



# HOUSE BILL No. 5529

May 5 1994 Introduced by Reps Brackenridge Dobronski Dolan Ciaramitaro  
Byrum DeLange Wallace Leland Barns Freeman Pitoniak Gire Martinez Yokich Willard  
Voorhees Weeks Hammerstrom Berman Wetters McBryde Kilpatrick Gubow Gagliardi  
Parks DeMars Points Price Scott Hood Baade and Emerson and referred to the Committee  
on Local Government

A bill to amend sections 10, 759a, 931, and 933 of Act  
No 116 of the Public Acts of 1954, entitled  
"Michigan election law,"  
section 931 as amended by Act No 113 of the Public Acts of 1984,  
being sections 168 10, 168 759a, 168 931, and 168 933 of the  
Michigan Compiled Laws and to repeal certain parts of the act

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT

1 Section 1 Sections 10, 759a, 931, and 933 of Act No 116  
2 of the Public Acts of 1954, section 931 as amended by Act No 113  
3 of the Public Acts of 1984, being sections 168 10, 168 759a,  
4 168 931, and 168 933 of the Michigan Compiled Laws, are amended  
5 to read as follows  
6 Sec 10 ~~The term "qualified elector", as~~ AS used in this  
7 act, ~~shall be construed to mean any person who possesses the~~  
8 ~~qualifications of an elector as prescribed in section 1 of~~

1 ~~article 2 of the state constitution and who has resided in the~~  
 2 ~~city or township 30 days~~ 'QUALIFIED VOTER' OR 'REGISTERED VOTER'  
 3 MEANS A CITIZEN OF THE UNITED STATES WHO IS 18 YEARS OF AGE OR  
 4 OLDER, IS A RESIDENT OF A CITY OR TOWNSHIP OF THIS STATE, AND WHO  
 5 IS REGISTERED TO VOTE UNDER THIS ACT OR, BEGINNING JANUARY 1,  
 6 1997, WHOSE NAME APPEARS ON THE QUALIFIED VOTER FILE OF THAT CITY  
 7 OR TOWNSHIP AS USED IN THIS ACT, THE TERM 'REGISTERED AND QUAL-  
 8 IFIED ELECTOR', 'REGISTERED AND QUALIFIED VOTER', 'REGISTERED  
 9 ELECTOR', 'RESIDENT AND REGISTERED ELECTOR', 'QUALIFIED AND REG-  
 10 ISTERED ELECTOR , 'QUALIFIED AND REGISTERED VOTER', 'QUALIFIED  
 11 ELECTOR', OR "QUALIFIED REGISTERED ELECTOR" MEANS QUALIFIED VOTER  
 12 OR REGISTERED VOTER

13 Sec 759a ~~Any~~ A civilian employee of the armed services  
 14 of the United States outside of the United States or any member  
 15 of his sn]or her immediate family outside of the United States,  
 16 ~~or any~~ A member of the armed services of the United States or  
 17 member of his OR HER immediate family, or ~~any~~ A citizen of the  
 18 United States temporarily residing outside the territorial limits  
 19 of the United States and the District of Columbia and a spouse or  
 20 dependent residing with or accompanying ~~such~~ THAT person, who  
 21 ~~is a qualified elector~~ MEETS THE REQUIREMENTS OF CHAPTER XXIII  
 22 of any city or township of this state but is not registered ~~for~~  
 23 ~~voting~~ TO VOTE, may apply at the time of ~~making application~~  
 24 APPLYING BY MAIL to register ~~by mail~~ TO VOTE, as provided in  
 25 ~~section 504 of this act~~ CHAPTER XXIII, for absent ~~voters~~  
 26 VOTER ballots A citizen temporarily residing outside the  
 27 territorial limits of the United States and the District of

1 Columbia shall include with ~~any~~ AN application for absent  
2 ~~voters~~ VOTER ballots or registration, an affidavit in a form  
3 and manner approved by the state director of elections stating  
4 his OR HER qualifications as ~~an elector~~ A VOTER at the time he  
5 OR SHE departed from the United States and affirming that he OR  
6 SHE has not relinquished his OR HER citizenship or established  
7 residence for voting in any other place Upon receipt of the  
8 application AND IF THE APPLICATION COMPLIES WITH THE REQUIREMENTS  
9 OF THIS ACT, the city or township clerk to whom it is directed  
10 ~~if such application complies with the requirements of this act,~~  
11 shall forward to the applicant both the absent ~~voters~~ VOTER  
12 ballots requested and the forms necessary for registration,  
13 together with instructions for completing the forms If ~~the~~  
14 ABSENT VOTER ballots are not yet available at the time of receipt  
15 of the application, the clerk shall immediately forward the reg-  
16 istration forms and instructions and shall send the ABSENT VOTER  
17 ballots as soon ~~thereafter~~ as they are available FOR THAT  
18 ELECTION If the ballots and registrations are received before  
19 the close of the polls on election day and if the registration  
20 complies with the requirements of this act, then the absent  
21 ~~voters~~ VOTER ballots shall be delivered to the proper  
22 ~~election~~ board OF ELECTION INSPECTORS to be voted If the reg-  
23 istration does not comply with the requirements of this act, the  
24 ABSENT VOTER ballots shall be retained by the clerk until the  
25 expiration of the time that the voted ballots must be kept and  
26 shall then be destroyed without opening the envelope All  
27 registrations provided for in this section may be kept by the

