

# SENATE BILL NO. 909

May 06, 2020, Introduced by Senator IRWIN and referred to the Committee on Elections.

A bill to amend 1954 PA 116, entitled  
"Michigan election law,"  
by amending sections 3, 31, 301, 305, 355, 385, 480, 491, 499e,  
500d, 576, 579, 580, 653a, 654, 659, 660, 662, 668, 669, 672, 678,  
679, 715, 720, 721, 723, 727, 731, 733, 736b, 736c, 736d, 736e,  
737a, 741, 751, 754, 755a, 757, 759a, 759b, 761b, 764a, 764b, 765,  
765a, 794, 795, 796, 797b, 811, 829, 931, and 932 (MCL 168.3,  
168.31, 168.301, 168.305, 168.355, 168.385, 168.480, 168.491,  
168.499e, 168.500d, 168.576, 168.579, 168.580, 168.653a, 168.654,  
168.659, 168.660, 168.662, 168.668, 168.669, 168.672, 168.678,

168.679, 168.715, 168.720, 168.721, 168.723, 168.727, 168.731, 168.733, 168.736b, 168.736c, 168.736d, 168.736e, 168.737a, 168.741, 168.751, 168.754, 168.755a, 168.757, 168.759a, 168.759b, 168.761b, 168.764a, 168.764b, 168.765, 168.765a, 168.794, 168.795, 168.796, 168.797b, 168.811, 168.829, 168.931, and 168.932), sections 3, 491, 500d, 765, 811, and 829 as amended and sections 499e and 761b as added by 2018 PA 603, section 31 as amended by 2012 PA 271, sections 301 and 653a as amended by 2005 PA 71, section 305 as amended by 2010 PA 334, section 355 as amended by 2013 PA 51, section 385 as added by 2012 PA 586, section 480 as amended by 2012 PA 276, sections 576 and 579 as amended by 1996 PA 213, section 580 as amended by 1985 PA 160, section 659 as amended by 2014 PA 94, sections 662 and 727 as amended by 2004 PA 92, section 668 as amended by 2004 PA 96, sections 669, 679, 741, and 764b as amended by 2018 PA 120, sections 731 and 932 as amended by 1995 PA 261, sections 733 and 931 as amended by 1996 PA 583, sections 736b, 736c, 736d, and 736e as amended by 2018 PA 190, section 737a as amended by 2018 PA 611, section 755a as added by 2014 PA 79, section 759a as amended by 2012 PA 523, section 764a as amended by 2012 PA 128, section 765a as added by 2018 PA 123, section 794 as amended by 1992 PA 8, section 795 as amended by 2018 PA 127, and sections 796 and 797b as amended by 1990 PA 109, and by adding section 641a; and to repeal acts and parts of acts.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

- 1           Sec. 3. As used in this act:
- 2           (a) "Locked and sealed" is defined in section 14.
- 3           (b) "Major political party" is defined in section 16.
- 4           (c) "Metal seal" or "seal" is defined in section 14a.
- 5           (d) "Name that was formally changed" means a name changed by a

proceeding under chapter XI of the probate code of 1939, 1939 PA 288, MCL 711.1 to 711.3, or former 1915 PA 314, or through a similar, statutorily sanctioned procedure under the law of another state or country.

(e) "Odd year general election" means the election held on the November regular election date in an odd numbered year.

(f) "Odd year primary election" means the election held on the August regular election date in an odd numbered year.

(g) "Primary" or "primary election" is defined in section 7.

~~(h) "Regular ballot" means a ballot that is issued to a voter on election day at a polling place location.~~

(h) ~~(i)~~ "Qualified elector" is defined in section 10.

(i) ~~(j)~~ "Qualified voter file" is defined in section 509m.

(j) ~~(k)~~ "Regular election" means an election held on a regular election date to elect an individual to, or nominate an individual for, elective office in the regular course of the terms of that elective office.

(k) ~~(l)~~ "Regular election date" means 1 of the dates established as a regular election date in section 641.

(l) ~~(m)~~ "Residence" is defined in section 11.

Sec. 31. (1) The secretary of state shall do all of the following:

(a) Subject to subsection (2), issue instructions and promulgate rules pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, for the conduct of elections and registrations in accordance with the laws of this state.

(b) Advise and direct local election officials as to the proper methods of conducting elections.

1 (c) Publish and furnish for the use in each election precinct  
2 before each state primary and election a manual of instructions.  
3 ~~that includes specific instructions on assisting voters in casting~~  
4 ~~their ballots, directions on the location of voting stations in~~  
5 ~~polling places, procedures and forms for processing challenges, and~~  
6 ~~procedures on prohibiting campaigning in the polling places as~~  
7 ~~prescribed in this act.~~

8 (d) Publish indexed pamphlet copies of the registration,  
9 primary, and election laws and furnish to the various county, city,  
10 township, and village clerks a sufficient number of copies for  
11 their own use and to enable them to include 1 copy with the  
12 election supplies furnished each precinct board of election  
13 inspectors under their respective jurisdictions. The secretary of  
14 state may furnish single copies of the publications to  
15 organizations or individuals who request the same for purposes of  
16 instruction or public reference.

17 (e) Prescribe and require uniform forms, notices, and supplies  
18 the secretary of state considers advisable for use in the conduct  
19 of elections and registrations.

20 (f) Prepare the form of ballot for any proposed amendment to  
21 the constitution or proposal under the initiative or referendum  
22 provision of the constitution to be submitted to the voters of this  
23 state.

24 (g) Require reports from the local election officials the  
25 secretary of state considers necessary.

26 (h) Investigate, or cause to be investigated by local  
27 authorities, the administration of election laws, and report  
28 violations of the election laws and regulations to the attorney  
29 general or prosecuting attorney, or both, for prosecution.

1 (i) Publish in the legislative manual the vote for governor  
2 and secretary of state by townships and wards and the vote for  
3 members of the state legislature cast at the preceding November  
4 election, ~~which shall~~ **that must** be returned to the secretary of  
5 state by the county clerks on or before the first day of December  
6 following the election. All clerks shall furnish to the secretary  
7 of state, promptly and without compensation, any further  
8 information requested of them to be used in the compilation of the  
9 legislative manual.

