

SENATE BILL No. 1271

September 12, 2012, Introduced by Senator WHITMER and referred to the Committee on Local Government and Elections.

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 31, 509v, 509w, and 509x (MCL 168.31, 168.509v, 168.509w, and 168.509x), section 31 as amended by 2012 PA 271 and sections 509v, 509w, and 509x as added by 1994 PA 441.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 31. (1) The secretary of state shall do all of the
2 following:

3 (a) Subject to ~~subsection (2)~~, **SUBSECTIONS (2) AND (3)**, issue
4 instructions and promulgate rules pursuant to the administrative
5 procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, for the
6 conduct of elections and registrations in accordance with the laws
7 of this state.

8 (b) Advise and direct local election officials as to the
9 proper methods of conducting elections.

1 (c) Publish and furnish for the use in each election precinct
2 before each state primary and election a manual of instructions
3 that includes specific instructions on assisting voters in casting
4 their ballots, directions on the location of voting stations in
5 polling places, procedures and forms for processing challenges, and
6 procedures on prohibiting campaigning in the polling places as
7 prescribed in this act.

8 (d) Publish indexed pamphlet copies of the registration,
9 primary, and election laws and furnish to the various county, city,
10 township, and village clerks a sufficient number of copies for
11 their own use and to enable them to include 1 copy with the
12 election supplies furnished each precinct board of election
13 inspectors under their respective jurisdictions. The secretary of
14 state may furnish single copies of the publications to
15 organizations or individuals who request the same for purposes of
16 instruction or public reference.

17 (e) ~~Prescribe~~ **SUBJECT TO SUBSECTION (3), PRESCRIBE** and require
18 uniform forms, notices, and supplies the secretary of state
19 considers advisable for use in the conduct of elections and
20 registrations.

21 (f) Prepare the form of ballot for any proposed amendment to
22 the constitution or proposal under the initiative or referendum
23 provision of the constitution to be submitted to the voters of this
24 state.

25 (g) Require reports from the local election officials the
26 secretary of state considers necessary.

27 (h) Investigate, or cause to be investigated by local

1 authorities, the administration of election laws, and report
2 violations of the election laws and regulations to the attorney
3 general or prosecuting attorney, or both, for prosecution.

4 (i) Publish in the legislative manual the vote for governor
5 and secretary of state by townships and wards and the vote for
6 members of the state legislature cast at the preceding November
7 election, which shall be returned to the secretary of state by the
8 county clerks on or before the first day of December following the
9 election. All clerks shall furnish to the secretary of state,
10 promptly and without compensation, any further information
11 requested of them to be used in the compilation of the legislative
12 manual.

13 (j) Establish a curriculum for comprehensive training and
14 accreditation of all county, city, township, and village officials
15 who are responsible for conducting elections.

16 (k) Establish a continuing election education program for all
17 county, city, township, and village clerks.

18 (l) Establish and require attendance by all new appointed or
19 elected election officials at an initial course of instruction
20 within 6 months before the date of the election.

21 (m) Establish a comprehensive training curriculum for all
22 precinct inspectors.

23 (n) Create an election day dispute resolution team that has
24 regional representatives of the department of state, which team
25 shall appear on site, if necessary.

26 (2) Pursuant to the administrative procedures act of 1969,
27 1969 PA 306, MCL 24.201 to 24.328, the secretary of state shall

1 promulgate rules establishing uniform standards for state and local
2 nominating, recall, and ballot question petition signatures. The
3 standards for petition signatures may include, but need not be
4 limited to, standards for all of the following:

5 (a) Determining the validity of registration of a circulator
6 or individual signing a petition.

7 (b) Determining the genuineness of the signature of a
8 circulator or individual signing a petition, including digitized
9 signatures.

10 (c) Proper designation of the place of registration of a
11 circulator or individual signing a petition.