1 clerk in a separate file The address in this state shown on the  
 2 registration ~~shall be deemed~~ IS CONSIDERED the residence of the  
 3 registrant These registrations shall not be considered in  
 4 determining the size of precincts

5 Sec 931 (1) A person who violates any of the following  
 6 subdivisions is guilty of a misdemeanor

7 (a) A person shall not, either directly or indirectly, give,  
 8 lend, or promise any ~~money or~~ valuable consideration, to or for  
 9 any person, as an inducement to influence the manner of voting by  
 10 a person relative to a candidate or ~~proposition~~ BALLOT  
 11 QUESTION, or as a reward for refraining from voting ~~As used in~~  
 12 ~~this section, "valuable consideration" includes any money, gift,~~  
 13 ~~prize or chance for a prize, fee, loan, office, position,~~  
 14 ~~appointment, or employment~~

15 (b) A person shall not, either before, on, or after any  
 16 election, for the person's own benefit or on behalf of any other  
 17 person, receive, agree, or contract for any valuable considera-  
 18 tion for any of the following

19 (i) Voting or agreeing to vote, or inducing or attempting to  
 20 induce another to vote, at an ~~election or primary~~ election

21 (ii) Refraining or agreeing to refrain, or inducing or  
 22 attempting to induce another to refrain, from voting at an  
 23 ~~election or primary~~ election

24 (iii) Doing anything prohibited by this act

25 ~~(iv) Doing, agreeing to do, or having done any campaign~~  
 26 ~~work, electioneering, or soliciting of votes for a question or a~~  
 27 ~~candidate on or before an election or primary election day~~

1 (c) A person shall not solicit from a candidate for  
 2 nomination for, or election to, any office described in this act,  
 3 any ~~money or other property~~ VALUABLE CONSIDERATION This sub-  
 4 division ~~shall~~ DOES not apply to requests for contributions of  
 5 money by or to an authorized representative of the political  
 6 party committee of the organization to which the candidate  
 7 belongs This subdivision ~~shall~~ DOES not apply to any regular  
 8 business transaction between a candidate and any other person  
 9 ~~which~~ THAT is not intended for, or connected with, the securing  
 10 of votes or the influencing of voters in connection with the nom-  
 11 ination or election

12 (d) A person shall not, either directly or indirectly, dis-  
 13 charge or threaten to discharge an employee of the person for the  
 14 purpose of influencing the employee's vote ~~for~~ AT an ~~election~~  
 15 ~~or primary~~ election

16 (e) A priest, pastor, curate, or other officer of a reli-  
 17 gious society shall not for the purpose of influencing a voter at  
 18 an ~~election or primary~~ election, impose or threaten to impose  
 19 upon ~~a person~~ THE VOTER a penalty of excommunication, dis-  
 20 missal, or expulsion, or command or advise ~~a person~~ THE VOTER,  
 21 under pain of religious disapproval

22 (f) A person shall not, at an ~~election or primary~~ elec-  
 23 tion, falsely impersonate another person, or vote or attempt to  
 24 vote under the name of another person, or induce or attempt to  
 25 induce a person to impersonate another person, or to vote or  
 26 attempt to vote under the name of another person

1 (g) A person shall not assume a false or fictitious name in  
 2 order to vote or to offer to vote by that name enter or cause to  
 3 be entered upon the registration book in a voting precinct a  
 4 false or fictitious name or induce or attempt to induce another  
 5 person to assume a false or fictitious name in order to vote, or  
 6 offer to vote, by that name, or enter or cause to be entered upon  
 7 the registration book of any voting precinct, a false or ficti-  
 8 tious name

9 (h) A person who is not a qualified ~~and~~ OR registered  
 10 ~~elector~~ VOTER shall not ~~wilfully~~ WILLFULLY offer to vote or  
 11 attempt to vote at ~~a primary election or~~ AN election  
 12 ~~sanctioned by the laws of~~ HELD IN this state A person shall  
 13 not aid or counsel a person who is not a qualified ~~elector~~ OR  
 14 REGISTERED VOTER to vote or offer to vote at the place where the  
 15 vote is given during an ~~election or primary~~ election