10 (j) Establish a curriculum for comprehensive training and  
11 accreditation of all county, city, township, and village officials  
12 who are responsible for conducting elections.

13 (k) Establish a continuing election education program for all  
14 county, city, township, and village clerks.

15 (l) Establish and require attendance by all new appointed or  
16 elected election officials at an initial course of instruction  
17 within 6 months before the date of the election.

18 (m) Establish a comprehensive training curriculum for all  
19 precinct inspectors.

20 (n) Create an election day dispute resolution team that has  
21 regional representatives of the department of state, which team  
22 shall appear on site, if necessary.

23 (2) Pursuant to the administrative procedures act of 1969,  
24 1969 PA 306, MCL 24.201 to 24.328, the secretary of state shall  
25 promulgate rules establishing uniform standards for state and local  
26 nominating, recall, and ballot question petition signatures. The  
27 standards for petition signatures may include, but need not be  
28 limited to, standards for all of the following:

29 (a) Determining the validity of registration of a circulator

1 or individual signing a petition.

2 (b) Determining the genuineness of the signature of a  
3 circulator or individual signing a petition, including digitized  
4 signatures.

5 (c) Proper designation of the place of registration of a  
6 circulator or individual signing a petition.

7 Sec. 301. (1) Unless a particular power or duty of an election  
8 official or a particular election procedure is specifically  
9 governed by a provision of this chapter, a school district election  
10 is governed by the provisions of this act that generally govern  
11 elections.

12 (2) Except as provided in section 305, the school district  
13 election coordinator for a school district shall conduct each  
14 regular election and each special election that is requested by the  
15 school board to submit a ballot question or to fill a vacancy on  
16 the school board. In addition to receiving requests from the school  
17 board to hold special elections, the school district election  
18 coordinator shall do all of the following:

19 (a) Receive filing fees or nominating petitions and affidavits  
20 of identity from candidates for school board and petitions for  
21 special elections.

22 (b) Procure the necessary qualified voter file precinct lists.

23 (c) Certify candidates.

24 (d) Receive ballot proposal language.

25 (e) Issue absent voter ballots.

26 (3) A school district election coordinator who is a county  
27 clerk may delegate, if the city or township clerk agrees, all or a  
28 portion of the school district election coordinator's duties to  
29 that city or township clerk. The school district election

1 coordinator shall not delegate duties to any person not named in  
2 this section.

3 (4) A school district election coordinator who is a county  
4 clerk may delegate the following duties to the city or township  
5 clerk, who shall perform the following duties:

6 (a) Distribute, receive, and process absent voter ballot  
7 applications for a school election.

8 (b) Make voting systems available for the conduct of a school  
9 election.

10 (c) Make available to the school district election coordinator  
11 the list of election inspectors for that city or township.

12 (d) Notify school district electors of precinct ~~and polling~~  
13 ~~place location~~ changes.

14 (5) If the county clerk is the school district election  
15 coordinator for a school district, the county election commission  
16 shall establish that school district's election precincts ~~and~~  
17 ~~polling place locations~~ in accordance with this act.

18 Sec. 305. (1) Within 30 days after the effective date of this  
19 chapter, the school district election coordinating committee for  
20 each school district shall hold an initial meeting. Within 14 days  
21 after convening the initial meeting, the school district election  
22 coordinating committee shall file a report with the secretary of  
23 state that sets forth the arrangements that are agreed upon for the  
24 conduct of the school district's elections. Each school district  
25 election coordinating committee member shall sign the report and  
26 retain a copy.

27 (2) After filing its initial report under subsection (1) and  
28 until December 31, 2012, a school district election coordinating  
29 committee shall meet at 2-year intervals to review and, if

1 necessary, alter the election arrangements set forth in its  
2 previous report. Beginning January 1, 2013, a school district  
3 election coordinating committee shall meet at 4-year intervals or  
4 earlier if determined necessary by the chairperson of the school  
5 district election coordinating committee to review and, if  
6 necessary, alter the election arrangements set forth in its  
7 previous report. After each review, a school district election  
8 coordinating committee shall either notify the secretary of state  
9 in writing that its previous report is not being altered or file  
10 with the secretary of state a report with the alterations. Until  
11 December 31, 2012, election arrangements made by the clerks of the  
12 jurisdictions participating in the school district election  
13 coordinating committee meeting are binding on the participating  
14 jurisdictions for at least 2 years after the report is filed, and  
15 each jurisdiction continues to be bound until an altered report is  
16 filed. Beginning January 1, 2013, election arrangements made by the  
17 clerks of the jurisdictions participating in the school district  
18 election coordinating committee meeting are binding on the  
19 participating jurisdictions until an altered report is filed.

20 (3) The arrangements agreed upon by a school district election  
21 coordinating committee for the conduct of the school district's  
22 elections ~~shall~~**must** accomplish at least both of the following:

23 (a) If a school district election is held on the same day as  
24 an election of a jurisdiction that overlaps with the school  
25 district, an elector wishing to vote in both elections shall not be  
26 required to vote at 2 different locations.

27 (b) If, before the filing of an initial report or of the  
28 notice or altered report after its review, a city or township clerk  
29 notifies the school district election coordinating committee that



1 the city or township clerk, in consultation with the city council  
 2 or township board, as applicable, has decided to participate in the  
 3 conduct of the school district's elections, the school district  
 4 election coordinating committee shall include that city or township  
 5 clerk in its initial or an altered report as the person conducting  
 6 the school district's elections in the clerk's city or township.

7 (4) Notwithstanding the other provisions of this chapter, if a  
 8 city or township is holding an election for elective office or on a  
 9 ballot question at the same time that a school district located in  
 10 whole or part in the city or township is holding an election, the  
 11 city or township clerk shall also conduct the school district  
 12 election within his or her jurisdiction. If a city or township  
 13 clerk is conducting a school election under this subsection, the  
 14 clerk shall use the same precincts that are used for state and  
 15 federal elections as the precincts for the school district  
 16 election. ~~If these precincts change the polling place location for~~  
 17 ~~school district electors, the clerk shall notify those school~~  
 18 ~~district electors of the location of the different polling place. A~~  
 19 city or township clerk with the consent of the school district  
 20 election coordinator may use the school election precincts. ~~and~~  
 21 ~~polling places. A city or township clerk conducting an election~~  
 22 under this subsection may consolidate election precincts in the  
 23 manner provided in section 659.

