

SUBSTITUTE FOR
HOUSE BILL NO. 4184

(As amended December 10, 1997)

A bill to amend 1954 PA 116, entitled
"Michigan election law,"
by amending section 726 (MCL 168.726) and by adding sections 750a
and 750b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 726. ~~No ballots~~ A BALLOT shall NOT be delivered to
2 an elector by ~~any~~ A person other than 1 of the inspectors of
3 election and only within the polling place, except as provided in
4 this act for absent ~~voters~~ VOTER ballots AND ELECTION BY MAIL
5 BALLOTS.
6 SEC. 750A. (1) BEGINNING JANUARY 1, 1999 AND THROUGH
7 DECEMBER 31, 2003, THE SECRETARY OF STATE [IN COOPERATION WITH LOCAL
UNITS OF GOVERNMENT] SHALL ESTABLISH A PILOT
8 PROJECT TO TEST VOTE BY MAIL IN AT LEAST 6 BUT NOT MORE THAN 8
9 PILOT JURISDICTIONS. THE SECRETARY OF STATE SHALL NAME PILOT
10 JURISDICTIONS THAT VARY IN SIZE OF POPULATION. THE SECRETARY OF

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1 STATE SHALL NAME PILOT JURISDICTIONS OF WHICH HALF VOTED FOR A
2 REPUBLICAN AND HALF VOTED FOR A DEMOCRAT FOR PRESIDENT IN THE
3 1996 PRESIDENTIAL ELECTION. THE SECRETARY OF STATE SHALL IMPL-
4 MENT VOTE BY MAIL IN THE PILOT JURISDICTIONS IN ELECTIONS AT
5 WHICH ONLY A SINGLE QUESTION IS PLACED BEFORE THE VOTERS. THE
6 SECRETARY OF STATE AND A PILOT JURISDICTION THAT CONDUCTS AN
7 ELECTION BY MAIL UNDER THIS SUBSECTION SHALL COMPLY WITH THIS
8 SECTION AND SECTION 750B. THE SECRETARY OF STATE SHALL REPORT TO
9 THE HOUSE AND SENATE COMMITTEES THAT CONSIDER ELECTION ISSUES THE
10 RESULTS OF THE PILOT PROJECT ON OR BEFORE JANUARY 15, 2004. THE
11 SECRETARY OF STATE SHALL INCLUDE ALL OF THE FOLLOWING IN THE
12 REPORT:

13 (A) THE COST OF HOLDING THE LOCAL ELECTION BY MAIL.

14 (B) THE LEVEL OF VOTER PARTICIPATION IN THAT LOCAL ELECTION
15 BY MAIL.

16 (C) ANY OTHER INFORMATION THE SECRETARY OF STATE CONSIDERS
17 RELEVANT.

18 (2) ON AND AFTER JANUARY 1, 2004, THE GOVERNING BODY OF A
19 CITY, TOWNSHIP, VILLAGE, OR SCHOOL DISTRICT MAY REQUIRE THAT A
20 LOCAL ELECTION TO BE HELD ONLY IN THAT CITY, TOWNSHIP, VILLAGE,
21 OR SCHOOL DISTRICT BE CONDUCTED AS AN ELECTION BY MAIL. THE GOV-
22 ERNING BODY SHALL PROMPTLY NOTIFY THE CITY, TOWNSHIP, OR VILLAGE
23 CLERK OR THE SECRETARY OF THE SCHOOL DISTRICT OF THE DECISION TO
24 CONDUCT A LOCAL ELECTION AS AN ELECTION BY MAIL. SUBJECT TO THIS
25 SECTION AND SECTION 750B, A CITY, TOWNSHIP, OR VILLAGE CLERK OR
26 THE SECRETARY OF A SCHOOL DISTRICT, UPON RECEIPT OF THE NOTICE
27 FROM THE GOVERNING BODY AS DESCRIBED IN THIS SECTION, SHALL

