

HOUSE BILL No. 6675

November 19, 2008, Introduced by Rep. Alma Smith and referred to the Committee on Ethics and Elections.

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 an
2 elector by ~~any~~ **A** person other than 1 of the **ELECTION** 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) SUBJECT TO THIS SECTION AND SECTION 750B, A**
7 **COUNTY CLERK WHO IS THE SCHOOL DISTRICT ELECTION COORDINATOR FOR A**
8 **SCHOOL DISTRICT OR A CITY, TOWNSHIP, OR VILLAGE CLERK MAY CONDUCT A**
9 **LOCAL ELECTION BY MAIL IN THE CITY, TOWNSHIP, VILLAGE, OR SCHOOL**

1 DISTRICT, UNDER THE SUPERVISION OF THE SECRETARY OF STATE. IN
2 DECIDING TO CONDUCT A LOCAL ELECTION BY MAIL, A COUNTY CLERK WHO IS
3 THE SCHOOL DISTRICT ELECTION COORDINATOR FOR A SCHOOL DISTRICT OR A
4 CITY, TOWNSHIP, OR VILLAGE CLERK SHALL CONSIDER REQUESTS FROM THE
5 GOVERNING BODY OF THE CITY, TOWNSHIP, VILLAGE, OR SCHOOL DISTRICT
6 AND WHETHER CONDUCTING THE ELECTION BY MAIL IS ECONOMICALLY AND
7 ADMINISTRATIVELY FEASIBLE.

8 (2) THE AUGUST PRIMARY HELD UNDER SECTION 534, THE GENERAL
9 NOVEMBER ELECTION, AND ANY OTHER ELECTION IN WHICH A CANDIDATE FOR
10 STATEWIDE OFFICE, JUDICIAL OFFICE, LEGISLATIVE OFFICE, OR
11 COUNTYWIDE OFFICE IS NOMINATED OR ELECTED SHALL BE CONDUCTED AS AN
12 ELECTION BY MAIL.

13 (3) NOT LATER THAN JANUARY 1, 2008, A COUNTY CLERK WHO IS THE
14 SCHOOL DISTRICT ELECTION COORDINATOR FOR A SCHOOL DISTRICT OR A
15 CITY, TOWNSHIP, OR VILLAGE CLERK SHALL ADVISE THE GOVERNING BODY OF
16 THE CITY, TOWNSHIP, VILLAGE, OR SCHOOL DISTRICT FOR WHICH THE CLERK
17 IS THE ELECTION OFFICIAL AS TO EACH LOCAL ELECTION HELD IN THAT
18 CITY, TOWNSHIP, VILLAGE, OR SCHOOL DISTRICT THAT WILL BE CONDUCTED
19 AS AN ELECTION BY MAIL. PERIODICALLY, THE CLERK MAY REVIEW ITS
20 DECISION OF WHETHER A LOCAL ELECTION WILL BE CONDUCTED AS AN
21 ELECTION BY MAIL. IF AN EARLIER DECISION TO CONDUCT OR NOT CONDUCT
22 A LOCAL ELECTION AS AN ELECTION BY MAIL IS CHANGED, THE CLERK SHALL
23 NOTIFY THE GOVERNING BODY OF THE CITY, TOWNSHIP, VILLAGE, OR SCHOOL
24 DISTRICT NOT LATER THAN THE THIRD TUESDAY IN JANUARY OF THE YEAR IN
25 WHICH THE ELECTION IS TO BE HELD OF THAT CHANGE. THIS SUBSECTION
26 DOES NOT APPLY TO AN ELECTION REQUIRED TO BE HELD AS AN ELECTION BY
27 MAIL UNDER SUBSECTION (2).

1 (4) THE SECRETARY OF STATE SHALL PROMULGATE RULES IN THE
2 MANNER PRESCRIBED IN THIS ACT TO PROVIDE PROCEDURES FOR CONDUCTING
3 AN ELECTION BY MAIL.