24 Sec. 355. (1) The candidate or candidates of each political  
 25 party to a township office receiving the greatest number of votes  
 26 cast for candidates of that office, as set forth in the report of  
 27 the board of county canvassers, based on the returns from the  
 28 various election precincts, or as determined by the board of county  
 29 canvassers as the result of a recount, ~~shall~~**must** be declared the

1 nominee or nominees of that political party for that office at the  
 2 next ensuing November election. The board of county canvassers  
 3 shall certify the nomination or nominations to the township clerk  
 4 within 48 hours after ~~the polls close.~~ **8 p.m. on election day.**

5 (2) Within 4 days following the primary, the township clerk  
 6 shall deliver to the county clerk a list setting forth the names,  
 7 addresses, political affiliation, and office sought of all  
 8 candidates nominated at the primary.

9 Sec. 385. (1) Unless a particular power or duty of an election  
 10 official or a particular election procedure is specifically  
 11 governed by a provision of this chapter, a metropolitan district  
 12 election is governed by the provisions of this act that generally  
 13 govern elections.

14 (2) The metropolitan district election coordinator shall  
 15 conduct each regular election that is requested by the legislative  
 16 body of a metropolitan district to submit a ballot question or to  
 17 fill a position or vacancy on the legislative body of the  
 18 metropolitan district. The metropolitan district election  
 19 coordinator shall do all of the following:

20 (a) Receive nominating petitions and affidavits of identity  
 21 from candidates for officer to the legislative body of a  
 22 metropolitan district and petitions for ballot questions.

23 (b) Procure the necessary qualified voter file precinct lists.

24 (c) Certify candidates.

25 (d) Receive ballot proposal language.

26 (e) Issue absent voter ballots.

27 (3) A metropolitan district election coordinator may delegate,  
 28 if the city or township clerk agrees, all or a portion of the  
 29 metropolitan district election coordinator's duties to that city or

1 township clerk. The metropolitan district election coordinator  
2 shall not delegate duties to any person not named in this section.

3 (4) A metropolitan district election coordinator may delegate  
4 the following duties to the city or township clerk, who shall  
5 perform the following duties:

6 (a) Distribute, receive, and process absent voter ballot  
7 applications for a metropolitan district election.

8 (b) Make voting systems available for the conduct of a  
9 metropolitan district election.

10 (c) Make available to the metropolitan district election  
11 coordinator the list of election inspectors for that city or  
12 township.

13 (d) Notify metropolitan district electors of precinct ~~and~~  
14 ~~polling place location~~ changes.

15 (5) The county election commission shall establish that  
16 metropolitan district's election precincts ~~and polling place~~  
17 ~~locations~~ in accordance with this act.

18 Sec. 480. If a proposed constitutional amendment or other  
19 special question is to be submitted to the electors of this state  
20 for popular vote, the secretary of state shall, not less than 60  
21 days before the date of the election at which the proposed  
22 constitutional amendment or other special question is to be  
23 submitted, certify the statement of the purpose for designation on  
24 the ballot to the clerk of each county in this state, together with  
25 the form in which the constitutional amendment or other special  
26 questions ~~shall~~ **must** be printed on the ballot. The secretary of  
27 state shall also furnish the county clerks in this state 2 copies  
28 of the text of each constitutional amendment or other special  
29 question and 2 copies of each statement for each voting precinct in

1 their respective counties. Each county clerk shall furnish the  
2 copies of the statement to the township and city clerks in his or  
3 her county at the time other supplies for the election are  
4 furnished. ~~Each township or city clerk shall, before the opening of~~  
5 ~~the polls on election day, deliver the copies of the text and~~  
6 ~~statement to which each voting precinct in his or her township or~~  
7 ~~city is entitled to the board of election inspectors of the~~  
8 ~~precinct, who shall post the same in conspicuous places in the room~~  
9 ~~where the election is held.~~

10 Sec. 491. The inspectors of election at an election, primary  
11 election, or special election in this state shall not receive the  
12 vote of an individual whose name is not on the voter registration  
13 list generated from the qualified voter file for the precinct in  
14 which he or she offers to vote, ~~unless the individual meets the~~  
15 ~~requirements of section 523a, or the individual registered to vote~~  
16 ~~in person at the city or township clerk's office in the city or~~  
17 ~~township in which he or she resides during the 14 days before the~~  
18 ~~day of an election or on the day of an election. and the individual~~  
19 ~~presents a voter registration receipt to the inspectors of~~  
20 ~~election.~~

21 Sec. 499e. (1) The clerk of a city or township shall be  
22 present or have a deputy clerk be present at the clerk's office at  
23 all times ~~a polling place is open~~ **between 7 a.m. and 8 p.m.** on  
24 election day to receive and process voter registration  
25 applications.

26 (2) Immediately after approving a voter registration  
27 application under this section, the clerk or deputy clerk shall  
28 prepare a registration card or an insert to a registration list in  
29 a form prescribed by the secretary of state. In addition, the clerk

1 or deputy clerk shall provide to the individual registering to vote  
2 a voter registration receipt that is in a form as approved by the  
3 secretary of state.

4 (3) The clerk shall prepare and send a voter identification  
5 card in the manner prescribed for corrected voter identification  
6 cards in section 499 as soon as practical after the election.

7 Sec. 500d. An individual who has properly completed an  
8 application for registration at an office of the secretary of state  
9 or his or her agent is permitted to vote in all elections after  
10 making the application if the clerk determines the individual is  
11 qualified. If the clerk determines the individual is not qualified,  
12 the clerk immediately shall send a notice to the applicant at the  
13 address stated in the application stating the determination and the  
14 reasons the individual is not qualified. ~~An individual is permitted~~  
15 ~~to vote if he or she presents at the polls a validated voter~~  
16 ~~registration application receipt and the clerk determines the~~  
17 ~~individual is qualified.~~

18 Sec. 576. (1) An elector, after having received a ballot or  
19 ballots, ~~shall enter a booth or voting compartment and, while there~~  
20 ~~concealed from view,~~ shall vote the ballot or ballots by ~~making a~~  
21 ~~cross or a check mark in the square~~ **darkening the oval or box** at  
22 the left of the names of those candidates for whom the elector  
23 desires to vote, but in no case for more candidates for any office  
24 than is indicated under the title of each office. However, an  
25 elector may vote for ~~a person~~ **an individual** whose name is not  
26 printed on the ballot by inserting the name in a manner that will  
27 substitute it for any name that is printed on the ballot or where  
28 no candidate's name appears upon the ballot.