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1 CONDUCT THE LOCAL ELECTION BY MAIL IN THE CITY, TOWNSHIP,
2 VILLAGE, OR SCHOOL DISTRICT. IF A LOCAL ELECTION IS SCHEDULED IN
3 A DISTRICT THAT COMPRISES MORE THAN 1 LOCAL UNIT OF GOVERNMENT,
4 THE ELECTION SHALL NOT BE HELD BY MAIL UNLESS ALL PARTICIPATING
5 UNITS DECIDE TO CONDUCT THE ELECTION BY MAIL NO LATER THAN 60
6 DAYS BEFORE THE DATE OF THE ELECTION. AS USED IN THIS SECTION,
7 "LOCAL ELECTION" INCLUDES ANY ELECTION CONDUCTED IN A LOCAL UNIT
8 OF GOVERNMENT OTHER THAN AN ELECTION DESCRIBED IN SUBSECTION
9 (4).

10 (3) THE SECRETARY OF STATE SHALL COOPERATE WITH A LOCAL UNIT
11 OF GOVERNMENT THAT CONDUCTS A LOCAL ELECTION BY MAIL UNDER THIS
12 SECTION. WHENEVER POSSIBLE, THE SECRETARY OF STATE SHALL ASSIST
13 A LOCAL UNIT OF GOVERNMENT IN CONDUCTING THE LOCAL ELECTION BY
14 MAIL.

15 (4) ON AND AFTER JANUARY 1, 2004, THE SECRETARY OF STATE MAY
16 CONDUCT EACH OF THE FOLLOWING ELECTIONS AS AN ELECTION BY MAIL:

17 (A) THE AUGUST PRIMARY HELD PURSUANT TO SECTION 534.

18 (B) THE GENERAL NOVEMBER ELECTION.

19 (C) AN ELECTION IN WHICH A CANDIDATE FOR STATE OR FEDERAL
20 OFFICE OR FOR THE OFFICE OF SUPREME COURT JUSTICE OR JUDGE OF THE
21 COURT OF APPEALS IS NOMINATED OR ELECTED.

22 (D) A STATEWIDE SPECIAL ELECTION.

23 (5) THE SECRETARY OF STATE SHALL PROMULGATE RULES IN THE
24 MANNER PRESCRIBED IN THIS ACT TO PROVIDE PROCEDURES FOR CONDUCT-
25 ING AN ELECTION BY MAIL.

26 SEC. 750B. (1) A CITY, TOWNSHIP, OR VILLAGE CLERK OR A
27 SECRETARY OF A SCHOOL DISTRICT THAT CONDUCTS AN ELECTION BY MAIL

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1 PURSUANT TO SECTION 750A SHALL CONDUCT THE ELECTION BY MAIL AS
2 PROVIDED IN THIS SECTION.

3 (2) THE BOARD OF ELECTION COMMISSIONERS, CLERK, OR SECRETARY
4 SHALL DESIGNATE 1 OR MORE PLACES OF DEPOSIT IN THE CITY, TOWN-
5 SHIP, VILLAGE, OR SCHOOL DISTRICT FOR VOTERS TO RETURN VOTED BAL-
6 LOTS FOR THE ELECTION BY MAIL. THE BOARD, CLERK, OR SECRETARY
7 SHALL PROVIDE THAT THE PLACES DESIGNATED FOR THE DEPOSIT OF VOTED
8 BALLOTS IN THE CITY, TOWNSHIP, VILLAGE, OR SCHOOL DISTRICT BE
9 OPEN ON THE DATE OF THE ELECTION BEGINNING AT 7 A.M. AND ENDING
10 AT 8 P.M. THE BOARD, CLERK, OR SECRETARY SHALL PROVIDE FOR THE
11 SECURITY OF THE BALLOTS AT THE PLACES DESIGNATED FOR THE DEPOSIT
12 OF VOTED BALLOTS UNDER THIS SECTION.

