

# HOUSE BILL No. 5789

September 10, 2014, Introduced by Rep. Hobbs and referred to the Committee on Elections and Ethics.

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

1 section 507b **OR HAS REGISTERED TO VOTE AT THE POLLING PLACE ON THE**  
 2 **DAY OF THE ELECTION AS PROVIDED IN SECTION 499E.**

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

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

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

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

1 ~~district's operating revenue is less than the total operating~~  
2 ~~revenue for the previous school year. 1893 PA 206, MCL 211.36. For~~  
3 ~~those elections, a registration taken on the days intervening~~  
4 **ACCEPTED** between the tenth day ~~preceding~~ **BEFORE** the election and  
5 the day ~~of~~ **BEFORE** the election ~~shall~~ **IS** not ~~be~~ valid for that  
6 election but ~~shall be~~ **IS** valid for a subsequent regular, primary,  
7 or special election of the district. **A PERSON MAY REGISTER AT THE**  
8 **POLLING PLACE ON THE DAY OF THE ELECTION AS PROVIDED IN SECTION**  
9 **499E.**

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

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

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

1 TO AN APPLICANT AND THE ANSWERS TO THOSE QUESTIONS. IF THE  
2 APPLICANT, IN ANSWER TO A QUESTION OR IN THE REGISTRATION SWORN  
3 STATEMENT, KNOWINGLY MAKES A MATERIAL STATEMENT THAT IS FALSE, THE  
4 APPLICANT IS GUILTY OF A MISDEMEANOR.

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

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

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