29 (2) The elector shall indicate his or her choice of candidates

on 1 party ticket only and, after marking the ballot, the elector shall fold it for deposit ~~pursuant to~~ **under** the provisions of this act. A ballot on which more than 1 party ticket has been voted is void.

~~(3) This section is subject to section 736a.~~

Sec. 579. If an elector, after marking his or her ballot, exposes it to any ~~person~~ **individual** in a manner likely to reveal the name of any candidate for whom the elector voted, the board of election inspectors shall reject the ballot and the elector ~~shall forfeit~~ **forfeits** the right to vote at the primary. A note of the occurrence ~~shall~~ **must** be made upon the poll list opposite the name of the elector. ~~This section does not apply to an elector who exposes his or her ballot to a minor child accompanying that elector in the booth or voting compartment under section 736a.~~

Sec. 580. In counting the ballots, ~~after the closing of the polls,~~ only those candidates having crosses or check marks marked in the squares to the left of their names ~~shall be~~ **are** considered to have received votes, and any ballot upon which more votes have been recorded for candidates for any office than may, by law, be elected to that office ~~shall~~ **must** be rejected as to all names appearing on the ballot for that office only.

**Sec. 641a. (1) Beginning October 1, 2020, each regular and special election must be conducted by absent voter ballot only.**

**(2) Beginning 60 days before each regular election and special election conducted after October 1, 2020 in a city or township, the clerk of that city or township shall send to each registered elector in that city or township an absent voter ballot application for that election.**

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

~~pursuant to~~**under** section 652, the clerk of each city and township shall give notice of the time and ~~place at which~~**date** the election is to be held, the offices to be filled, and the proposals to be submitted to the voters. The notice ~~shall~~**must** be published in a newspaper published, or of general circulation, in the city or township. A caption or brief description of the proposal or proposals along with the location where an elector can obtain the full text of the proposal or proposals ~~shall~~**must** be included in the notice. The publication ~~shall~~**must** be made not less than 7 days before the election. The notice ~~shall~~**must** be in substantially the following form:

ELECTION NOTICE

To the qualified electors of the city or township  
\_\_\_\_\_ notice is hereby given that a

\_\_\_\_\_  
(indicate whether regular, special, or primary)  
election will be held in \_\_\_\_\_  
on \_\_\_\_\_ from 7 a.m. to 8 p.m. for the purpose of  
(date)  
nominating or electing candidates for the following offices:

\_\_\_\_\_  
(list of offices)  
and to vote on the following proposals:

\_\_\_\_\_  
(list all proposals to be submitted to voters)  
~~List of polling place locations:~~ \_\_\_\_\_.

\_\_\_\_\_  
(clerk)

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

1 of 1 or more townships or cities in the county or the clerks of 1  
 2 or more cities or townships in a county may enter into an agreement  
 3 to jointly publish the notice in subsection (1). The notice ~~shall~~  
 4 **must** be published in a newspaper of general circulation in the  
 5 cities and townships listed in the notice. If certain offices or  
 6 proposals are to be voted on in less than all of the precincts, the  
 7 notice ~~shall~~ **must** specify the townships or cities that shall vote  
 8 on only those offices or proposals.

9 Sec. 654. ~~The words "election precinct" as~~ **As** used in this  
 10 act, ~~shall mean~~ **"election precinct" means** a political subdivision,  
 11 the area of which is embraced in its entirety within the confines  
 12 of a city, ward, township, or village, and for which not more than  
 13 ~~1 polling place~~ **absent voter counting board** is provided for all  
 14 qualified and registered electors residing ~~therein. When in that~~  
 15 **area. If** not divided according to law into 2 or more election  
 16 precincts, each organized city, ward, township, and village shall  
 17 be an election precinct.

18 Sec. 659. (1) If a county, city, ward, township, village,  
 19 metropolitan district, or school district is divided into 2 or more  
 20 election precincts, the county, city, ward, township, or village  
 21 election commissioners may, by resolution, consolidate the election  
 22 precincts for ~~a particular~~ **any** election. ~~that is not a general~~  
 23 ~~November election, primary election immediately before a general~~  
 24 ~~November election, or other statewide or federal election.~~ In  
 25 making the determination to consolidate election precincts for a  
 26 particular election, the election commission shall take into  
 27 consideration the number of choices the voter must make, the  
 28 percentage of registered voters who voted at the last similar  
 29 election in the jurisdiction, and the intensity of the interest of



1 the electors in the jurisdiction concerning the candidates and  
 2 proposals to be voted upon. Consolidated precincts ~~shall~~**must** not  
 3 exceed 5,000 active registered electors.

4 (2) A consolidation under this section ~~shall~~**must** be made not  
 5 less than 60 days before a primary, general, or special election.

6 (3) ~~Unless the polling places for the election precincts to be~~  
 7 ~~consolidated are located in the same building, when~~**If** a county,  
 8 city, ward, township, or village consolidates election precincts  
 9 for a particular election under subsection (1), the election  
 10 commissioners or other designated election officials shall ~~do both~~  
 11 ~~of the following:~~

12 ~~(a) Provide~~**provide** notice to the registered electors of the  
 13 affected election precincts of the consolidation of election  
 14 precincts for the particular election. ~~and the location of the~~  
 15 ~~polling place for the election precinct or precincts for that~~  
 16 ~~election.~~ Notice may be provided by mail or other method designed  
 17 to provide actual notice to the registered electors.

18 ~~(b) Post a written notice at each election precinct polling~~  
 19 ~~place stating the location of the consolidated election precinct~~  
 20 ~~polling place.~~

21 (4) If a county, city, ward, township, or village consolidates  
 22 election precincts under this section, each affected election  
 23 precinct ~~shall~~**must** be treated as a whole unit and ~~shall~~**must** not  
 24 be divided during the consolidation.