16 (i) A qualified ~~and~~ OR registered ~~elector~~ VOTER shall  
 17 not offer to vote or attempt to vote in a voting precinct in  
 18 which the ~~elector~~ REGISTERED VOTER does not reside, except as  
 19 otherwise provided in this act A person shall not procure, aid,  
 20 or counsel another person to go or come into a township, ward, or  
 21 voting precinct for the purpose of voting at an ~~election or~~  
 22 ~~primary~~ election, knowing that the person is not qualified OR  
 23 REGISTERED to vote in that township, ward, or voting precinct

24 (j) A person shall not offer to vote or attempt to vote more  
 25 than once at the same election either in the same or in another  
 26 voting precinct ~~, nor~~ A PERSON shall ~~a person~~ NOT give 2 or  
 27 more votes folded together

1 (k) A person shall not hire a motor vehicle or other  
 2 conveyance or cause ~~the same~~ A MOTOR VEHICLE OR OTHER  
 3 CONVEYANCE to be ~~done,~~ HIRED for conveying voters, other than  
 4 QUALIFIED OR REGISTERED voters physically unable to walk, to an  
 5 ~~election or primary~~ election

6 (l) In a city, ~~having an~~ TOWNSHIP, VILLAGE, OR SCHOOL DIS-  
 7 TRICT THAT HAS A BOARD OF election ~~commission~~ COMMISSIONERS  
 8 authorized to appoint inspectors of election, ~~failure of~~ an  
 9 inspector OF ELECTION, A clerk, or ~~election or primary~~ OTHER  
 10 election official ~~accepting~~ WHO ACCEPTS an appointment as an  
 11 inspector of election ~~accepting~~ SHALL NOT FAIL to report at the polling  
 12 place designated on ~~election or primary~~ election morning at the  
 13 time specified BY THE BOARD OF ELECTION COMMISSIONERS, unless  
 14 excused ~~is~~ AS PROVIDED IN THIS SUBDIVISION A PERSON WHO  
 15 VIOLATES THIS SUBDIVISION IS GUILTY OF a misdemeanor, punishable  
 16 by a fine of not more than \$10 00 ~~or~~ or imprisonment for not  
 17 more than 10 days, or both ~~if an~~ AN inspector OF ELECTION,  
 18 clerk, or ~~election or primary~~ OTHER election official WHO  
 19 ACCEPTS AN APPOINTMENT AS AN INSPECTOR OF ELECTION IS EXCUSED FOR  
 20 FAILING TO REPORT AT THE POLLING PLACE ON ELECTION DAY AND IS NOT  
 21 SUBJECT TO A FINE OR IMPRISONMENT UNDER THIS SUBDIVISION IF 1 OR  
 22 MORE OF THE FOLLOWING REQUIREMENTS ARE MET

23 (1) THE INSPECTOR OF ELECTION, CLERK, OR OTHER ELECTION  
 24 OFFICIAL notifies the ~~election or primary~~ BOARD OF election  
 25 ~~commission~~ COMMISSIONERS or other officers in charge of  
 26 ~~elections or primary~~ elections of ~~the inspector's, clerk's,~~  
 27 HIS or ~~election or primary election official's~~ HER inability to

1 serve at the time and place specified, ~~at least~~ 3 days OR MORE  
 2 before the election ~~or primary election, or~~

3 (11) THE INSPECTOR OF ELECTION, CLERK, OR OTHER ELECTION  
 4 OFFICIAL is excused from duty by the ~~election or primary~~ BOARD  
 5 OF election ~~commission, board,~~ COMMISSIONERS or OTHER officers  
 6 in charge of ~~elections or primary~~ elections for cause shown ~~7~~  
 7 ~~then the inspector, clerk, or election or primary election offi-~~  
 8 ~~cial shall not be liable for a fine or imprisonment~~

9 (m) A person shall not ~~wilfully~~ WILLFULLY fail to perform  
 10 a duty imposed upon that person by this act, or disobey a lawful  
 11 instruction or order of the secretary of state as chief state  
 12 election officer or of a board of county election commissioners,  
 13 board of city election commissioners, or board of inspectors of  
 14 election

15 (n) A delegate or member of a convention shall not solicit a  
 16 candidate for nomination before the convention for money, reward,  
 17 position, place, ~~or~~ preferment, OR OTHER VALUABLE CONSIDERATION  
 18 in return for support by the delegate or member in the  
 19 convention A candidate or other person shall not promise or  
 20 give to a delegate money, reward, position, place, ~~or~~  
 21 preferment, OR OTHER VALUABLE CONSIDERATION in return for support  
 22 by or vote of the delegate in the convention