4 SEC. 750B. (1) A COUNTY, CITY, TOWNSHIP, OR VILLAGE CLERK WHO
5 CONDUCTS AN ELECTION BY MAIL UNDER SECTION 750A SHALL CONDUCT THE
6 ELECTION BY MAIL AS PROVIDED IN THIS SECTION.

7 (2) THE CLERK SHALL DESIGNATE 1 OR MORE PLACES OF DEPOSIT IN
8 THE CITY, TOWNSHIP, VILLAGE, OR SCHOOL DISTRICT FOR VOTERS TO
9 RETURN VOTED BALLOTS FOR THE ELECTION BY MAIL. THE CLERK SHALL
10 PROVIDE THAT THE PLACES DESIGNATED FOR THE DEPOSIT OF VOTED BALLOTS
11 IN THE CITY, TOWNSHIP, VILLAGE, OR SCHOOL DISTRICT BE OPEN ON THE
12 DATE OF THE ELECTION FOR A PERIOD OF 13 HOURS OR MORE, BEGINNING NO
13 LATER THAN 7 A.M. AND ENDING NO EARLIER THAN 8 P.M., AS DETERMINED
14 BY THE CLERK.

15 (3) THE COUNTY, CITY, TOWNSHIP, OR VILLAGE CLERK SHALL SEND BY
16 NONFORWARDABLE MAIL AN OFFICIAL BALLOT WITH A PRE-ADDRESSED,
17 POSTAGE PAID RETURN IDENTIFICATION ENVELOPE AND A SECRECY ENVELOPE
18 TO EACH VOTER WHO IS REGISTERED IN THE CITY, TOWNSHIP, VILLAGE, OR
19 SCHOOL DISTRICT AS OF THE THIRTIETH DAY BEFORE THE DATE OF THE
20 ELECTION BY MAIL. THE CLERK SHALL ADDRESS THE BALLOT TO THE
21 REGISTERED VOTER AS THAT VOTER'S NAME APPEARS ON THE REGISTRATION
22 RECORDS OF THAT VOTER. EXCEPT AS OTHERWISE PROVIDED IN THIS
23 SUBSECTION AND SUBSECTION (8), THE CLERK SHALL MAIL THE OFFICIAL
24 BALLOTS AND ENVELOPES DURING THE PERIOD BEGINNING ON THE TWENTIETH
25 DAY BEFORE THE DATE OF THE ELECTION BY MAIL AND ENDING ON THE
26 FOURTEENTH DAY BEFORE THE DATE OF THE ELECTION BY MAIL. FOR A
27 STATEWIDE ELECTION BY MAIL, THE SECRETARY OF STATE SHALL PRESCRIBE

1 IN RULES PROMULGATED UNDER SECTION 750A(4) THE DATE ON WHICH THE
2 OFFICIAL BALLOTS AND ENVELOPES FOR THE STATEWIDE ELECTION BY MAIL
3 ARE TO BE MAILED BY A CLERK UNDER THIS SUBSECTION. HOWEVER, THE
4 SECRETARY OF STATE SHALL PROVIDE IN THOSE RULES THAT ALL BALLOTS
5 SHALL BE MAILED BY THE FOURTEENTH DAY BEFORE THE DATE OF THE
6 ELECTION BY MAIL.

7 (4) FOR A PRIMARY ELECTION, THE ELECTION BY MAIL BALLOT SHALL
8 CONTAIN A SECTION FOR THE SELECTION OF CANDIDATES FROM EACH
9 POLITICAL PARTY THAT IS PARTICIPATING IN THE PRIMARY ELECTION. THE
10 INSTRUCTIONS ACCOMPANYING THE PRIMARY ELECTION BY MAIL BALLOTS
11 SHALL STATE CLEARLY THAT THE VOTER MAY VOTE FOR THE APPROPRIATE
12 NUMBER OF CANDIDATES OF 1 PARTY ONLY AND THAT A PRIMARY BALLOT ON
13 WHICH CANDIDATES FROM MORE THAN 1 PARTY ARE SELECTED WILL NOT BE
14 COUNTED.