25 Sec. 660. ~~When~~**If** a city, ward, township, or village is  
 26 subdivided into election precincts, or the election precincts are  
 27 altered or rearranged, the city, township, or village election  
 28 commission, or other officials charged with the performance of the  
 29 duty by the charter of the city or village, shall enter that action

1 of record in its proceedings, specify the numbers of the precincts  
 2 altered or rearranged in numerical order, and describe the  
 3 boundaries of each precinct. Notice of the subdivision, alteration,  
 4 or rearrangement ~~shall~~**must** be given immediately by the city,  
 5 township, or village clerk. The notification ~~shall~~**must** be effected  
 6 by mailing to each qualified and registered elector affected by the  
 7 subdivision, alteration, or rearrangement a notice by first class  
 8 letter postage advising **of** the ~~location of his new polling place~~  
 9 **subdivision, alteration, or rearrangement** and, if ~~deemed~~**considered**  
 10 advisable by the city, township, or village election commission, by  
 11 posting a public notice of the change in 2 places in each precinct  
 12 affected, ~~thereby,~~ advising the boundaries of each of the  
 13 precincts. A notice ~~shall~~**must** also be immediately transmitted to  
 14 the county clerk, and the county clerk shall transmit to the  
 15 secretary of state, not later than 200 days ~~prior to~~**before** the  
 16 primary next preceding the general November election, the number of  
 17 election precincts in ~~his~~**the** county. The city, township, or  
 18 village clerk shall give like notice of the abolition of the  
 19 division of a city, ward, township, or village into election  
 20 precincts, and shall, in the notice of abolition, state that the  
 21 city, ward, township, or village is restored as a single election  
 22 precinct. ~~and indicate the location of the polling place therein.~~  
 23 Notice of the abolition ~~shall~~**must** be immediately transmitted to  
 24 the county clerk, and by him **or her** to the secretary of state, as  
 25 in the case of the subdivision or alteration of boundaries as  
 26 ~~herein~~ provided **in this section.**

27       Sec. 662. (1) The legislative body in each city, village, and  
 28 township shall designate and prescribe the place or places of  
 29 holding an election for a city, village, or township election, and

1 shall provide a suitable ~~polling place~~**location** in or for each  
 2 precinct ~~located in the city, village, or township~~ for use **by an**  
 3 **absent voter counting board** at each election. Except as otherwise  
 4 provided in this section, school buildings, fire stations, police  
 5 stations, and other publicly owned or controlled buildings ~~shall~~  
 6 **must** be used as ~~polling places~~**.locations**. If it is not possible or  
 7 convenient to use a publicly owned or controlled building as a  
 8 ~~polling place, location~~, the legislative body of the city,  
 9 township, or village may use as a ~~polling place~~**location** a building  
 10 owned or controlled by an organization that is exempt from federal  
 11 income tax as provided by section 501(c), other than 501(c)(4),  
 12 (5), or (6), of the internal revenue code of 1986, ~~or any successor~~  
 13 ~~statute.~~**26 USC 501**. The legislative body of a city, township, or  
 14 village shall not designate as a ~~polling place~~**location** a building  
 15 that is owned by a person who is a sponsor of a political committee  
 16 or independent committee. A city, township, or village shall not  
 17 use as a ~~polling place~~**location** a building that does not meet the  
 18 requirements of this section. As used in this subsection, "sponsor  
 19 of a political committee or independent committee" means a person  
 20 who is described as being a sponsor under section 24(3) of the  
 21 Michigan campaign finance act, 1976 PA 388, MCL 169.224, and  
 22 includes a subsidiary of a corporation or a local of a labor  
 23 organization, if the corporation or labor organization is  
 24 considered a sponsor under section 24(3) of the Michigan campaign  
 25 finance act, 1976 PA 388, MCL 169.224.

26 (2) The legislative body in each city, village, and township  
 27 shall make arrangements for the rental or erection of suitable  
 28 buildings for use as ~~polling places~~**locations for absent voter**  
 29 **counting boards** if publicly owned or controlled buildings are not

1 available, and shall have the ~~polling places~~**locations** equipped  
 2 with the necessary facilities for lighting and with adequate  
 3 facilities for heat and ventilation. ~~The legislative body may~~  
 4 ~~establish a central polling place or places for 6 precincts or less~~  
 5 ~~if it is possible and convenient for the electors to vote at the~~  
 6 ~~central polling place. The legislative body may abolish other~~  
 7 ~~polling places not required as a result of the establishment of a~~  
 8 ~~central polling place.~~

9 (3) ~~The legislative body of a city, village, or township may~~  
 10 ~~establish a polling place at a for profit or nonprofit residence or~~  
 11 ~~facility in which 150 persons or more aged 62 or older reside or at~~  
 12 ~~an apartment building or complex in which 150 persons or more~~  
 13 ~~reside. A township board may provide polling places located~~  
 14 **locations** within the limits of a city that has been incorporated  
 15 from territory formerly a part of the township. ~~, and the electors~~  
 16 ~~of the township may cast their ballots at those polling places. If~~  
 17 2 contiguous townships utilize a combined township hall or other  
 18 publicly owned or controlled building within 1 of the township's  
 19 boundaries and outside of the other township's boundaries, and  
 20 there is not another publicly owned or controlled building or a  
 21 building owned or controlled by an organization that is exempt from  
 22 federal income tax, as provided by section 501(c), other than  
 23 501(c)(4), (5), or (6), of the internal revenue code of 1986, **26**  
 24 **USC 501**, available or suitable for a ~~polling place~~**location** within  
 25 the other township, then each township board may provide a ~~polling~~  
 26 ~~place~~**location** in that publicly owned building for 1 or more  
 27 election precinct.

