

HOUSE BILL No. 6030

April 13, 2010, Introduced by Reps. Lisa Brown, Liss, Barnett, Donigan and Slavens and referred to the Committee on Ethics and Elections.

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 569a, 671, and 792a (MCL 168.569a, 168.671, and 168.792a), section 569a as added by 1985 PA 24, section 671 as amended by 1995 PA 261, and section 792a as amended by 2005 PA 71.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 569a. (1) In all primary elections, if there are more
2 names under the heading of an office than there are candidates to
3 be nominated and the same office appears in more than 1 precinct,
4 the names shall be rotated in the following manner: In printing
5 each set of ballots for the several election precincts, the
6 relative positions of the different names printed in each division
7 shall be changed as many times as there are candidates in that

1 division and as reasonably as possible a candidate's name shall not
2 appear at the top of the ballot more times than any other
3 candidate's name in that division. The names shall first be
4 arranged alphabetically according to surnames on each ballot used
5 in the precinct. In the next precinct the names shall appear in the
6 same order on each ballot, except that the name appearing first
7 under each office in the preceding precinct shall be last. The
8 names shall be changed in that manner in every precinct of the
9 city, village, township, or county.

10 (2) ~~Where AN absent voter counting boards are used, each~~
11 ~~ballot form which contains identical offices and names shall be~~
12 ~~considered~~ **BOARD IS NOT** a separate precinct for the purposes of
13 this section ~~ACT~~.

14 (3) Notwithstanding provisions of law or charter to the
15 contrary, this section ~~shall apply~~ **APPLIES** to nonpartisan general
16 elections and to municipal elections.

17 Sec. 671. At the time of delivering the official ballots and
18 other election supplies to the township and city clerks or, for
19 city, village, or township elections, to the wards or precincts, a
20 sufficient number of blank forms for use by the election inspectors
21 in making the statement of returns of the election as required by
22 law shall be delivered. At the same time, a sufficient number of
23 seals for the use of the election inspectors in sealing the ballot
24 boxes after the close of the election shall be delivered. A record
25 of the number of seals delivered to each voting precinct and absent
26 voter counting board ~~precinct~~ shall be recorded and preserved.

27 Sec. 792a. (1) Except as otherwise provided in this

1 subsection, the absent voter ballots in a city, township, or
2 village that uses voting machines shall be counted by absent voter
3 counting boards. The board of election commissioners of a city,
4 township, or village that has 2 precincts or less or of a city that
5 has 500,000 or more in population may decide that the absent voter
6 ballots shall be counted in the manner provided in section 791. In
7 a city, township, or village that does not use voting machines, the
8 absent voter ballots may be counted by absent voter counting boards
9 or in the same manner as is otherwise provided for precincts in
10 which voting is not done on voting machines. **AN ABSENT VOTER
11 COUNTING BOARD IS NOT A SEPARATE PRECINCT, AND THE RESULTS OF
12 BALLOTS TABULATED IN AN ABSENT VOTER COUNTING BOARD SHALL BE
13 COMBINED WITH THE RESULTS FROM THE APPROPRIATE PRECINCT.**

14 (2) The board of election commissioners shall establish the
15 absent voter counting boards. The board of election commissioners
16 shall determine the number of absent voter counting boards to be
17 established and shall appoint the election inspectors to those
18 absent voter counting boards 10 days or more before the election at
19 which they are to be used. Sections 673a and 674 apply to the
20 appointment of election inspectors to absent voter counting boards
21 under this section. The board of election commissioners shall
22 determine the number of ballots that may be expeditiously counted
23 by an absent voter counting board in a reasonable period of time,
24 taking into consideration the size and complexity of the ballot to
25 be counted pursuant to the guidelines of the secretary of state.
26 Combined ballots shall be regarded as the number of ballots as
27 there are sections to the ballot.

1 (3) If more than 1 absent voter counting board is to be used,
2 the city, township, or village clerk shall determine the number of
3 voting machines or the number of ballot boxes and the number of
4 election inspectors to be used in each of the absent voter counting
5 boards and to which absent voter counting board the absent voter
6 ballots for each precinct shall be assigned for counting. The clerk
7 shall make the determination under this subsection 2 days or more
8 before the election and shall not assign an absent voter counting
9 board more ballots than the maximum number authorized by the board
10 of election commissioners under subsection (2). The clerk is not
11 required to use all of the absent voter counting boards authorized
12 by the board of election commissioners under subsection (2).