13 (3) THE CITY, TOWNSHIP, OR VILLAGE CLERK OR THE SECRETARY OF
14 A SCHOOL DISTRICT SHALL SEND BY NONFORWARDABLE MAIL AN OFFICIAL
15 BALLOT WITH A PREADDRESSED, RETURN IDENTIFICATION ENVELOPE, A
16 SECRECY ENVELOPE, AND INSTRUCTIONS TO EACH VOTER WHO IS REGIS-
17 TERED IN THE CITY, TOWNSHIP, VILLAGE, OR SCHOOL DISTRICT AS OF
18 THE THIRTIETH DAY BEFORE THE DATE OF THE ELECTION BY MAIL.
19 EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, THE CLERK OR
20 SECRETARY SHALL MAIL THE OFFICIAL BALLOTS AND ENVELOPES DURING
21 THE PERIOD BEGINNING ON THE TWENTIETH DAY BEFORE THE DATE OF THE
22 ELECTION BY MAIL AND ENDING ON THE FOURTEENTH DAY BEFORE THE DATE
23 OF THE ELECTION BY MAIL. FOR A STATEWIDE ELECTION BY MAIL, THE
24 SECRETARY OF STATE SHALL PRESCRIBE IN RULES PROMULGATED PURSUANT
25 TO SECTION 750A(4) THE DATE ON WHICH THE OFFICIAL BALLOTS AND
26 ENVELOPES FOR THE STATEWIDE ELECTION BY MAIL ARE TO BE MAILED BY
27 A CLERK OR SECRETARY UNDER THIS SUBSECTION. HOWEVER, THE

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1 SECRETARY OF STATE SHALL PROVIDE IN THOSE RULES THAT ALL BALLOTS
2 SHALL BE MAILED BY THE FOURTEENTH DAY BEFORE THE DATE OF THE
3 ELECTION BY MAIL. NOTWITHSTANDING ANY OTHER PROVISION OF THIS
4 SECTION OR SECTION 750A TO THE CONTRARY, A CLERK SHALL HANDLE THE
5 OFFICIAL BALLOTS AND ENVELOPES IN THE MANNER PRESCRIBED IN SEC-
6 TION 759A FOR A VOTER WHO MEETS THE REQUIREMENTS OF THAT
7 SECTION.

8 (4) THE CLERK OR SECRETARY SHALL INCLUDE WITH AN OFFICIAL
9 BALLOT SENT UNDER SUBSECTION (3) OR A REPLACEMENT BALLOT UNDER
10 SUBSECTION (5) ALL APPLICABLE INSTRUCTIONS AND WARNINGS REQUIRED
11 FOR ABSENT VOTER BALLOTS UNDER SECTION 764A. FOR A PRIMARY ELEC-
12 TION, THE ELECTION BY MAIL BALLOT SHALL CONTAIN A SECTION FOR THE
13 SELECTION OF CANDIDATES FROM EACH POLITICAL PARTY THAT IS PARTIC-
14 IPATING IN THE PRIMARY ELECTION. THE INSTRUCTIONS ACCOMPANYING
15 THE PRIMARY ELECTION BY MAIL BALLOTS SHALL STATE CLEARLY THAT THE
16 VOTER MAY VOTE FOR THE APPROPRIATE NUMBER OF CANDIDATES OF 1
17 PARTY ONLY AND THAT A PRIMARY BALLOT ON WHICH CANDIDATES FROM
18 MORE THAN 1 PARTY ARE SELECTED WILL NOT BE COUNTED.

19 (5) A VOTER MAY OBTAIN A REPLACEMENT ELECTION BY MAIL BALLOT
20 IF THE ORIGINAL BALLOT IS DESTROYED, SPOILED, LOST, OR NOT
21 RECEIVED BY THE VOTER. A VOTER WHO SEEKS A REPLACEMENT BALLOT
22 SHALL SIGN A SWORN STATEMENT THAT THE BALLOT WAS DESTROYED,
23 SPOILED, LOST, OR NOT RECEIVED BY THE VOTER TO THE APPROPRIATE
24 CLERK OR SECRETARY BEFORE THE END OF THE PERIOD DETERMINED UNDER
25 SUBSECTION (2). THE CLERK OR SECRETARY SHALL KEEP A RECORD OF
26 EACH REPLACEMENT ELECTION BY MAIL BALLOT PROVIDED UNDER THIS
27 SUBSECTION. IF AN ORIGINAL BALLOT IS RETURNED TO THE CLERK OR