28 (4) The legislative body of a city, village, or township shall  
 29 not establish, move, or abolish a ~~polling place~~**location** less than

60 days before an election unless necessary because a ~~polling place~~  
**location** has been damaged, destroyed, or rendered inaccessible or  
 unusable as a ~~polling place~~.**location.**

~~(5) The legislative body of a city, village, or township shall  
 ensure that a polling place established under this section is  
 accessible and complies with the voting accessibility for the  
 elderly and handicapped act and the help America vote act of 2002.~~

~~(6) As used in this section, "accessible" means the removal or  
 modification of policies, practices, and procedures that deny an  
 individual with a disability the opportunity to vote, including the  
 removal of physical barriers as identified in section 261(b) of the  
 help America vote act of 2002, 42 USC 15421, so as to ensure  
 individuals with disabilities the opportunity to participate in  
 elections in this state.~~

Sec. 668. Before ~~the polls open,~~ **7 a.m. on election day**, the  
 city, township, or village clerk shall deliver to the board of  
 election inspectors of each **election** precinct the voter  
 registration list, the forms for poll lists and returns, and any  
 other supplies necessary. ~~to conduct the election.~~

Sec. 669. For a federal, state, district, or county primary or  
 election, a city or township board of election commissioners shall  
 provide **for each election precinct**, at the expense of the  
 respective city or township, ~~each of the following:~~

~~(a) For each election precinct,~~ a ballot container approved  
 under section 24j to be utilized in the precinct.

~~(b) For each polling place, a United States flag and any  
 additional items needed to display the flag. The flag must measure  
 not less than 3 feet wide and 5 feet long. The election inspectors  
 shall ensure that the flag is displayed at or in each polling place~~

~~during an election.~~

Sec. 672. At every election, there ~~shall~~**must** be a board of at least 3 inspectors of election, constituted as in this chapter, ~~provided,~~ in and for each election precinct. Not less than a majority of the inspectors ~~shall~~**must** be present in the precinct. ~~polling place during the time the polls are open.~~

Sec. 678. Each board of election inspectors ~~shall possess~~**possesses** full authority to maintain peace, regularity, and order, ~~at its polling place,~~ and to enforce obedience to their lawful commands during any primary or election and during the canvass of the votes. ~~after the poll is closed.~~

Sec. 679. (1) The legislative body of a city or township, by resolution, may provide that for an election in a precinct of the city or township, there ~~shall be~~**is** an additional board of election inspectors, known as the counting board. The counting board must consist of 3 or more election inspectors. Sections 673a and 674 apply to the appointment of election inspectors to counting boards under this section. The counting board shall count the ballots cast in the precinct at an election and make a statement of returns of that count. The provisions of this chapter relative to the appointment, qualifications, privileges, powers, duties, and oaths of office of election inspectors apply to the members of a counting board, to the extent that they apply to the counting of the votes cast at and the making of the statement of returns of an election.

(2) In a precinct for which a counting board has been provided, ~~the duties of the election inspectors who have conducted the election during the day cease on the closing of the polls and, upon the closing of the polls,~~ the counting board assumes charge and control of the ~~place of voting, the~~ ballot boxes, the ballots,

1 and all other equipment of the ~~polling place~~ **precinct location** and  
 2 shall proceed with the counting of votes. ~~The counting board shall~~  
 3 ~~perform all duties required by this act to be performed after the~~  
 4 ~~closing of the polls at an election by the board of election~~  
 5 ~~inspectors in a precinct that does not have a counting board, as~~  
 6 ~~provided in this section.~~

7 (3) Section 662 applies to the designation and prescribing of  
 8 the place or places in which the counting board performs its duties  
 9 under this section.

10 Sec. 715. It ~~shall be~~ **is** the duty of county, city, and  
 11 township clerks to keep safeguarded all official ballots for absent  
 12 voters' use. The ~~said township or city clerk shall have~~ **has** the  
 13 right to open the package or packages of absent voter ballots  
 14 received ~~by him~~ for any precinct in ~~his~~ **the** township or city,  
 15 provided ~~he shall receive application~~ **the clerk receives**  
 16 **applications** for absent voter ballots from any qualified elector of  
 17 ~~such the precinct. , but not otherwise. He~~ **The clerk shall in no**  
 18 ~~case not~~ open any of the other packages of official ballots, but  
 19 shall keep them intact in some safe and secure place, and shall  
 20 deliver them and other election supplies, together with the absent  
 21 voter ballots remaining in his possession, to the ~~chairman~~  
 22 **chairperson** or some member of the board of inspectors of election  
 23 of the proper precinct or precincts of his township or city ~~, as~~  
 24 ~~the case may be, before 7 o'clock in the forenoon~~ **a.m.** of the day  
 25 of election. On delivery of ~~said the~~ ballots to the ~~chairman~~  
 26 **chairperson** or some other member of the board of election, ~~said the~~  
 27 clerk shall take a receipt ~~therefor, which receipt that~~ **he or she**  
 28 shall file in his **or her** office.

29 Sec. 720. On the day of any election, ~~the polls shall be~~

1 ~~opened at 7 o'clock in the forenoon, and shall be continuously open~~  
 2 ~~until 8 o'clock in the afternoon and no longer. Every~~ **every**  
 3 ~~qualified elector present and in line at the polls at the hour~~  
 4 ~~prescribed for the closing thereof shall be~~ **is** ~~allowed to vote~~  
 5 **until 8 p.m.**

6 Sec. 721. Unless otherwise specified, the hours for ~~the~~  
 7 ~~opening and closing of polls and for the conducting of elections~~  
 8 ~~shall be~~ **are** ~~governed by eastern standard time. : Provided,~~  
 9 ~~however, That~~ **However,** in the counties where central standard time  
 10 is the observed time of any ~~such~~ county, the ~~opening and closing of~~  
 11 ~~the polls and the conducting of elections may be governed by~~  
 12 central standard time, upon resolution to ~~such~~ **that** effect adopted  
 13 by the county board of ~~supervisors~~ **commissioners**.

14 Sec. 723. Before ~~opening the polls,~~ **7 a.m. on election day,**  
 15 each ballot box to be used at the election ~~shall~~ **must** be examined  
 16 by the board of inspectors of election and the contents, if any,  
 17 removed ~~therefrom, it shall~~ **from the ballot box. The ballot box**  
 18 **must** then be locked, and the key ~~thereof~~ **for the ballot box**  
 19 delivered to 1 of the inspectors, to be designated by the board.  
 20 The ~~said~~ **ballot** box ~~shall~~ **must** not be opened during the election.

