesday
3 after the first Monday in May.

4 (c) The August regular election date, which is the first
5 Tuesday after the first Monday in August.

6 (d) The November regular election date, which is the first
7 Tuesday after the first Monday in November.

8 (2) If an elective office is listed by name in section 643,
9 requiring the election for that office to be held at the general
10 election, and if candidates for the office are nominated at a
11 primary election, the primary election shall be held on the August
12 regular election date.

13 (3) Except as otherwise provided in this subsection and
14 subsection (4), a special election shall be held on a regular
15 election date. A special election called by the governor under
16 section 145, 178, 632, 633, or 634 to fill a vacancy or called by
17 the legislature to submit a proposed constitutional amendment as
18 authorized in section 1 of article XII of the state constitution of
19 1963 may, but is not required to be, held on a regular election
20 date.

21 (4) A school district may call a special election to submit a
22 ballot question to borrow money, increase a millage, or establish a
23 bond if an initiative petition is filed with the county clerk. The
24 petition shall be signed by a number of qualified and registered
25 electors of the district equal to not less than 10% of the electors
26 voting in the last gubernatorial election in that district or 3,000
27 signatures, whichever number is lesser. Section 488 applies to a

1 petition to call a special election for a school district under
2 this section. In addition to the requirements set forth in section
3 488, the proposed date of the special election shall appear beneath
4 the petition heading, and the petition shall clearly state the
5 amount of the millage increase or the amount of the loan or bond
6 sought and the purpose for the millage increase or the purpose for
7 the loan or bond. The petition shall be filed with the county clerk
8 by 4 p.m. of the twelfth Tuesday before the proposed date of the
9 special election. The petition signatures shall be obtained within
10 60 days before the filing of the petition. Any signatures obtained
11 more than 60 days before the filing of the petition are not valid.
12 If the special election called by the school district is not
13 scheduled to be held on a regular election date as provided in
14 subsection (1), the special election shall be held on a Tuesday. A
15 special election called by a school district under this subsection
16 shall not be held within 30 days before or 35 days after a regular
17 election date as provided in subsection (1). A school district may
18 only call 1 special election pursuant to this subsection in each
19 calendar year.

20 ~~—— (5) The secretary of state shall make a report to the house~~
21 ~~and senate committees that consider election issues by December 1,~~
22 ~~2006. The secretary of state shall report about the special~~
23 ~~elections held under this subsection, including, but not limited~~
24 ~~to, all of the following:~~

25 ~~—— (a) The number of times a special election has been held.~~

26 ~~—— (b) Which school districts have held special elections.~~

27 ~~—— (c) Information about the success rate of the ballot question~~

1 ~~submitted at the special elections.~~

2 ~~—— (d) Information about voter turnout, including the percentage~~
3 ~~and number of registered voters who voted in each special election.~~

4 (5) ~~(6)~~ The secretary of state shall direct and supervise the
5 consolidation of all elections held under this act.

6 (6) **IN 2012 ONLY, THE FEBRUARY REGULAR ELECTION DATE AS**
7 **PROVIDED IN SUBSECTION (1) SHALL INSTEAD BE THE DATE OF THE**
8 **PRESIDENTIAL PRIMARY ELECTION AS PROVIDED UNDER SECTION 613A.**

9 (7) This section shall be known and may be cited as the
10 "Hammerstrom election consolidation law".

11 Sec. 759a. (1) An absent uniformed services voter or an
12 overseas voter who is not registered, but possessed the
13 qualifications of an elector under section 492, may apply for
14 registration by using the federal postcard application. The
15 department of state, bureau of elections, is responsible for
16 disseminating information on the procedures for registering and
17 voting to an absent uniformed services voter and an overseas voter.

18 (2) Upon the request of an absent uniformed services voter or
19 an overseas voter, the clerk of a county, city, township, or
20 village shall electronically transmit a blank voter registration
21 application or blank absent voter ballot application to the voter.
22 The clerk of a county, city, township, or village shall accept a
23 completed voter registration application or completed absent voter
24 ballot application electronically transmitted by an absent
25 uniformed services voter or overseas voter. A voter registration
26 application or absent voter ballot application submitted by an
27 absent uniformed services voter or overseas voter shall contain the

1 signature of the voter.

2 (3) A spouse or dependent of an overseas voter who is a
3 citizen of the United States, is accompanying that overseas voter,
4 and is not a qualified and registered elector anywhere else in the
5 United States, may apply for an absent voter ballot even though the
6 spouse or dependent is not a qualified elector of a city or
7 township of this state.

8 (4) An absent uniformed services voter or an overseas voter,
9 whether or not registered to vote, may apply for an absent voter
10 ballot. Upon receipt of an application for an absent voter ballot
11 under this section that complies with this act, a county, city,
12 village, or township clerk shall forward to the applicant the
13 absent voter ballots requested, the forms necessary for
14 registration, and instructions for completing the forms. If the
15 ballots are not yet available at the time of receipt of the
16 application, the clerk shall immediately forward to the applicant
17 the registration forms and instructions, and forward the ballots as
18 soon as they are available. If a federal postcard application is
19 filed, the clerk shall accept the federal postcard application as
20 the registration application and shall not send any additional
21 registration forms to the applicant. If the ballots and
22 registration forms are received before the close of the polls on
23 election day and if the registration complies with the requirements
24 of this act, the absent voter ballots shall be delivered to the
25 proper election board to be tabulated. If the registration does not
26 comply with the requirements of this act, the clerk shall retain
27 the absent voter ballots until the expiration of the time that the

1 voted ballots must be kept and shall then destroy the ballots
2 without opening the envelope. The clerk may retain registration
3 forms completed under this section in a separate file. The address
4 in this state shown on a registration form is the residence of the
5 registrant.

