

MINUTES OF THE COMMITTEE ON REDISTRICTING AND ELECTIONS

September 11, 2012

9:00 a.m.

Room 521 House Office Building

Chair Lund called the meeting to order.

Present were: Reps. Lund, McBroom, Knollenberg, Tyler, Outman, Pscholka, Byrum, Nathan, Stanley,

Absent and excused: None.

Chair Lund laid before the Committee HB 5794 - Lund - Elections; county committee references; modify to county executive committee.

Chair Lund recognized Joseph Baumann representing the House Republican Policy Office to explain HB 5794 to the members of the Redistricting and Elections Committee.

Rep. Nathan moved to amend HB 5794 as follows:

Amend page 15, following line 23 by inserting:

"Enacting section 2. This amendatory act does not take effect unless House Bill No. 5722 of the 96th Legislature is enacted into law."

The motion did not prevailed, the vote being 3-5-0.

UNFAVORABLE ROLL CALL:

Yeas: Reps. Byrum, Nathan, Stanley,

Nays: Reps. Lund, Knollenberg, Tyler, Outman, Pscholka,

Pass: None.

Rep. Stanley moved to amend HB 5794 as follows:

1. Amend page 1, following "**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:** by inserting:

"SEC. 560C. IF A PERSON HOLDING PUBLIC OFFICE SEEKS REELECTION FOR THAT OFFICE AND THAT PERSON CHANGES HIS OR HER POLITICAL PARTY AFFILIATION WHEN FILING FOR REELECTION TO THAT OFFICE, THE ELECTION BALLOT SHALL STATE THE FOLLOWING AFTER THAT CANDIDATE'S NAME:

"FORMERLY A (NAME OF FORMER POLITICAL PARTY)."

The motion did not prevail, the vote being 3-5-0.

UNFAVORABLE ROLL CALL:

Yeas: Reps. Byrum, Nathan, Stanley,

Nays: Reps. Lund, Knollenberg, Tyler, Outman, Pscholka,

Pass: None.

Rep. Byrum moved to amend HB 5794 as follows:

Amend page 1, following "**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**",
by inserting:

"Sec. 523. (1) At each election, before being given a ballot, each registered elector offering to vote shall identify himself or herself by presenting an official state identification card issued to that individual pursuant to Act No. 222 of the Public Acts of 1972, being sections 28.291 to 28.295 of the Michigan Compiled Laws, **UNDER 1972 PA 222, MCL 28.291 TO 28.300**, an operator's or chauffeur's license issued to that individual pursuant to **UNDER** the Michigan vehicle code, Act No. 300 of the Public Acts of 1949, being sections 257.1 to 257.923 of the Michigan Compiled Laws, **1949 PA 300, MCL 257.1 TO 257.923**, or other generally recognized picture identification card and by executing an application showing his or her signature or mark and address of residence in the presence of an election official. **THE APPLICATION SHALL NOT INCLUDE A CITIZENSHIP QUESTION REQUIRING THE ELECTOR TO INDICATE WHETHER HE OR SHE IS A UNITED STATES CITIZEN.** If an elector's signature contained in the qualified voter file is available in the polling place, the election official shall compare the signature upon the application with the digitized signature provided by the qualified voter file. If an elector's signature is not contained in the qualified voter file, the election official shall process the application in the same manner as applications are processed when a voter registration list is used in the polling place. If voter registration lists are used in the precinct, the election inspector shall determine if the name on the application to vote appears on the voter registration list. If the name appears on the voter registration list, the elector shall provide further identification by giving his or her date of birth or other information stated upon the voter registration list. In precincts using voter registration lists, the date of birth may be required to be placed on the application to vote. If the signature or an item of information does not correspond, the vote of the person shall be challenged, and the same procedure shall be followed as provided in this act for the challenging of an elector. If the person offering to vote has signed the registration card or application by making a mark, the person shall identify himself or herself by giving his or her date of birth, which shall be compared with the date of birth stated upon the registration card or voter registration list, or shall give other identification as may be referred to upon the registration card or voter registration list. If the elector does not have an official state identification card, operator's or chauffeur's license as required in this subsection, or other generally recognized picture identification card, the individual shall sign an affidavit to that effect before an election inspector and be allowed to vote as otherwise provided in this act. However, an elector being allowed to vote without the identification required under this subsection is subject to

challenge as provided in section 727.