12 **(3) THE SECRETARY OF STATE SHALL NOT IMPOSE ANY QUALIFICATION**
13 **OR PROCESS UPON VOTING OR REGISTERING TO VOTE EXCEPT AS EXPRESSLY**
14 **PROVIDED FOR IN THIS ACT.**

15 Sec. 509v. (1) A person who is not registered to vote at the
16 address where he or she resides may apply to register to vote by
17 submitting an application at any of the following locations:

18 (a) The office of the clerk of a county or the office of the
19 clerk of the city or township in which the applicant resides,
20 during regular office hours of that clerk.

21 (b) A department of state office.

22 (c) A designated voter registration agency when submitting an
23 application, recertification, renewal, or change of address at the
24 voter registration agency.

25 (2) A person who is not registered to vote at the address
26 where he or she resides may apply for registration by submitting a
27 completed mail registration application. A person may request a

1 mail registration application from and submit the application to
2 any of the following:

3 (a) The secretary of state.

4 (b) The clerk of the county, city, or township in which the
5 applicant resides.

6 (c) A designated voter registration agency.

7 (3) NOT LATER THAN DECEMBER 31, 2012, THE SECRETARY OF STATE
8 SHALL DEVELOP AND IMPLEMENT A SYSTEM TO ALLOW AN APPLICANT TO
9 SUBMIT A VOTER REGISTRATION APPLICATION OR VOTER REGISTRATION
10 CHANGE OF ADDRESS APPLICATION ELECTRONICALLY ON THE SECRETARY OF
11 STATE'S WEBSITE.

12 (4) BEGINNING JANUARY 1, 2013, A PERSON WHO IS NOT REGISTERED
13 TO VOTE AT THE ADDRESS WHERE HE OR SHE RESIDES MAY SUBMIT A VOTER
14 REGISTRATION APPLICATION OR VOTER REGISTRATION CHANGE OF ADDRESS
15 APPLICATION ELECTRONICALLY ON THE SECRETARY OF STATE'S WEBSITE.

16 (5) A PERSON WHO SUBMITS A VOTER REGISTRATION APPLICATION OR
17 VOTER REGISTRATION CHANGE OF ADDRESS APPLICATION ELECTRONICALLY
18 PURSUANT TO SUBSECTION (4) SHALL DO ALL OF THE FOLLOWING:

19 (A) ATTEST TO THE TRUTH OF THE INFORMATION PROVIDED ON THE
20 APPLICATION BY AFFIRMATIVELY ACCEPTING THE INFORMATION AS TRUE.

21 (B) AFFIRMATIVELY ASSENT TO THE USE OF HIS OR HER MOST RECENT
22 DIGITIZED SIGNATURE IF CAPTURED OR REPRODUCED BY THE SECRETARY OF
23 STATE PURSUANT TO SECTION 307 OF THE MICHIGAN VEHICLE CODE, 1949 PA
24 300, MCL 257.307, OR IF CAPTURED OR REPRODUCED BY THE SECRETARY OF
25 STATE PURSUANT TO 1972 PA 222, MCL 28.291 TO 28.300.

26 (C) SIGN THE APPLICATION WITH AN ELECTRONIC SIGNATURE. AS USED
27 IN THIS SUBDIVISION, "ELECTRONIC SIGNATURE" MEANS THAT TERM AS

1 DEFINED IN SECTION 2 OF THE UNIFORM ELECTRONIC TRANSACTIONS ACT,
2 2000 PA 305, MCL 450.832.

3 (6) IF A PERSON WHO SUBMITS A VOTER REGISTRATION APPLICATION
4 OR VOTER REGISTRATION CHANGE OF ADDRESS APPLICATION ELECTRONICALLY
5 DOES NOT HAVE AN OFFICIAL STATE IDENTIFICATION CARD ISSUED PURSUANT
6 TO 1972 PA 222, MCL 28.291 TO 28.300, OR AN OPERATOR'S OR
7 CHAUFFEUR'S LICENSE ISSUED PURSUANT TO THE MICHIGAN VEHICLE CODE,
8 1949 PA 300, MCL 257.1 TO 257.923, THE VOTER REGISTRATION
9 APPLICATION OR VOTER REGISTRATION CHANGE OF ADDRESS APPLICATION
10 SUBMITTED ELECTRONICALLY BY THAT PERSON SHALL BE CONSIDERED A
11 REGISTRATION BY MAIL AND THAT PERSON SHALL COMPLY WITH THE
12 REQUIREMENTS IN SECTION 509T.

