

HOUSE BILL No. 6040

November 27, 2012, Introduced by Rep. McCann and referred to the Committee on Redistricting and Elections.

A bill to amend 1954 PA 116, entitled
"Michigan election law,"
by amending sections 491, 497, and 497a (MCL 168.491, 168.497, and 168.497a), sections 491 and 497 as amended by 1989 PA 142 and section 497a as amended by 1986 PA 220, and by adding section 499e.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 491. The **BOARD OF ELECTION** inspectors ~~of election~~ at an
2 election ~~or primary election~~ in this state, or in a district,
3 county, township, city, or village in this state, shall not receive
4 the vote of a person whose name is not registered in the
5 registration book or listed on the computer voter registration
6 precinct list of the township, ward, or precinct in which he or she
7 offers to vote unless the person has met the requirements of
8 section 507b **OR HAS REGISTERED TO VOTE AT THE POLLING PLACE ON THE**

1 **DAY OF THE ELECTION AS PROVIDED IN SECTION 499E.**

2 Sec. 497. (1) A person who is not registered **TO VOTE** but
 3 ~~possesses~~ **MEETS** the qualifications of an elector as set forth
 4 **PROVIDED** in section 492 ~~may~~ apply for registration to the clerk
 5 of the county, township, city, or village in which he or she
 6 resides on a day other than Saturday, Sunday, **OR** a legal holiday. ~~or the day of a regular, primary, school, or special election.~~
 7 Registrations accepted between the thirtieth day ~~preceding~~ **BEFORE**
 8 an election and the day ~~of~~ **BEFORE** the election, unless the
 9 thirtieth day falls on a Saturday, Sunday, or legal holiday, in
 10 which event registration shall be accepted during the following
 11 day, are not valid for the election but are valid for **A** subsequent
 12 regular, primary, school, or special elections ~~that are~~ **ELECTION**
 13 **THAT IS** held ~~so that not less~~ **MORE** than 30 days ~~intervene between~~
 14 **AFTER** the date the person registered. ~~and the date of the election.~~
 15 **A PERSON WHO IS NOT REGISTERED TO VOTE BUT MEETS THE QUALIFICATIONS**
 16 **OF AN ELECTOR AS PROVIDED IN SECTION 492 MAY APPLY FOR REGISTRATION**
 17 **TO THE CLERK OF THE TOWNSHIP, CITY, OR VILLAGE, OR AUTHORIZED**
 18 **ASSISTANT TO THE CLERK AT THE POLLING PLACE ON THE DAY OF AN**
 19 **ELECTION AS PROVIDED IN SECTION 499E. A REGISTRATION ACCEPTED AT**
 20 **THE POLLING PLACE ON THE DAY OF AN ELECTION IS VALID FOR THAT**
 21 **ELECTION AND ALL SUBSEQUENT ELECTIONS.**

23 (2) Except as otherwise provided in **THIS SECTION AND** sections
 24 ~~499a to 499e~~ **499E**, 500a to 500j, and ~~504~~ **509V**, an application for
 25 registration shall not be executed at a place other than the office
 26 of the county, township, city, or village clerk or a public place
 27 or places designated by the clerk ~~or deputy registrar~~ for receiving

1 registrations. ~~but the~~ **HOWEVER, A** clerk or deputy registrar
 2 **ASSISTANT CLERK** may receive an application wherever he or she may
 3 be. If a county, township, city, or village clerk does not
 4 regularly keep his or her office open daily during certain hours,
 5 the clerk ~~shall~~ **IS** not ~~be~~ required to be at his or her office for
 6 the purpose of receiving applications for registration on a
 7 particular day nor during specific hours of a day, except as
 8 provided in section 498. ~~Registrations~~ **A REGISTRATION** taken after
 9 the time of closing registrations before an election need not be
 10 processed until the date immediately following that election ~~—A~~
 11 ~~registration~~ **AND** shall not be placed in a precinct registration
 12 file until the date immediately following that election. If a
 13 person registers at a time that registrations are closed for an
 14 election, the person shall be given a notice, signed by the clerk,
 15 on a form developed by the secretary of state, informing him or her
 16 that, **UNLESS THE PERSON REGISTERS AT THE POLLING PLACE ON THE DAY**
 17 **OF THE ELECTION**, he or she is not eligible to vote in the election
 18 and indicating the first date on which he or she is eligible to
 19 vote. Except as provided in sections 500a to 500j, the provisions
 20 of this section relating to registration shall apply.