21 Sec. 727. (1) An election inspector shall challenge **the ballot**  
 22 **of** ~~an applicant applying for a ballot~~ **elector** if the inspector  
 23 knows or has good reason to suspect that the ~~applicant~~ **elector** is  
 24 not a qualified and registered elector of the precinct, or if a  
 25 challenge appears in connection with the ~~applicant's~~ **elector's** name  
 26 in the registration book. A registered elector of the precinct  
 27 ~~present in the polling place may~~ challenge the right of anyone  
 28 attempting to vote if the elector knows or has good reason to  
 29 suspect that individual is not a registered elector in that



1 precinct. An election inspector or other qualified challenger may  
2 challenge the right of an individual attempting to vote who has  
3 previously applied for an absent voter ballot and who on election  
4 day is claiming to have never received the absent voter ballot or  
5 to have lost or destroyed the absent voter ballot.

6 (2) Upon a challenge being made under subsection (1), an  
7 election inspector shall immediately do all of the following:

8 (a) Identify as provided in ~~sections~~**section** 745 and ~~746~~<sup>a</sup>  
9 ballot voted by the challenged individual, if any.

10 (b) Make a written report including all of the following  
11 information:

12 (i) All election disparities or infractions complained of or  
13 believed to have occurred.

14 (ii) The name of the individual making the challenge.

15 (iii) The time of the challenge.

16 (iv) The name, telephone number, and address of the challenged  
17 individual.

18 (v) Other information considered appropriate by the election  
19 inspector.

20 (c) Retain the written report created under subdivision (b)  
21 and make it a part of the election record.

22 (d) Inform a challenged elector of his or her rights. ~~under~~  
23 ~~section 729.~~

24 (3) A challenger shall not make a challenge indiscriminately  
25 and without good cause. A challenger shall not handle the poll  
26 books while observing election procedures or the ballots during the  
27 counting of the ballots. A challenger shall not interfere with or  
28 unduly delay the work of the election inspectors. An individual who  
29 challenges a qualified and registered elector of a voting precinct

1 for the purpose of annoying or delaying voters is guilty of a  
2 misdemeanor.

3 Sec. 731. (1) Not less than 20 and not more than 30 days  
4 before an election, an incorporated organization or organized  
5 committee of interested citizens other than political party  
6 committees authorized by this act intending to appoint challengers  
7 at the election shall file with the clerk of the county, city,  
8 village, or township in which the election is to be held, a  
9 statement setting forth the intention of the organization or  
10 committee to appoint challengers. The statement ~~shall~~**must** set  
11 forth the reason why the organization or committee claims the right  
12 to appoint challengers, with a facsimile of the card to be used,  
13 and ~~shall~~**must** be signed and sworn to by the chief presiding  
14 officer, the secretary, or some other officer of the organization  
15 or committee. The clerk or secretary of state, as applicable under  
16 subsection (2), may deny an organization or committee the  
17 authorization to appoint challengers if that organization or  
18 committee fails to furnish evidence satisfactory to the clerk or  
19 secretary of state that the organization or committee is devoted to  
20 the purposes enumerated in section 730.

21 (2) Not later than 2 business days after receipt of a  
22 statement of intent to appoint challengers under subsection (1), a  
23 clerk shall approve or deny the organization's or committee's  
24 authorization to appoint challengers and notify the organization or  
25 committee of that approval or denial. If authorization is denied  
26 under this subsection, an organization or committee may appeal the  
27 denial with the secretary of state not later than 2 business days  
28 after receipt of the denial. Not later than 2 business days after  
29 receipt of an appeal of a denial under this subsection, the

1 secretary of state shall review the clerk's denial and approve or  
 2 deny the organization's or committee's authorization to appoint  
 3 challengers and notify the organization or committee and the clerk  
 4 of that decision.

5 (3) Before ~~the opening of the polls,~~ **7 a.m. on election day,**  
 6 the clerk shall certify in writing to the board of election  
 7 inspectors in a county, city, village, or township in which the  
 8 election will be conducted the names of organizations and  
 9 committees that are authorized under this section to appoint and  
 10 keep challengers ~~at the polling places~~ in the county, city,  
 11 village, or township.

12 (4) A person who files a statement under this section on  
 13 behalf of an organization or committee that is not authorized by  
 14 this act to appoint challengers or a clerk who knowingly fails to  
 15 perform the duties required by this section is guilty of a felony ~~7~~  
 16 punishable by a fine of not more than \$1,000.00 ~~7~~ or by  
 17 imprisonment for not more than 2 years, or both.

18 Sec. 733. (1) The board of election inspectors shall provide  
 19 space for the challengers within the polling place that enables the  
 20 challengers to observe the election procedure and each person  
 21 applying to vote. A challenger may do 1 or more of the following:

22 (a) Under the scrutiny of an election inspector, inspect  
 23 without handling the poll books. ~~as ballots are issued to electors~~  
 24 ~~and the electors' names being entered in the poll book.~~

25 (b) Observe the manner in which the duties of the election  
 26 inspectors are being performed.

27 (c) Challenge the voting rights of ~~a person~~ **an individual** who  
 28 the challenger has good reason to believe is not a registered  
 29 elector.

1 (d) Challenge an election procedure that is not being properly  
2 performed.

3 (e) Bring to an election inspector's attention any of the  
4 following:

5 (i) Improper handling of a ballot by an ~~elector or~~ election  
6 inspector.

7 ~~(ii) A violation of a regulation made by the board of election~~  
8 ~~inspectors pursuant to section 742.~~

9 ~~(iii) Campaigning being performed by an election inspector or~~  
10 ~~other person in violation of section 744.~~

11 ~~(iv)~~ (ii) A violation of election law or other prescribed  
12 election procedure.

13 (f) Remain during the canvass of votes and until the statement  
14 of returns is duly signed and made.

15 (g) Examine without handling each ballot as it is being  
16 counted.

17 (h) Keep records of votes cast and other election procedures  
18 as the challenger desires.

19 (i) Observe the recording of absent voter ballots on voting  
20 machines.

21 (2) The board of election inspectors shall provide space for  
22 each challenger, if any, at each counting board that enables the  
23 challengers to observe the counting of the ballots. A challenger at  
24 the counting board may do 1 or more of the activities allowed in  
25 subsection (1), as applicable.

26 (3) Any evidence of drinking of alcoholic beverages or  
27 disorderly conduct is sufficient cause for the expulsion of a  
28 challenger from the ~~polling place or the~~ counting board. The  
29 election inspectors and other election officials on duty shall

1 protect a challenger in the discharge of his or her duties.

