HOUSE BILL No. 4626

May 6, 2003, Introduced by Reps. Stakoe, Stahl, LaJoy, Taub, Gaffney, Bieda, Brandenburg and Pastor and referred to the Committee on Local Government and Urban Policy.

A bill to amend 1954 PA 116, entitled

"Michigan election law,"

by amending sections 653a and 769a (MCL 168.653a and 168.769a),

section 653a as added by 1982 PA 2 and section 769a as added by

1980 PA 140.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1   Sec. 653a. (1) On receipt of the notice from the county

2 clerk ~~pursuant to~~ **under** section 652, the clerk of each city and

3 township shall give notice of the time and place at which the

4 election is to be held, the offices to be filled, and the

5 proposals to be submitted to the voters. If the notice pertains

6 to a special election for the purpose of voting ~~upon~~ **on** a

7 proposal, the proposal, as it will appear on the ballot, shall be

8 contained in the notice. The notice shall be published at least

9 twice in a newspaper published, or of general circulation, in the

1 city or township. The first publication shall be not less than

2 10 days before the election. The notice shall be in

3 substantially the following form:

4   ELECTION NOTICE

5 To the qualified electors of the city or township_____

6 notice is hereby given that a_____

7   (indicate whether regular, special, or primary)

8 election will be held in _____ on _____

9   date

10 from 7 a.m. to 8 p.m. for the purpose of nominating or electing

11 candidates for the following offices: _____

12   (list of offices)

13 and to vote on the following proposals: _____

14   (list all proposals to be submitted to voters)

15 List of polling place locations:

16 _____.

17   _____

18   (clerk)

19   (2) A county clerk may enter into an agreement with the clerk

20 of 1 or more townships or cities in the county or the clerks of 1

21 or more cities or townships in a county may enter into an

22 agreement to jointly publish the notice in subsection (1). The

23 notice shall be published in a newspaper of general circulation

24 in the cities and townships listed in the notice. If certain

25 offices or proposals are to be voted on in less than all of the

1 precincts, the notice shall specify the townships or cities that

2 shall vote on only those offices or proposals.

3   **(3) In addition to the requirements of subsections (1) and**

4 **(2), if only 1 proposal or office is on the ballot, the city or**

5 **township clerk, or the secretary of a school board, shall give**

6 **notice of the time and place of the election to the qualified**

7 **electors of that city, township, or school district by**

8 **first-class mail not less than 14 days before the election.**

9   Sec. 769a. (1) In a city or township using voting machines

10 **or optical scan machines,** the city or township election

11 commission may provide that an absent voter who appears at the

12 clerk's office at any time during the 13 days ~~preceding~~ **before**

13 a primary**, general,** or **special** election but not later than 4

14 p.m. of the day ~~preceding~~ **before** the election may vote on a

15 voting machine **or an optical scan machine**.

16   (2) In a city or township ~~which~~ **that** permits the use of

17 ~~voting machines~~ **a voting machine or an optical scan machine** by

18 absentee voters as provided in subsection (1)**,** at least 1 voting

19 machine **or optical scan machine** shall be arranged for absent

20 voters. The machine shall be in the city or township hall.

21   (3) Only 1 ballot format shall appear on a voting machine.

22 **In a city or township utilizing more than 1 ballot format for a**

23 **primary, general, or special election, only the appropriate**

24 **ballot format shall appear on an optical scan machine for each**

25 **absent voter.**

26   (4) The city or township election commission shall appoint 2

27 election inspectors who shall be in the office of the clerk

1 during the time that the **voting or optical scan** machine is

2 present and the office is open to allow absentee voters to use

3 it. The inspectors shall be of different political parties.

4   (5) When not in use by a voter**,** the voting **or optical scan**

5 machine shall be locked by a key to prevent voting on that

6 machine. The key shall be in the custody of the clerk or the

7 clerk's designated representative.

8   (6) When the office of the clerk is closed**,** the voting **or**

9 **optical scan** machine shall be sealed by a numbered seal in a

10 manner that will prevent voting on the machine. The number of

11 the seal shall be recorded and the record signed by the clerk or

12 the clerk's designated representative. When the office is

13 reopened**,** the clerk or the clerk's designated representative

14 shall examine the seal and record that the number is the same as

15 the number shown on the record of sealing the machine. The

16 record shall be maintained in the clerk's office with other

17 election records.

18   (7) The **voting or optical scan** machine shall at all times be

19 sealed with a metal numbered seal in a manner that will prevent

20 the votes cast on the machine to be read. This seal will remain

21 on the machine until the recording of the votes. A record of the

22 seal number shall be maintained by the clerk.

23   (8) A poll list shall be maintained by the **election**

24 inspectors ~~of election~~ in the same manner that a poll list is

25 maintained in a precinct.

26   (9) On election day the votes cast on the **voting or optical**

27 **scan** machine shall be recorded by a counting board. After the

1 recording of the votes the machine shall be resealed so that the

2 counters cannot be read without breaking the seal and the seal

3 number shall be recorded.

4   (10) The city or township clerk shall, at least 20 days

5 before the election, notify the county committee of each

6 political party having candidates on the ballot of the hours that

7 the office will be open and the machine available for voting. A

8 political party or a committee authorized under the provisions of

9 section 731 may appoint 1 challenger to be present during these

10 hours.