15 (5) FOR AN ELECTOR WHO HAS APPLIED TO REGISTER TO VOTE ON OR
16 BEFORE THE CLOSE OF REGISTRATION AND IS NOT LISTED IN THE
17 REGISTRATION RECORDS OF THE CITY, TOWNSHIP, VILLAGE, OR SCHOOL
18 DISTRICT, THE COUNTY, CITY, TOWNSHIP, OR VILLAGE CLERK SHALL
19 PROCEED IN THE SAME MANNER AS PRESCRIBED IN SECTION 523A FOR A
20 PERSON WHO APPEARS AT A POLLING PLACE ON ELECTION DAY. IF THE
21 ELECTOR MEETS THE REQUIREMENTS OF SECTION 523A, THE CLERK SHALL
22 MAKE THE REGULAR OR PROVISIONAL OFFICIAL BALLOT, THE RETURN
23 IDENTIFICATION ENVELOPE, AND THE SECRECY ENVELOPE AVAILABLE AT THE
24 CLERK'S OFFICE OR OTHER PLACE DESIGNATED BY THE CLERK. THE ELECTOR
25 WHO RECEIVES THE OFFICIAL BALLOT AND ENVELOPES UNDER THIS
26 SUBSECTION SHALL DO ALL OF THE FOLLOWING:

27 (A) VOTE AT THE ELECTION IN THE CLERK'S OFFICE OR OTHER PLACE

1 DESIGNATED BY THE CLERK OR VOTE BY MAIL.

2 (B) MARK THE BALLOT, SIGN THE RETURN IDENTIFICATION ENVELOPE,
3 AND COMPLY WITH THE INSTRUCTIONS PROVIDED WITH THE BALLOT.

4 (C) RETURN THE BALLOT IN THE RETURN IDENTIFICATION ENVELOPE TO
5 THE CLERK.

6 (6) A BALLOT OR BALLOT LABEL USED IN AN ELECTION BY MAIL SHALL
7 CONTAIN THE FOLLOWING WARNING:

8 "A PERSON WHO, BY USE OF FORCE OR OTHER MEANS, UNDULY
9 INFLUENCES AN ELECTOR TO VOTE IN A PARTICULAR MANNER OR TO REFRAIN
10 FROM VOTING IS SUBJECT TO IMPRISONMENT OR TO A FINE, OR BOTH."

11 (7) TO VOTE AN ELECTION BY MAIL BALLOT RECEIVED UNDER
12 SUBSECTION (3), A REGISTERED VOTER SHALL MARK THE BALLOT, SIGN THE
13 RETURN IDENTIFICATION ENVELOPE SUPPLIED WITH THE BALLOT, AND COMPLY
14 WITH THE INSTRUCTIONS PROVIDED WITH THE BALLOT. THE VOTER MAY
15 RETURN THE MARKED BALLOT TO THE APPROPRIATE COUNTY, CITY, TOWNSHIP,
16 OR VILLAGE CLERK BY DEPOSITING IT IN THE UNITED STATES MAIL OR WITH
17 ANOTHER PUBLIC POSTAL SERVICE, EXPRESS MAIL SERVICE, PARCEL POST
18 SERVICE, OR COMMON CARRIER. THE VOTER MAY RETURN THE MARKED BALLOT
19 TO THE APPROPRIATE COUNTY, CITY, TOWNSHIP, OR VILLAGE CLERK BY
20 DEPOSITING IT AT THE OFFICE OF THE CLERK OR OTHER PLACE OF DEPOSIT
21 DESIGNATED BY THE CLERK. THE VOTER SHALL RETURN THE BALLOT IN THE
22 RETURN IDENTIFICATION ENVELOPE SUPPLIED WITH THE BALLOT OR THE
23 BALLOT WILL NOT BE COUNTED. AN ELECTION BY MAIL BALLOT MUST BE
24 RECEIVED AT THE OFFICE OF THE APPROPRIATE CLERK OR OTHER PLACE OF
25 DEPOSIT DESIGNATED BY THE CLERK NOT LATER THAN THE END OF THE
26 PERIOD DETERMINED UNDER SUBSECTION (2) ON THE DATE OF THE ELECTION.
27 (8) A VOTER MAY OBTAIN A REPLACEMENT ELECTION BY MAIL BALLOT