13 (7) THE SECRETARY OF STATE MAY IMPLEMENT ADDITIONAL SECURITY
14 MEASURES TO ENSURE THE ACCURACY AND INTEGRITY OF THE VOTER
15 REGISTRATIONS SUBMITTED ELECTRONICALLY.

16 (8) THE SECRETARY OF STATE SHALL PROMULGATE RULES PURSUANT TO
17 THE ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969 PA 306, MCL 24.201
18 TO 24.328, TO IMPLEMENT THE PROVISIONS OF SUBSECTIONS (3) TO (7).

19 Sec. 509w. (1) The person processing an application submitted
20 in person at a department of state office, a designated voter
21 registration agency, or the office of a county clerk shall do all
22 of the following:

23 (a) Validate the application in the manner prescribed by the
24 secretary of state.

25 (b) Issue a receipt to the applicant verifying the acceptance
26 of the application.

27 (2) THE PERSON PROCESSING AN APPLICATION SUBMITTED

1 ELECTRONICALLY PURSUANT TO SECTION 509V SHALL DO ALL OF THE
2 FOLLOWING:

3 (A) VALIDATE THE APPLICATION IN THE MANNER PRESCRIBED BY THE
4 SECRETARY OF STATE.

5 (B) ISSUE A RECEIPT TO THE APPLICANT IN THE MANNER PRESCRIBED
6 BY THE SECRETARY OF STATE VERIFYING THE ACCEPTANCE OF THE
7 APPLICATION.

8 (3) ~~(2)~~—Except as otherwise provided in subsection ~~(3)~~-(4),
9 the department of state office, the designated voter registration
10 agency, or the county clerk shall transmit the application not
11 later than 7 days after receipt of the application to the clerk of
12 the county, city, or township where the applicant resides.

13 (4) ~~(3)~~—If an application under subsection (1) OR (2) is made
14 within 7 days before the close of registration for a federal
15 election, the department of state office, the designated voter
16 registration agency, or the county clerk shall transmit the
17 application not later than 1 business day to the clerk of the
18 county, city, or township where the applicant resides.

19 (5) ~~(4)~~—If a completed application is transmitted by the
20 secretary of state or a designated voter registration agency to a
21 county clerk, the secretary of state, to the extent funds are
22 appropriated, shall compensate the county clerk for the cost of
23 forwarding the application to the proper city or township clerk of
24 the applicant's residence from funds appropriated to the secretary
25 of state for that purpose.

26 Sec. 509x. An application for registration is considered ~~to be~~
27 received on or before the close of registration, if 1 of the

1 following requirements is met:

2 (a) An application is received at a department of state
3 office, a designated voter registration agency, or the office of a
4 county, city, or township clerk on or before the close of
5 registration.

6 (b) An application is received through the mail that is
7 postmarked on or before the close of registration.

8 (c) An application is received through the mail on or before
9 the seventh day immediately following the close of registration, if
10 the postmark is missing or is unclear and the application, on its
11 face, is dated by the applicant on or before the close of
12 registration. The clerk shall consider an application received
13 pursuant to this subdivision as received before the close of
14 registration.

15 (D) AN APPLICATION IS RECEIVED ELECTRONICALLY PURSUANT TO
16 SECTION 509V ON OR BEFORE THE CLOSE OF REGISTRATION.