6 (5) Not later than 45 days before an election, a county, city,
7 township, or village clerk shall electronically transmit or mail as
8 appropriate an absent voter ballot to each absent uniformed
9 services voter or overseas voter who applied for an absent voter
10 ballot 45 days or more before the election.

11 (6) Upon the request of an absent uniformed services voter or
12 overseas voter, the clerk of a county, city, township, or village
13 shall electronically transmit an absent voter ballot to the voter.
14 The voter shall print the absent voter ballot and return the voted
15 ballot by mail to the appropriate clerk.

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

1 (8) The secretary of state shall modify the printed statement
2 provided under section 761(4) and the absent voter ballot
3 instructions provided under section 764a as appropriate to
4 accommodate the procedures developed for electronically
5 transmitting an absent voter ballot to an absent uniformed services
6 voter or overseas voter. A statement shall be included in the
7 certificate signed by the absent voter who obtained his or her
8 absent voter ballot through an electronic transmission that the
9 secrecy of the absent voter ballot may be compromised during the
10 duplication process. The absent voter ballot instructions provided
11 to an absent uniformed services voter or overseas voter shall
12 include the proper procedures for returning the absent voter ballot
13 to the appropriate clerk.

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

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

1 absent voter ballot for each applicable election in that calendar
2 year to the absent voter. A village clerk receiving an absent voter
3 ballot application from an absent uniformed services voter or
4 overseas voter shall transmit to the township clerk and the school
5 district election coordinators, where applicable, the necessary
6 information to enable the city or township clerk and school
7 district election coordinators to forward an absent voter ballot
8 for each applicable election in that calendar year to the absent
9 voter. If the local elections official rejects a voter registration
10 application or absent voter ballot application submitted by an
11 absent uniformed services voter or overseas voter, the election
12 official shall notify the voter of the rejection.

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

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

21 **(13) FOR A PRESIDENTIAL PRIMARY ELECTION, THE SECRETARY OF**
22 **STATE SHALL PRESCRIBE PROCEDURES FOR CONTACTING AN ELECTOR WHO IS**
23 **AN ABSENT UNIFORMED SERVICES VOTER OR AN OVERSEAS VOTER, AS**
24 **DESCRIBED IN THIS SECTION, AND WHO IS ELIGIBLE TO RECEIVE AN ABSENT**
25 **VOTER BALLOT OR WHO APPLIES FOR AN ABSENT VOTER BALLOT FOR THE**
26 **PRESIDENTIAL PRIMARY ELECTION, OFFERING THE ELECTOR THE OPPORTUNITY**
27 **TO SELECT A POLITICAL PARTY BALLOT FOR THE PRESIDENTIAL PRIMARY**

1 **ELECTION.**

2 (14) ~~(13)~~—As used in this section:

3 (a) "Absent uniformed services voter" means any of the
4 following:

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

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

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

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

19 (i) Employed as an officer or crew member of a vessel
20 documented under the laws of the United States, a vessel owned by
21 the United States, or a vessel of foreign-flag registry under
22 charter to or control of the United States.

23 (ii) Enrolled with the United States for employment or training
24 for employment, or maintained by the United States for emergency
25 relief service, as an officer or crew member of a vessel documented
26 under the laws of the United States, a vessel owned by the United
27 States, or a vessel of foreign-flag registry under charter to or

1 control of the United States.

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

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

6 (ii) A person who resides outside of the United States and is
7 qualified to vote in the last place in which the person was
8 domiciled before leaving the United States.

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

13 (d) "Uniformed services" means the army, navy, air force,
14 marine corps, coast guard, the commissioned corps of the public
15 health service, the commissioned corps of the national oceanic and
16 atmospheric administration, a reserve component of a uniformed
17 service, or the Michigan national guard as defined in section 105
18 of the Michigan military act, 1967 PA 150, MCL 32.505.

19 (15) ~~(14)~~—This section applies to the August 3, 2010 election
20 and to each succeeding election conducted in this state.

21 **SEC. 759C. FOR A PRESIDENTIAL PRIMARY ELECTION, THE SECRETARY**
22 **OF STATE SHALL REVISE THE ABSENT VOTER BALLOT APPLICATION FORM**
23 **DESCRIBED IN SECTION 759 OR PROVIDE A SEPARATE FORM TO REQUIRE THAT**
24 **A PRESIDENTIAL PRIMARY ELECTOR INDICATE A POLITICAL PARTY BALLOT**
25 **SELECTION WHEN REQUESTING AN ABSENT VOTER BALLOT.**

26 Enacting section 1. If any portion of this amendatory act or
27 the application of this amendatory act to any person or

1 circumstances is found invalid by a court, it is the intent of the
2 legislature that the provisions of this amendatory act are
3 severable and that the remainder of the amendatory act shall be
4 valid, operable, and in effect.

5 Enacting section 2. Section 495a of the Michigan election law,
6 1954 PA 116, MCL 168.495a, is repealed.