1 IF THE BALLOT IS DESTROYED, SPOILED, LOST, OR NOT RECEIVED BY THE
2 VOTER. A VOTER WHO SEEKS A REPLACEMENT BALLOT SHALL SIGN A SWORN
3 STATEMENT THAT THE BALLOT WAS DESTROYED, SPOILED, LOST, OR NOT
4 RECEIVED BY THE VOTER AND SUBMIT THE STATEMENT TO THE APPROPRIATE
5 CLERK BEFORE THE END OF THE PERIOD DETERMINED UNDER SUBSECTION (2).
6 THE CLERK SHALL KEEP A RECORD OF EACH REPLACEMENT ELECTION BY MAIL
7 BALLOT PROVIDED UNDER THIS SUBSECTION. THE CLERK SHALL DESIGNATE
8 THE CLERK'S OFFICE OR A CENTRAL LOCATION IN THE CITY, TOWNSHIP,
9 VILLAGE, OR SCHOOL DISTRICT IN WHICH THE ELECTION IS HELD AS THE
10 SINGLE PLACE TO OBTAIN A REPLACEMENT ELECTION BY MAIL BALLOT UNDER
11 THIS SUBSECTION. A CLERK MAY MAIL REPLACEMENT BALLOTS 5 DAYS OR
12 MORE BEFORE THE DATE OF THE ELECTION BY MAIL. THE CLERK MAY DELIVER
13 IN PERSON TO A REGISTERED VOTER A REPLACEMENT BALLOT UP UNTIL AND
14 INCLUDING THE DATE OF THE ELECTION BY MAIL.

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

17 (A) THE BALLOT IS RETURNED IN THE RETURN IDENTIFICATION
18 ENVELOPE.

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

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

22 (10) THE COUNTY, CITY, TOWNSHIP, OR VILLAGE CLERK SHALL VERIFY
23 THE SIGNATURE OF EACH VOTER ON THE RETURN IDENTIFICATION ENVELOPE
24 WITH THE SIGNATURE OF THE VOTER ON THE VOTER'S REGISTRATION CARD,
25 ACCORDING TO THE PROCEDURES PRESCRIBED IN THIS ACT AND RULES
26 PROMULGATED BY THE SECRETARY OF STATE.

27 (11) IF THE CLERK OR OTHER ELECTION OFFICIAL DETERMINES THAT A

1 VOTER TO WHOM A REPLACEMENT ELECTION BY MAIL BALLOT HAS BEEN ISSUED
2 HAS VOTED MORE THAN ONCE, AN ELECTION OFFICIAL SHALL NOT COUNT ANY
3 BALLOT CAST BY THAT VOTER. A CLERK OR OTHER ELECTION OFFICIAL WHO
4 BECOMES AWARE OF A PERSON WHO VOTES OR ATTEMPTS TO VOTE BY MEANS OF
5 BOTH AN ORIGINAL BALLOT AND A REPLACEMENT BALLOT SHALL REPORT THAT
6 INFORMATION TO THE PROSECUTING ATTORNEY FOR THAT COUNTY AND TO THE
7 SECRETARY OF STATE.

8 (12) AN ELECTION BY MAIL BALLOT OR A VOTER CASTING A BALLOT AT
9 AN ELECTION BY MAIL, OR BOTH, IS SUBJECT TO CHALLENGE AS PRESCRIBED
10 IN THIS ACT.