

SENATE BILL No. 675

November 12, 2013, Introduced by Senators PAPPAGEORGE, COLBECK, CASPERSON, BOOHER, KAHN, MARLEAU, JONES, ANDERSON, BRANDENBURG, SMITH, NOFS and SCHUITMAKER and referred to the Committee on Local Government and Elections.

A bill to amend 1954 PA 116, entitled
"Michigan election law,"
by amending section 931 (MCL 168.931), as amended by 1996 PA 583.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 931. (1) A person who violates 1 or more of the following
2 subdivisions is guilty of a misdemeanor:

3 (a) A person shall not, either directly or indirectly, give,
4 lend, or promise valuable consideration ~~to~~to or for any person ~~as~~as
5 an inducement to influence the manner of voting by a person
6 relative to a candidate or ballot question ~~or~~or as a reward for
7 refraining from voting.

8 (b) A person shall not, either before, on, or after an
9 election, for the person's own benefit or on behalf of any other
10 person, receive, agree, or contract for valuable consideration for

1 1 or more of the following:

2 (i) Voting or agreeing to vote, or inducing or attempting to
3 induce another to vote, at an election.

4 (ii) Refraining or agreeing to refrain, or inducing or
5 attempting to induce another to refrain, from voting at an
6 election.

7 (iii) Doing anything prohibited by this act.

8 (iv) Both distributing absent voter ballot applications to
9 voters and receiving signed applications from voters for delivery
10 to the appropriate clerk or assistant of the clerk. This
11 subparagraph does not apply to an authorized election official.

12 (c) A person shall not solicit any valuable consideration from
13 a candidate for nomination for, or election to, an office described
14 in this act. This subdivision does not apply to requests for
15 contributions of money by or to an authorized representative of the
16 political party committee of the organization to which the
17 candidate belongs. This subdivision does not apply to a regular
18 business transaction between a candidate and any other person that
19 is not intended for, or connected with, the securing of votes or
20 the influencing of voters in connection with the nomination or
21 election.

22 (d) A person shall not, either directly or indirectly,
23 discharge or threaten to discharge an employee of the person for
24 the purpose of influencing the employee's vote at an election.

25 (e) A priest, pastor, curate, or other officer of a religious
26 society shall not for the purpose of influencing a voter at an
27 election, impose or threaten to impose upon the voter a penalty of

1 excommunication, dismissal, or expulsion, or command or advise the
2 voter, under pain of religious disapproval.

3 (f) A person shall not hire a motor vehicle or other
4 conveyance or cause the same to be done, for conveying voters,
5 other than voters physically unable to walk, to an election.

6 (g) In a city, township, village, or school district that has
7 a board of election commissioners authorized to appoint **ELECTION**
8 inspectors, ~~of election,~~ an **ELECTION** inspector, ~~of election,~~ a
9 clerk, or other election official who accepts an appointment as an
10 **ELECTION** inspector ~~of election~~ shall not fail to report at the
11 polling place designated on election morning at the time specified
12 by the board of election commissioners, unless excused as provided
13 in this subdivision. A person who violates this subdivision is
14 guilty of a misdemeanor ~~, punishable by a fine of not more than~~
15 \$10.00 or imprisonment for not more than 10 days, or both. An
16 **ELECTION** inspector, ~~of election,~~ clerk, or other election official
17 who accepts an appointment as an **ELECTION** inspector ~~of election~~ is
18 excused for failing to report at the polling place on election day
19 and is not subject to a fine or imprisonment under this subdivision
20 if 1 or more of the following requirements are met:

21 (i) The **ELECTION** inspector, ~~of election,~~ clerk, or other
22 election official notifies the board of election commissioners or
23 other officers in charge of elections of his or her inability to
24 serve at the time and place specified, 3 days or more before the
25 election.

26 (ii) The **ELECTION** inspector, ~~of election,~~ clerk, or other
27 election official is excused from duty by the board of election

1 commissioners or other officers in charge of elections for cause
2 shown.

3 (h) A person shall not willfully fail to perform a duty
4 imposed upon that person by this act ~~—~~or disobey a lawful
5 instruction or order of the secretary of state as chief state
6 election officer or of a board of county election commissioners,
7 board of city election commissioners, or board of **ELECTION**
8 inspectors. ~~of election.~~

9 (i) A delegate or member of a convention shall not solicit a
10 candidate for nomination before the convention for money, reward,
11 position, place, preferment, or other valuable consideration in
12 return for support by the delegate or member in the convention. A
13 candidate or other person shall not promise or give to a delegate
14 money, reward, position, place, preferment, or other valuable
15 consideration in return for support by or vote of the delegate in
16 the convention.