23 (o) A person elected ~~a~~ TO THE OFFICE OF delegate to a con-  
 24 vention shall not accept or receive any money or OTHER valuable  
 25 ~~thing as a~~ consideration for his or her vote as a delegate

26 (p) A person shall not, while the polls are open, at a  
 27 polling place on ~~a primary or~~ AN election day, solicit votes in



1 the polling place or within 100 feet from any entrance to the  
2 building in which the polling place is located

3 (q) A person shall not keep a room or building for the pur-  
4 pose, in whole or in part, of recording or registering bets or  
5 wagers, or of selling pools upon the result of a political nomi-  
6 nation, appointment, or election A person shall not wager any  
7 property, money, or thing of value, or be the custodian of any  
8 money, property, or thing of value, staked, wagered, or pledged  
9 upon the result of a political nomination, appointment, or  
10 election

11 (r) A person shall not plan, organize, or participate in a  
12 meeting or a portion of a meeting of more than 2 persons, other  
13 than the person's immediate family, at which an absent voter  
14 ballot is voted

15 (s) Except as authorized pursuant to section 764b, a person  
16 shall ~~neither~~ NOT return, solicit to return, or agree to return  
17 an absent voter ballot to the clerk of a city, township, or vil-  
18 lage, ~~nor have possession of~~ AND SHALL NOT POSSESS an absent  
19 voter ballot mailed or delivered to another person, regardless of  
20 whether the ballot has been voted

21 (t) A person shall not make a false statement in the certif-  
22 icate provided FOR in section 764a

23 (U) A PERSON SHALL NOT, EITHER DIRECTLY OR INDIRECTLY,  
24 ACCEPT THE PAYMENT OF MONEY OR OTHER VALUABLE CONSIDERATION OR  
25 THE PROMISE OF FUTURE COMPENSATION FROM A PERSON WHO IS APPLYING  
26 TO REGISTER TO VOTE UNDER THIS ACT FOR THE ACT OF ASSISTING THAT

1 PERSON IN THE APPLICATION PROCESS OR FOR THE DELIVERY OF A MAIL  
2 REGISTRATION APPLICATION

3 (V) A PERSON SHALL NOT INDUCE, FACILITATE, ACCEPT, OR PRO-  
4 CESS A VOTER REGISTRATION APPLICATION IF THAT PERSON HAS REASON  
5 TO BELIEVE THAT THE APPLICANT IS NOT ENTITLED TO BE REGISTERED  
6 UNDER THIS ACT OR THAT THE APPLICATION IS IMPROPER

7 (W) A PERSON SHALL NOT SUBMIT A FALSE APPLICATION FOR  
8 REGISTRATION

9 (2) A person who violates a provision of this act for which  
10 a penalty is not otherwise specifically provided in this act, is  
11 guilty of a misdemeanor

12 (3) A person or a person's agent who knowingly makes, pub-  
13 lishes, disseminates, circulates, or places before the public, or  
14 knowingly causes directly or indirectly to be made, published,  
15 disseminated, circulated, or placed before the public, in this  
16 state, either orally or in writing, an assertion, representation,  
17 or statement of fact concerning a candidate for public office at  
18 ~~a primary or general~~ AN election in this state, which is false,  
19 deceptive, scurrilous, or malicious, without the true name of the  
20 author being subscribed to the assertion, representation, or  
21 statement if written, or announced if unwritten, is guilty of a  
22 misdemeanor

23 (4) AS USED IN THIS SECTION, "VALUABLE CONSIDERATION"  
24 INCLUDES, BUT IS NOT LIMITED TO, MONEY, PROPERTY, A GIFT, A PRIZE  
25 OR A CHANCE FOR A PRIZE, A FEE, A LOAN, AN OFFICE, A POSITION, AN  
26 APPOINTMENT, OR EMPLOYMENT

1       Sec 933   ~~Any~~ A person who makes a false affidavit, ~~or~~  
2 swears falsely while under oath, OR MAKES A FALSE CERTIFICATION  
3 for the purpose of securing registration or for the purpose of  
4 voting at any election ~~or primary election shall be deemed~~ IS  
5 guilty of perjury

6       Section 2   Section 640 of Act No 116 of the Public Acts of  
7 1954, being section 168 640 of the Michigan Compiled Laws, is  
8 repealed

9       Section 3   This amendatory act shall take effect January 1,  
10 1995

11       Section 4   This amendatory act shall not take effect unless  
12 Senate Bill No \_\_\_\_\_ or House Bill No 5531 (request  
13 no 05351'93 \*) of the 87th Legislature is enacted into law