13 (4) In a city, township, or village that uses absent voter
14 counting boards under this section, absent voter ballots shall be
15 counted in the manner provided in this section and absent voter
16 ballots shall not be delivered to the polling places. The board of
17 election commissioners shall provide a place for each absent voter
18 counting board to count the absent voter ballots. Section 662
19 applies to the designation and prescribing of the absent voter
20 counting place or places in which the absent voter counting board
21 performs its duties under this section. The places shall be
22 designated as absent voter counting places. Except as otherwise
23 provided in this section, laws relating to paper ballot precincts,
24 including laws relating to the appointment of election inspectors,
25 apply to absent voter counting places. If a counting place uses
26 voting machines, the provisions of this section relating to placing
27 of absent voter ballots on voting machines apply. More than 1

1 absent voter counting board may be located in 1 building.

2 (5) The clerk of a city, township, or village that uses absent
3 voter counting boards shall supply each absent voter counting board
4 with supplies necessary to carry out their duties under this act.
5 The supplies shall be furnished to the city, township, or village
6 clerk in the same manner and by the same persons or agencies as for
7 other precincts.

8 (6) Absent voter ballots received by the clerk before election
9 day shall be delivered to the absent voter counting board by the
10 clerk at the time the election inspectors of the absent voter
11 counting boards report for duty, which time shall be established by
12 the board of election commissioners. Absent voter ballots received
13 by the clerk on election day shall be delivered to the absent voter
14 counting boards before the time set for the closing of the polls.
15 Absent voter ballots shall be delivered to the absent voter
16 counting boards in the sealed absent voter ballot return envelopes
17 in which they were returned to the clerk. Written or stamped on
18 each of the return envelopes shall be the time and the date that
19 the envelope was received by the clerk and a statement by the clerk
20 that the signatures of the absent voters on the envelopes have been
21 checked and found to agree with the signatures of the voters on the
22 registration cards or the digitized signatures of voters contained
23 in the qualified voter file as provided under section 766. If a
24 signature on the registration card or a digitized signature
25 contained in the qualified voter file and on the absent voter
26 ballot return envelope does not agree as provided under section
27 766, if the absent voter failed to sign the envelope, or if the

1 statement of the absent voter is not properly executed, the clerk
2 shall mark the envelope "rejected" and the reason for the rejection
3 and shall place his or her name under the notation. An envelope
4 marked "rejected" shall not be delivered to the absent voter
5 counting board but shall be preserved by the clerk until other
6 ballots are destroyed in the manner provided in this act. The clerk
7 shall also comply with section 765(5).

8 (7) At the time of issuing or mailing absent voter ballots to
9 qualified applicants, the clerk of a city, township, or village
10 that uses absent voter counting boards shall mark the letters
11 "A.V." and the date of election on the registration card of the
12 applicant in the precinct registration file.

13 (8) This chapter does not prohibit an absent voter from voting
14 in person within the voter's precinct at an election,
15 notwithstanding that the voter may have applied for an absent voter
16 ballot and the ballot may have been mailed or otherwise delivered
17 to the voter. The voter, the election inspectors, and other
18 election officials shall proceed in the manner prescribed in
19 section 769. The clerk shall preserve the canceled ballots for 2
20 years.

21 (9) The absent voter counting boards shall process the ballots
22 and returns in as nearly as possible the same manner as ballots are
23 processed in paper ballot precincts. The poll book may be combined
24 with the absent voter list or record required by section 760, and
25 the applications for absent voter ballots may be used as the poll
26 list. The processing and tallying of absent voter ballots may
27 commence at 7 a.m. on the day of the election.

1 (10) An election inspector, challenger, or any other person in
2 attendance at an absent voter counting place at any time after the
3 processing of ballots has begun shall take and sign the following
4 oath that may be administered by the chairperson or a member of the
5 absent voter counting board:

6 "I (name of person taking oath) do solemnly swear (or affirm)
7 that I shall not communicate in any way any information relative to
8 the processing or tallying of votes that may come to me while in
9 this counting place until after the polls are closed.".

10 (11) The oaths administered under subsection (10) shall be
11 placed in an envelope provided for the purpose and sealed with the
12 red state seal. Following the election the oaths shall be delivered
13 to the city, township, or village clerk. Except as otherwise
14 provided in subsection (16), a person in attendance at the absent
15 voter counting place shall not leave the counting place after the
16 tallying has begun until the polls close. A person who causes the
17 polls to be closed or who discloses an election result or in any
18 manner characterizes how any ballot being counted has been voted in
19 a voting precinct before the time the polls can be legally closed
20 on election day is guilty of a felony.