(2) If, upon a comparison of the signature or other identification as required in subsection (1), it is found that the applicant is entitled to vote, the election officer having charge of the registration list shall approve the application and write his or her initials on the application, after which the number on the ballot issued shall be noted on the application. The application shall serve as 1 of the 2 poll lists required to be kept as a record of a person who has voted. The application shall be filed with the township, city, or village clerk. If voter registration cards are used in the precinct, the date of the election shall be noted by 1 of the election officials upon the precinct registration card of each elector voting at an election. If voter registration lists are used in the precinct, the election official shall clearly indicate upon the list each elector voting at that election. The clerk of a city, village, or township shall maintain a record of voting participation for each registered elector."

2. Amend page 10, following line 21, by inserting:

"Sec. 759. (1) At any time during the 75 days before a primary or special primary, but not later than 2 p.m. of the Saturday immediately before the primary or special primary, an elector who qualifies to vote as an absent voter, as defined in section 758, may apply for an absent voter ballot. The elector shall apply in person or by mail with the clerk of the township, city, or village in which the elector is registered. An application received before a primary or special primary may be for either that primary only, or for that primary and the election that follows.

(2) Except as otherwise provided in subsection (1), at anytime during the 75 days before an election, but not later than 2 p.m. of the Saturday before the election, an elector who qualifies to vote as an absent voter, as defined in section 758, may apply for an absent voter ballot. The elector shall apply in person or by mail with the clerk of the township, city, or village in which the voter is registered.

(3) An application for an absent voter ballot under this section may be made in any of the following ways:

(a) By a written request signed by the voter stating the statutory grounds for making the application.

(b) On an absent voter ballot application form provided for that purpose by the clerk of the city, township, or village.

(c) On a federal postcard application.

(4) An applicant for an absent voter ballot shall sign the application. A clerk or assistant clerk shall not deliver an absent voter ballot to an applicant who does not sign the application. A person other than the applicant; a member of the applicant's immediate family; a person residing in the applicant's household; a person whose job normally includes the handling of mail, but only during the course of his or her employment; a registered elector requested by the applicant; or a clerk, assistant of the clerk, or other authorized election official shall not be in possession of a signed absent voter ballot application. A registered elector who is requested by the applicant to return his or her absent voter ballot application shall sign the certificate on the absent voter ballot application.

(5) The clerk of the city, township, or village shall have absent voter ballot application forms available in the office of the clerk at all times and shall furnish an absent voter ballot application form to anyone upon a verbal or written request. The absent voter ballot application **SHALL NOT INCLUDE A CITIZENSHIP QUESTION REQUIRING THE ELECTOR TO INDICATE WHETHER HE OR SHE IS A UNITED STATES CITIZEN AND** shall be in substantially the following form:

"Application for absent voter ballot for:

The primary or special primary election to be held on _____, 19____ (DATE).

The election to be held on _____, 19____ (DATE).

(Check applicable election or elections)

I, _____, a qualified and registered elector of the _____ precinct of the township of _____ or village of _____ or of the _____ ward of the city of _____, in the county of _____ and state of Michigan, apply for an official ballot, or ballots, to be voted by me at the election or elections as requested in this application.

The statutory grounds on which I base my request are:

I expect to be absent from the community in which I am registered for the entire time the polls are open on election day.

I am physically unable to attend the polls without the assistance of another.

I cannot attend the polls because of the tenets of my religion.

I have been appointed an election precinct inspector in a precinct other than the precinct where I reside.

I am 60 years of age or older.

I cannot attend the polls because I am confined to jail awaiting arraignment or trial.

(Check applicable reason)

Send absent voter ballot to me at:

.....

(Street No. or R.R.)

.....

(Post Office) (State)

My registered address

(Street No. or R.R.)

.....

(Post Office) (State)

Date.....

I declare that the statements in this absent voter ballot application are true.

.....

(Signature)

WARNING

A person making a false statement in this absent voter ballot application is guilty of a misdemeanor. It is a violation of Michigan election law for a person other than those listed in the instructions to return, offer to return, agree to return, or solicit to return your absent voter ballot

of the clerk is guilty of a misdemeanor."