21 Sec. 497a. The 30-day limitation contained in section 497
 22 ~~shall~~ **DOES** not apply to a second school millage election allowable
 23 under section 36(3) of the general property tax act, ~~Act No. 206 of~~
 24 ~~the Public Acts of 1893, as amended, being section 211.36 of the~~
 25 ~~Michigan Compiled Laws, or to a first school millage election held~~
 26 ~~under section 36(2) during calendar year 1986 if a school~~
 27 ~~district's operating revenue is less than the total operating~~

1 ~~revenue for the previous school year 1893 PA 206, MCL 211.36. For~~
2 ~~those elections, a registration taken on the days intervening~~
3 **ACCEPTED** between the tenth day ~~preceeding~~ **BEFORE** the election and
4 the day ~~of~~ **BEFORE** the election ~~shall~~ **IS** not ~~be~~ valid for that
5 election but ~~shall be~~ **IS** valid for a subsequent regular, primary,
6 or special election of the district. **A PERSON MAY REGISTER AT THE**
7 **POLLING PLACE ON THE DAY OF THE ELECTION AS PROVIDED IN SECTION**
8 **499E.**

9 **SEC. 499E. (1) THE CLERK OF A CITY, TOWNSHIP, OR VILLAGE SHALL**
10 **BE PRESENT OR HAVE AN ASSISTANT CLERK BE PRESENT AT A POLLING PLACE**
11 **AT ALL TIMES THE POLLING PLACE IS OPEN ON THE DAY OF AN ELECTION**
12 **HELD UNDER THIS ACT. THE CLERK OR ASSISTANT CLERK SHALL RECEIVE**
13 **APPLICATIONS FOR REGISTRATION AS PROVIDED IN THIS SECTION.**

14 **(2) IN ADDITION TO ALL OTHER RIGHTS TO REGISTRATION UNDER THIS**
15 **CHAPTER, AN ELECTOR ENTITLED TO REGISTRATION IN AN ELECTION**
16 **PRECINCT MAY BECOME REGISTERED IN THE PRECINCT BY APPLYING IN**
17 **PERSON TO A CLERK OR ASSISTANT CLERK AT THE POLLING PLACE ON THE**
18 **DAY OF AN ELECTION. THE ELECTOR SHALL EXECUTE IN DUPLICATE A**
19 **REGISTRATION SWORN STATEMENT AND SWEAR TO AND SIGN THE SWORN**
20 **STATEMENT IN THE PRESENCE OF THE CLERK OR ASSISTANT CLERK.**

21 **(3) THE CLERK OR ASSISTANT CLERK SHALL REQUIRE THE APPLICANT**
22 **FOR REGISTRATION TO ANSWER UNDER OATH A QUESTION CONCERNING THE**
23 **ELECTOR'S QUALIFICATION AS AN ELECTOR. THE CLERK OR ASSISTANT CLERK**
24 **MAY ADMINISTER OATHS AND SWEAR PERSONS AS TO THE TRUTH OF**
25 **STATEMENTS CONTAINED IN REGISTRATION SWORN STATEMENTS. THE CLERK**
26 **MAY EMPLOY AND SWEAR AN INTERPRETER TO INTERPRET ALL QUESTIONS PUT**
27 **TO AN APPLICANT AND THE ANSWERS TO THOSE QUESTIONS. IF THE**

1 APPLICANT, IN ANSWER TO A QUESTION OR IN THE REGISTRATION SWORN
2 STATEMENT, KNOWINGLY MAKES A MATERIAL STATEMENT THAT IS FALSE, THE
3 APPLICANT IS GUILTY OF A MISDEMEANOR.

4 (4) IF THE APPLICANT IS ENTITLED TO REGISTRATION, THE CLERK OR
5 ASSISTANT CLERK SHALL PERSONALLY SIGN AND NOTE ON THE REGISTRATION
6 SWORN STATEMENT THE ACCEPTANCE OF THE REGISTRATION. IF THE
7 REGISTRATION IS REFUSED, THE CLERK OR ASSISTANT CLERK SHALL DESTROY
8 THE APPLICANT'S REGISTRATION SWORN STATEMENT. THE CLERK OR
9 ASSISTANT CLERK SHALL NOT ACCEPT A FEE FROM AN ELECTOR APPLYING FOR
10 REGISTRATION, EITHER FOR THE REGISTERING OF THE ELECTOR OR FOR THE
11 TAKING OF THE ACKNOWLEDGMENT ON THE SWORN STATEMENT. A CLERK OR
12 ASSISTANT CLERK WHO ACCEPTS A FEE IS GUILTY OF A MISDEMEANOR.

13 (5) IMMEDIATELY AFTER APPROVING AN APPLICATION FOR
14 REGISTRATION UNDER SUBSECTION (4), THE CLERK OR ASSISTANT CLERK
15 SHALL PREPARE A REGISTRATION CARD OR AN INSERT TO A REGISTRATION
16 LIST IN A FORM PRESCRIBED BY THE SECRETARY OF STATE. THE CLERK OR
17 ASSISTANT CLERK SHALL HAVE THE REGISTRATION CARD OR INSERT TO A
18 REGISTRATION LIST TRANSFERRED TO THE BOARD OF ELECTION INSPECTORS
19 AT THE POLLING PLACE TO ALLOW THE NEWLY REGISTERED ELECTOR TO APPLY
20 TO VOTE AS PROVIDED IN SECTION 523.

21 (6) THE CLERK SHALL PREPARE AND SEND A VOTER IDENTIFICATION
22 CARD IN THE MANNER PRESCRIBED FOR CORRECTED VOTER IDENTIFICATION
23 CARDS IN SECTION 499 AS SOON AS PRACTICAL AFTER THE ELECTION.