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1 SECRETARY AND A REPLACEMENT IS SOUGHT BY THAT VOTER WHO RECEIVED
2 THE ORIGINAL BALLOT, THE CLERK SHALL MARK THE ORIGINAL BALLOT
3 "CANCELED" AND PLACE IT IN THE REGULAR BOX WITH OTHER CANCELED
4 BALLOTS. THE BOARD, CLERK, OR SECRETARY SHALL DESIGNATE THE
5 CLERK'S OR SECRETARY'S OFFICE OR A CENTRAL LOCATION IN THE CITY,
6 TOWNSHIP, VILLAGE, OR SCHOOL DISTRICT IN WHICH THE ELECTION IS
7 HELD AS THE SINGLE PLACE TO OBTAIN A REPLACEMENT ELECTION BY MAIL
8 BALLOT UNDER THIS SUBSECTION. NOTWITHSTANDING SUBSECTION (3), A
9 CLERK OR SECRETARY MAY MAIL REPLACEMENT BALLOTS 5 DAYS OR MORE
10 BEFORE THE DATE OF THE ELECTION BY MAIL. THE CLERK OR SECRETARY
11 MAY ISSUE TO A REGISTERED VOTER A REPLACEMENT BALLOT UP UNTIL AND
12 INCLUDING THE DATE OF THE ELECTION BY MAIL.

13 (6) FOR AN ELECTOR WHO HAS APPLIED TO REGISTER TO VOTE ON OR
14 BEFORE THE CLOSE OF REGISTRATION AND IS NOT LISTED IN THE REGIS-
15 TRATION RECORDS OF THE CITY, TOWNSHIP, VILLAGE, OR SCHOOL DIS-
16 TRICT, THE CLERK OR SECRETARY SHALL PROCEED AS PRESCRIBED IN SEC-
17 TION 509Y. IF THE ELECTOR MEETS THE REQUIREMENTS OF SECTION
18 509Y, THE CLERK OR SECRETARY SHALL MAKE THE OFFICIAL BALLOT, THE
19 RETURN IDENTIFICATION ENVELOPE, THE SECRECY ENVELOPE, AND
20 INSTRUCTIONS AVAILABLE AT THE CLERK'S OR SECRETARY'S OFFICE OR
21 OTHER PLACE DESIGNATED BY THE BOARD, CLERK, OR SECRETARY.

22 (7) IN ORDER TO VOTE AN ELECTION BY MAIL BALLOT RECEIVED
23 UNDER THIS SECTION, A REGISTERED VOTER SHALL MARK THE BALLOT,
24 SIGN THE RETURN IDENTIFICATION ENVELOPE SUPPLIED WITH THE BALLOT,
25 AND COMPLY WITH THE INSTRUCTIONS PROVIDED WITH THE BALLOT. THE
26 VOTER SHALL RETURN THE BALLOT IN THE RETURN IDENTIFICATION
27 ENVELOPE SUPPLIED WITH THE BALLOT OR THE BALLOT WILL NOT BE

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1 COUNTED. AN ELECTION BY MAIL BALLOT MUST BE RECEIVED AT THE
2 OFFICE OF THE APPROPRIATE CLERK OR SECRETARY OR OTHER PLACE OF
3 DEPOSIT DESIGNATED BY THE BOARD, CLERK, OR SECRETARY NOT LATER
4 THAN 8 P.M. ON THE DATE OF THE ELECTION OR THE BALLOT WILL NOT BE
5 COUNTED.

6 (8) IN ORDER TO VOTE AN ELECTION BY MAIL BALLOT UNDER THIS
7 SECTION, A REGISTERED VOTER SHALL DELIVER THE RETURN ENVELOPE BY
8 1 OF THE FOLLOWING METHODS:

9 (A) PLACE THE NECESSARY POSTAGE UPON THE RETURN ENVELOPE AND
10 DEPOSIT IT IN THE UNITED STATES MAIL OR WITH ANOTHER PUBLIC
11 POSTAL SERVICE, EXPRESS MAIL SERVICE, PARCEL POST SERVICE, OR
12 COMMON CARRIER.