The motion did not prevail, the vote being 3-5-0.

UNFAVORABLE ROLL CALL:

Yeas: Reps. Byrum, Nathan, Stanley,

Nays: Reps. Lund, Knollenberg, Tyler, Outman, Pscholka,

Pass: None.

Rep. Byrum moved to amend HB 5794 as follows:

1. Amend page 1, following "**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**" by inserting:

"Sec. 161. (1) A person ~~shall~~**IS** not ~~be~~ eligible ~~to~~**FOR** the office of state senator or representative unless the person is a citizen of the United States and a registered and qualified elector of the district he or she represents ~~by~~**FOR AT LEAST 60 DAYS PRIOR TO** the filing deadline, as provided in section 7 of article ~~4-IV~~ of the state constitution of 1963.

(2) A person who has been convicted of a violation of section 12a(1) of 1941 PA 370, MCL 38.412a, **IS** not eligible **FOR** the office of state senator or representative for a period of 20 years after conviction.

Sec. 558. (1) When filing a nominating petition, qualifying petition, filing fee, or affidavit of candidacy for a federal, county, state, city, township, village, or school district office in any election, a candidate shall file with the officer with whom the petitions, fee, or affidavit is filed 2 copies of an affidavit of identity. A candidate nominated for a federal, state, county, city, township, or village office at a political party convention or caucus shall file **WITH THE SECRETARY OF STATE** an affidavit of identity within 1 business day after being nominated. ~~with the secretary of state.~~ The affidavit of identity filing requirement does not apply to a candidate nominated for the office of president of the United States or vice president of the United States. **EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, A CANDIDATE SHALL FILE A NOMINATING PETITION, QUALIFYING PETITION, FILING FEE, AFFIDAVIT OF CANDIDACY, OR AFFIDAVIT OF IDENTITY IN PERSON WITH THE OFFICER WITH WHOM THE PETITIONS, FEE, OR AFFIDAVITS ARE FILED. THE REQUIREMENT TO FILE A NOMINATING PETITION, QUALIFYING PETITION, FILING FEE, AFFIDAVIT OF CANDIDACY, OR AFFIDAVIT OF IDENTITY IN PERSON WITH THE OFFICER WITH WHOM THE PETITIONS, FEE, OR AFFIDAVITS ARE FILED DOES NOT APPLY TO ANY OF THE FOLLOWING CANDIDATES:**

(A) A CANDIDATE FOR FEDERAL OFFICE.

(B) A CANDIDATE FOR THE OFFICE OF JUSTICE OF THE SUPREME COURT.

(C) A CANDIDATE FOR THE OFFICE OF JUDGE OF THE COURT OF APPEALS.

(2) An affidavit of identity shall contain the candidate's name, address, and ward and precinct where registered, if qualified to vote at that election; a statement that the candidate is a citizen of the United States; the candidate's number of years of residence in the state and county; other information

that may be required to satisfy the officer as to the identity of the candidate; the manner in which the candidate wishes to have his or her name appear on the ballot; and a statement that the candidate either is or is not using a name, whether a given name, a surname, or otherwise, that is not a name that he or she was given at birth. If a candidate is using a name that is not a name that he or she was given at birth, the candidate shall include on the affidavit of identity the candidate's full former name.

(3) The requirement to indicate a name change on the affidavit of identity does not apply if the name in question is 1 of the following:

(a) A name that was formally changed at least 10 years before filing as a candidate.

(b) A name that was changed in a certificate of naturalization issued by a federal district court at the time the individual became a naturalized citizen at least 10 years before filing as a candidate.

(c) A name that was changed because of marriage.

(d) A name that was changed because of divorce, but only if to a legal name by which the individual was previously known.

(e) A name that constitutes a common law name as provided in section 560b.

(4) An affidavit of identity shall include a statement that as of the date of the affidavit, all statements, reports, late filing fees, and fines required of the candidate or any candidate committee organized to support the candidate's election under the Michigan campaign finance act, 1976 PA 388, MCL 169.201 to 169.282, have been filed or paid; and a statement that the candidate acknowledges that making a false statement in the affidavit is perjury, punishable by a fine up to \$1,000.00 or imprisonment for up to 5 years, or both. If a candidate files the affidavit of identity with an officer other than the county clerk or secretary of state, the officer shall immediately forward to the county clerk 1 copy of the affidavit of identity by first-class mail. The county clerk shall immediately forward 1 copy of the affidavit of identity for state and federal candidates to the secretary of state by first-class mail. An officer shall not certify to the board of election commissioners the name of a candidate who fails to comply with this section.