17 (j) A person elected to the office of delegate to a convention
18 shall not accept or receive any money or other valuable
19 consideration for his or her vote as a delegate.

20 (k) A person shall not, while the polls are open on an
21 election day, solicit votes in a polling place or within 100 feet
22 from an entrance to the building in which a polling place is
23 located.

24 (l) A person shall not keep a room or building for the purpose,
25 in whole or in part, of recording or registering bets or wagers ~~—~~
26 or of selling pools upon the result of a political nomination,
27 appointment, or election. A person shall not wager property, money,

1 or thing of value, or be the custodian of money, property, or thing
2 of value ~~—~~staked, wagered, or pledged, upon the result of a
3 political nomination, appointment, or election.

4 (m) A person shall not participate in a meeting or a portion
5 of a meeting of more than 2 persons, other than the person's
6 immediate family, at which an absent voter ballot is voted.

7 (n) A person, other than an authorized election official,
8 shall not, either directly or indirectly, give, lend, or promise
9 any valuable consideration to or for a person to induce that person
10 to both distribute absent voter ballot applications to voters and
11 receive signed absent voter ballot applications from voters for
12 delivery to the appropriate clerk.

13 (2) A person who violates a provision of this act for which a
14 penalty is not otherwise specifically provided in this act ~~—~~is
15 guilty of a misdemeanor.

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

26 (3) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (5), A PERSON
27 WHO INTENTIONALLY PARTICIPATES IN THE PREPARATION, DISSEMINATION,

1 OR BROADCAST OF PAID POLITICAL ADVERTISING OR CAMPAIGN MATERIAL
2 WITH RESPECT TO THE PERSONAL OR POLITICAL CHARACTER OR ACTS OF A
3 CANDIDATE, OR WITH RESPECT TO THE EFFECT OF A BALLOT QUESTION, THAT
4 IS DESIGNED OR TENDS TO ELECT, INJURE, PROMOTE, OR DEFEAT A
5 CANDIDATE FOR NOMINATION OR ELECTION TO A PUBLIC OFFICE OR TO
6 PROMOTE OR DEFEAT A BALLOT QUESTION, THAT IS FALSE, AND THAT THE
7 PERSON KNOWS IS FALSE OR COMMUNICATES TO OTHERS WITH RECKLESS
8 DISREGARD OF WHETHER IT IS FALSE IS GUILTY OF A MISDEMEANOR.

9 (4) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (5), A PERSON
10 WHO INTENTIONALLY PARTICIPATES IN THE DRAFTING OF A LETTER TO THE
11 EDITOR WITH RESPECT TO THE PERSONAL OR POLITICAL CHARACTER OR ACTS
12 OF A CANDIDATE, OR WITH RESPECT TO THE EFFECT OF A BALLOT QUESTION,
13 THAT IS DESIGNED OR TENDS TO ELECT, INJURE, PROMOTE, OR DEFEAT A
14 CANDIDATE FOR NOMINATION OR ELECTION TO A PUBLIC OFFICE OR TO
15 PROMOTE OR DEFEAT A BALLOT QUESTION, THAT IS FALSE, AND THAT THE
16 PERSON KNOWS IS FALSE OR COMMUNICATES TO OTHERS WITH RECKLESS
17 DISREGARD OF WHETHER IT IS FALSE IS GUILTY OF A MISDEMEANOR. AS
18 USED IN THIS SUBSECTION:

19 (A) "ISSUES OF CONCERN" MEANS ANY TOPIC RELATING TO OR OF
20 IMPORTANCE TO A PERSON THAT DOES NOT NECESSARILY APPLY TO ANOTHER
21 PERSON.

22 (B) "LETTER TO THE EDITOR" MEANS A LETTER FROM A PERSON TO A
23 PUBLICATION ABOUT ISSUES OF CONCERN THAT THE PERSON INTENDS TO BE
24 PUBLISHED IN THAT PUBLICATION.

25 (C) "PUBLICATION" MEANS A BOOK, MAGAZINE, NEWSPAPER, OR OTHER
26 WRITTEN MATERIAL THAT IS AVAILABLE TO THE PUBLIC IN A PRINTED OR
27 ONLINE FORMAT.

1 (5) SUBSECTIONS (3) AND (4) DO NOT APPLY TO A PERSON WHOSE
2 SOLE ACT IS, IN THE NORMAL COURSE OF BUSINESS, THE PRINTING,
3 MANUFACTURING, OR DISSEMINATION OF THE FALSE INFORMATION.

4 (6) ~~(4)~~—As used in this section, "valuable consideration"
5 includes, but is not limited to, money, property, a gift, a prize
6 or chance for a prize, a fee, a loan, an office, a position, an
7 appointment, or employment.