13 (B) DELIVER THE ENVELOPE PERSONALLY TO THE OFFICE OF THE
14 CLERK, TO THE CLERK, TO AN AUTHORIZED ASSISTANT OF THE CLERK, OR
15 TO A PLACE OF DEPOSIT DESIGNATED BY THE CLERK UNDER
16 SUBSECTION (2). A PERSON AUTHORIZED BY THE CLERK TO ACCEPT VOTE
17 BY MAIL BALLOTS SHALL CARRY CREDENTIALS ISSUED BY THE CLERK,
18 WHICH SHALL BE SHOWN TO A VOTER UNDER THIS SUBDIVISION UPON
19 REQUEST.

20 (C) IN EITHER SUBDIVISION (A) OR (B), A MEMBER OF THE IMME-
21 DIATE FAMILY OF THE VOTER INCLUDING A FATHER-IN-LAW,
22 MOTHER-IN-LAW, BROTHER-IN-LAW, SISTER-IN-LAW, SON-IN-LAW,
23 DAUGHTER-IN-LAW, GRANDPARENT, OR GRANDCHILD OR A PERSON RESIDING
24 IN THE VOTER'S HOUSEHOLD MAY MAIL OR DELIVER A BALLOT TO THE
25 CLERK FOR THE VOTER.

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1 (9) ELECTION OFFICIALS SHALL COUNT AN ELECTION BY MAIL
2 BALLOT ONLY IF THAT BALLOT MEETS ALL OF THE FOLLOWING
3 REQUIREMENTS:

4 (A) THE BALLOT IS RETURNED IN THE RETURN IDENTIFICATION
5 ENVELOPE.

6 (B) THE RETURN IDENTIFICATION ENVELOPE IS SIGNED BY THE
7 VOTER TO WHOM THE BALLOT WAS ISSUED.

8 (C) THE SIGNATURE IS VERIFIED AS PROVIDED IN SUBSECTION
9 (10).

10 (D) THE BALLOT WAS RECEIVED AT THE OFFICE OF THE APPROPRIATE
11 CLERK OR SECRETARY OR OTHER DESIGNATED PLACE OF DEPOSIT ON OR
12 BEFORE 8 P.M. ON THE DATE OF THE ELECTION.

13 (E) FOR A PRIMARY ELECTION, THE VOTER HAS VOTED FOR THE
14 APPROPRIATE NUMBER OF CANDIDATES OF 1 PARTY ONLY.

15 (10) THE CITY, TOWNSHIP, OR VILLAGE CLERK OR SECRETARY OF A
16 SCHOOL DISTRICT, OR HIS OR HER AUTHORIZED DESIGNEE, SHALL VERIFY
17 THE SIGNATURE OF EACH VOTER ON THE RETURN IDENTIFICATION ENVELOPE
18 WITH THE SIGNATURE OF THE VOTER CONTAINED IN THE OFFICIAL VOTER
19 REGISTRATION FILE, ACCORDING TO THE PROCEDURES PRESCRIBED IN THIS
20 ACT AND RULES PROMULGATED BY THE SECRETARY OF STATE. THE CLERK,
21 SECRETARY, OR AUTHORIZED DESIGNEE SHALL PROCESS ELECTION BY MAIL
22 BALLOTS IN THE SAME MANNER AS IS REQUIRED OF ABSENT VOTER BALLOTS
23 IN THAT PRECINCT UNDER THIS ACT, AND AS PRESCRIBED IN RULES
24 PROMULGATED UNDER THIS ACT.

25 (11) A PERSON WHO KNOWINGLY VOTES MORE THAN ONCE AT AN ELEC-
26 TION BY MAIL OR A PERSON WHO KNOWINGLY ATTEMPTS TO VOTE MORE THAN
27 ONCE IS GUILTY OF A FELONY. A CLERK, SECRETARY, OR OTHER

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1 ELECTION OFFICIAL WHO BECOMES AWARE OF A PERSON WHO VOTES OR
2 ATTEMPTS TO VOTE MORE THAN ONCE SHALL REPORT THAT INFORMATION TO
3 THE PROSECUTING ATTORNEY FOR THAT COUNTY AND TO THE SECRETARY OF
4 STATE.

5 (12) AN ELECTION BY MAIL BALLOT OR A VOTER CASTING A BALLOT
6 AT AN ELECTION BY MAIL, OR BOTH, IS SUBJECT TO CHALLENGE AS PRE-
7 SCRIBED IN THIS ACT.