(5) If ~~petitions or filing fees are filed by or in behalf of~~ a candidate **FILES PETITIONS OR FILING FEES** for more than 1 office, either federal, state, county, city, village, township, or school district, the terms of which run concurrently or overlap, the candidate ~~so filing, or in behalf of whom petitions or fees were so filed,~~ shall select the 1 office to which his or her candidacy is restricted within 3 days after the last day for the filing of petitions or filing fees unless the petitions or filing fees are filed for 2 offices that are combined or for offices that are not incompatible. Failure to make the selection disqualifies a candidate with respect to each office for which petitions or fees were so filed and the name of the candidate shall not be printed upon the ballot for those offices. A vote cast for that candidate at the ensuing primary or general election shall not be counted and is void."

The motion did not prevail, the vote being 3-5-0.

UNFAVORABLE ROLL CALL:

Yeas: Reps. Byrum, Nathan, Stanley,

Nays: Reps. Lund, Knollenberg, Tyler, Outman, Pscholka,

Pass: None.

Rep. Pscholka moved to report out HB 5794 with the recommendation that it pass. The motion prevailed, the vote being 5-3-0.

FAVORABLE ROLL CALL:

Yeas: Reps. Lund, Knollenberg, Tyler, Outman, Pscholka,

Nays: Reps. Byrum, Nathan, Stanley,

Pass: None.

Chair Lund laid before the Committee HB 5219 - Knollenberg - Property tax; proposal to increase local revenues; require to be placed on the November ballot.

Chair Lund recognized Mary Hollinrake representing the Michigan County Clerks & Council of Election Officials who testified in opposition to HB 5219.

The following person filled out a testimony card in support of HB 5219 but did not want to testify.

Tricia Kinley representing the Michigan Chamber of Commerce

The following people filled out testimony cards in opposition to HB 5219 but did not want to testify.

David Randels representing the Oakland Schools

Don Olendorf representing School Equity

Brad Biladeau representing the Michigan Association of School Administrators

Judy Allen representing Michigan Township Association

Jason Mancini representing the Michigan Municipal League

Bill Zaagman representing GCSI/Michigan Association of Municipal Clerks

Kathleen Merry representing Wayne RESA

Don Wotruba representing the Michigan Association of School Boards

Emily Laidlaw representing the Michigan Association of Intermediate School Districts

Robert LeFevre representing the Macomb ISD

Curtis Holt representing the City of Wyoming

The following person filled out a testimony card stating a neutral position to HB 5219.

Paul Connors representing the Michigan Department of Treasury

Chair Lund stated that there would be no voting on HB 5219 at the meeting today.

Chair Lund stated that after a recess of 5 minutes Vice-Chair McBroom would take over the meeting.

Chair Lund recessed the meeting for 5 minutes without objection, the time being 9:25 a.m.

Vice-Chair McBroom reconvened the meeting the time being 9:30 a.m.

Vice-Chair McBroom laid before the Committee the following two bills.

HB 5511 - Durhal - Campaign finance; statements and reports; postelection statements; modify.

HB 5512 - Durhal - Campaign finance; payment plan for certain fines or fees; allow.

Vice-Chair McBroom stated that the Committee on Redistricting and Elections would only take testimony on HB 5511 and HB 5512 at the meeting today.

Vice-Chair McBroom recognized Amy Buttery representing Rep. Durhal's office to explain HB 5511 and HB 5512 to the members of the Redistricting and Elections Committee.

The following person filled out a testimony card in support of HB 5511 and HB 5512 with an amendment but did not want to testify.

Chris Hackbarth representing the Secretary of State

Rep. Tyler moved to approve the minutes from the meeting held on June 12, 2012. The motion prevailed,

With no further business to come before the Committee Vice-Chair McBroom adjourned the meeting, the time being 9:35 a.m.

Representative Ed McBroom, Vice-Chair

Mary Lou Terrien, Clerk