EXHIBIT A
M.C.L.A. 168.615c
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Michigan Compiled Laws Annotated Currentness
Chapter 168. Michigan Election Law (Refs & Annos)
Michigan Election Law
Chapter XXV. Delegates, Conventions and Party Committees (Refs & Annos)

168.615c. Presidential primary; selection by voter of political party ballot; procedures; challenges; maintenance of records by local clerks; disclosure and use regarding voter party ballot selection; destruction of records; offenses and ballots

Sec. 615c. (1) In order to vote at a presidential primary, an elector shall indicate in writing, on a form prescribed by the secretary of state, which participating political party ballot he or she wishes to vote when appearing to vote at a presidential primary. In fulfilling the requirements of this subsection, the secretary of state shall prescribe procedures intended to protect or safeguard the confidentiality of the participating political party ballot selected by an elector consistent with this section.

(2) An elector shall not be challenged at a presidential primary based upon the participating political party ballot selected by the elector. An elector may be challenged only to the extent authorized under section 727. [FN1]

(3) The secretary of state shall develop a procedure for city and township clerks to use when keeping a separate record at a presidential primary that contains the printed name, address, and qualified voter file number of each elector and the participating political party ballot selected by that elector at the presidential primary.

(4) Except as otherwise provided in this section, the information acquired or in the possession of a public body indicating which participating political party ballot an elector selected at a presidential primary is confidential, exempt from disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246, and shall not be disclosed to any person for any reason.

(5) To ensure compliance with the state and national political party rules of each participating political party and this section, the records described in subsection (3) shall be provided to the chairperson of each participating political party as set forth in subsection (6).

(6) Within 71 days after the presidential primary, the secretary of state shall provide to the chairperson of each participating political party a file of the records for each participating political party described under subsection (3). The secretary of state shall set a schedule for county, city, and township clerks to submit data or documents required under subsection (3). The secretary of state and county, city, and township clerks shall destroy the information indicating which participating political party ballot each elector selected at the presidential primary as recorded in subsection (3) immediately after the expiration of the 22-month federal election records retention period.

(7) Except as provided in subsection (8), a participating political party shall not use the information transmitted to the participating political party under subsection (6) indicating which participating political party ballot an elector selected at a presidential primary for any purpose, including a commercial purpose, and shall not release the information to any other person, organization, or vendor.

(8) A participating political party may only use the information transmitted to the participating political party under subsection (6) to support political party activities by that participating political party, including, but not limited to, support for or opposition to candidates and ballot proposals. A participating political party may release the information transmitted to the participating political party under subsection (6) to another person, organization, or vendor for the purpose of supporting political party activities by that participating political party, including, but not
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limited to, support for or opposition to candidates or ballot proposals.

(9) When authorized under subsection (8), a participating political party that releases the information transmitted to the participating political party under subsection (6) to another person, organization, or vendor shall enter into a contract with the person, organization, or vendor and the contract shall do all of the following:

(a) State the information use restrictions imposed by this section.

(b) Specify how and when the information will be used.

(c) Prohibit the donation, use, or sale of the information for any purpose other than a purpose authorized by this section.

(d) Prohibit the retention of the information after authorized use.

(e) Describe the criminal penalties provided in subsection (11).

(10) A participating political party shall retain a contract entered into under subsection (9) for 6 years from the effective date of the contract or any amendment to the contract.

(11) Any person who uses the information indicating which participating political party primary ballot an elector selected at a presidential primary for a purpose not authorized in this section is guilty of a misdemeanor punishable by a fine of $1,000.00 for each voter record that is improperly used or imprisonment for not more than 93 days, or both.

CREDIT(S)


HISTORICAL AND STATUTORY NOTES

2007 Electronic Pocket Part Update

2007 Legislation

For severability provisions of P.A.2007, No. 52, see the Historical and Statutory Notes following M.C.L.A. § 168.19.

CROSS REFERENCES

Absent voter, ballot application, see § 168.759c.

Armed forces or overseas voters, ballot selection, see § 168.759a.

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