21 (12) At the time the board of election commissioners provide
22 for the use of absent voter counting boards, the board of election
23 commissioners may provide that the absent voter counting boards
24 shall record the votes contained on absent voter ballots on voting
25 machines. In that case, the recording of ballots shall be done by
26 the chairperson of the absent voter counting board or another
27 member designated by the chairperson. The act of casting the votes

1 shall be performed in the presence of and under the careful
2 observation and full view of all members of the absent voter
3 counting board, party challengers, and any other persons lawfully
4 present at the absent voter counting place. The vote as indicated
5 by the voting pointers shall not be recorded until each member of
6 the absent voter counting board is satisfied that the arrangement
7 of the voting pointers fully carries out the intent of the absent
8 voter as shown by the cross marks or check marks on the absent
9 voter ballot. A certificate that the requirements of this
10 subsection were met shall be made on the election inspectors'
11 statement of returns.

12 (13) As soon as absent voter ballots have been cast on a
13 voting machine pursuant to subsection (12), but not before 8 p.m.,
14 the election inspectors shall seal the operating lever of the
15 machine against voting and shall then proceed to determine and
16 record the votes cast in the manner provided in this act.

17 (14) Voted absent voter ballots shall be placed in a ballot
18 box and the ballot bag and ballot box shall be sealed in the manner
19 provided by this act for paper ballot precincts. The seal numbers
20 shall be recorded on the statement sheet and in the poll book.

21 (15) In a city, township, or village where challenged voters
22 are required to vote on absent voter ballots, each challenged voter
23 ballot and application for ballot, after having been voted and
24 properly identified, shall be placed by the voter in an absent
25 voter ballot return envelope. The applicable information required
26 on the back of the envelope shall be completed by the board of
27 election inspectors. The envelope shall be signed by the challenged

1 voter and by the chairperson of the precinct board of election
2 inspectors. The word "challenged" shall be written across the front
3 of the envelope. The envelope and application for ballot shall be
4 sealed and delivered to the absent voter counting place by the
5 clerk of the city, township, or village. Immediately after the
6 closing of the polls, the chairperson of the precinct board of
7 election inspectors shall notify the clerk of the city, township,
8 or village of remaining challenged voter ballots to be delivered to
9 the absent voter counting place. In a city, township, or village
10 that uses voting machines where absent voter counting boards are
11 not used, challenged ballots shall be counted and tallied in the
12 precincts, in the same manner that absent voter ballots are tallied
13 and counted as provided in section 791.

14 (16) Subject to this subsection, a local election official who
15 has established an absent voter counting board, the deputy or
16 employee of that local election official, or an employee of the
17 state bureau of elections may enter and leave an absent voter
18 counting board after the tally has begun but before the polls
19 close. A person described in this subsection may enter an absent
20 voter counting board only for the purpose of responding to an
21 inquiry from an election inspector or a challenger or to provide
22 instructions on the operation of the counting board. Before
23 entering an absent voter counting board, a person described in this
24 subsection shall take and sign the oath prescribed in subsection
25 (10). The chairperson of the absent voter counting board shall
26 record in the poll book the name of a person described in this
27 subsection who enters the absent voter counting board. A person

1 described in this subsection who enters an absent voter counting
2 board and who discloses an election result or in any manner
3 characterizes how any ballot being counted has been voted in a
4 precinct before the time the polls can be legally closed on
5 election day is guilty of a felony. As used in this subsection,
6 "local election official" means a county, city, township, or
7 village clerk. ~~, the secretary of a school board, or an employee of~~
8 ~~a school district designated to conduct a school election.~~

9 (17) The secretary of state shall develop instructions
10 consistent with this act for the conduct of absent voter counting
11 boards. The secretary of state shall distribute the instructions
12 developed under this subsection to city and township clerks 40 days
13 or more before a general election in which absent voter counting
14 boards will be used. A city or township clerk shall make the
15 instructions developed under this subsection available to the
16 public and shall distribute the instructions to each challenger in
17 attendance at an absent voter counting board. The instructions
18 developed under this subsection are binding upon the operation of
19 an absent voter counting board used in an election conducted by a
20 county, city, township, **OR** village. ~~, school district, or any other~~
21 ~~jurisdiction empowered to conduct an election under this act.~~