2 (4) ~~A person~~ **An individual** shall not threaten or intimidate a  
 3 challenger while performing an activity allowed under subsection  
 4 (1). ~~A challenger shall not threaten or intimidate an elector while~~  
 5 ~~the elector is entering the polling place, applying to vote,~~  
 6 ~~entering the voting compartment, voting, or leaving the polling~~  
 7 ~~place.~~

8 Sec. 736b. ~~Each ballot secrecy sleeve used at a primary~~  
 9 ~~election must either contain the following ballot marking~~  
 10 ~~instructions printed on the front of the ballot secrecy sleeve or~~  
 11 ~~must have a clear plastic pocket on the front of the ballot secrecy~~  
 12 ~~sleeve that contains a printed copy of the~~ **The** following ballot  
 13 marking instructions **must be used at a primary election:**

14 **PRIMARY ELECTION**

15 **TO VOTE:** Completely darken the oval opposite each choice as shown:  
 16 [insert graphic here].

17 -- OR --

18 **TO VOTE:** Completely darken the box opposite each choice as shown:  
 19 [insert graphic here].

20 **IMPORTANT:** To mark your ballot, use only a black or blue ink pen.

21 **DO NOT USE ANY OTHER INK COLOR!**

22 **PARTISAN SECTION:** There may be multiple party sections on the  
 23 ballot. Select the party section of your choice. **YOU MAY VOTE IN ONE**  
 24 **PARTY SECTION ONLY; YOU CANNOT "SPLIT YOUR TICKET." IF YOU VOTE IN**  
 25 **MORE THAN ONE PARTY SECTION, YOUR PARTISAN BALLOT WILL BE REJECTED.**  
 26 **DO NOT** vote for more candidates than indicated under each office  
 27 title.

**WRITE-IN CANDIDATES:** To vote for a candidate whose name is not printed on the ballot, write or place the name of that candidate in the blank space provided and completely darken the voting target area. Do not cast a write-in vote for a candidate whose name is already printed on the ballot for that office.

**CHECK BOTH SIDES OF BALLOT:** This ballot has two sides. Be certain to check the reverse side of the ballot.

~~**WHEN YOU HAVE COMPLETED VOTING:** Place the ballot in the secrecy sleeve so that votes cannot be seen and the numbered stub is visible. Return the ballot to the election official stationed at the tabulator. (If voting by absentee ballot, follow the instructions provided by the clerk for returning the ballot.)~~

~~**NOTE:** If you make a mistake, return your ballot to the election official and obtain a new ballot. Do not attempt to erase or correct any marks made in error.~~

~~Sec. 736c. Each ballot secrecy sleeve used at a general election must either contain the following ballot marking instructions printed on the front of the ballot secrecy sleeve or must have a clear plastic pocket on the front of the ballot secrecy sleeve that contains a printed copy of the~~ **The** following ballot marking instructions **must be used at a general election:**

#### **GENERAL ELECTION**

**TO VOTE:** Completely darken the oval opposite each choice as shown:  
[insert graphic here].

**-- OR --**

**TO VOTE:** Completely darken the box opposite each choice as shown:  
[insert graphic here].

**IMPORTANT:** To mark your ballot, use only a black or blue ink pen.  
**DO NOT USE ANY OTHER INK COLOR!**

1   **PARTISAN SECTION:** To vote the partisan section of the ballot, you  
2   may cast a "mixed ticket."

3   **Mixed Ticket:** Vote for the individual candidates of your choice in  
4   each office.

5   **NONPARTISAN** and **PROPOSAL SECTIONS** of the ballot (if any) must be  
6   voted separately.

7   **DO NOT** vote for more candidates than indicated under each office  
8   title.

9   **WRITE-IN CANDIDATES:** To vote for a candidate whose name is not  
10   printed on the ballot, write or place the name of that candidate in  
11   the blank space provided and completely darken the voting target  
12   area. Do not cast a write-in vote for a candidate whose name is  
13   already printed on the ballot for that office.

14   **CHECK BOTH SIDES OF BALLOT:** This ballot has two sides. Be certain  
15   to check the reverse side of the ballot.

16   ~~**WHEN YOU HAVE COMPLETED VOTING:** Place the ballot in the secrecy~~  
17   ~~sleeve so that votes cannot be seen and the numbered stub is~~  
18   ~~visible. Return the ballot to the election official stationed at~~  
19   ~~the tabulator. (If voting by absentee ballot, follow the~~  
20   ~~instructions provided by the clerk for returning the ballot.)~~

21   ~~**NOTE:** If you make a mistake, return your ballot to the election~~  
22   ~~official and obtain a new ballot. Do not attempt to erase or~~  
23   ~~correct any marks made in error.~~

24       Sec. 736d. ~~Each ballot secrecy sleeve used at a nonpartisan~~  
25   ~~election must either contain the following ballot marking~~  
26   ~~instructions printed on the front of the ballot secrecy sleeve or~~  
27   ~~must have a clear plastic pocket on the front of the ballot secrecy~~  
28   ~~sleeve that contains a printed copy of the~~ **The** following ballot  
29   marking instructions **must be used at a nonpartisan election:**

**NONPARTISAN ELECTION**

**TO VOTE:** Completely darken the oval opposite each choice as shown:  
[insert graphic here].

**-- OR --**

**TO VOTE:** Completely darken the box opposite each choice as shown:  
[insert graphic here].

**IMPORTANT:** To mark your ballot, use only a black or blue ink pen.

**DO NOT USE ANY OTHER INK COLOR!**

**DO NOT** vote for more candidates than indicated under each office title.

**WRITE-IN CANDIDATES:** To vote for a candidate whose name is not printed on the ballot, write or place the name of that candidate in the blank space provided and completely darken the voting target area. Do not cast a write-in vote for a candidate whose name is already printed on the ballot for that office.

**CHECK BOTH SIDES OF BALLOT:** This ballot has two sides. Be certain to check the reverse side of the ballot.

~~**WHEN YOU HAVE COMPLETED VOTING:** Place the ballot in the secrecy sleeve so that votes cannot be seen and the numbered stub is visible. Return the ballot to the election official stationed at the tabulator. (If voting by absentee ballot, follow the instructions provided by the clerk for returning the ballot.)~~

~~**NOTE:** If you make a mistake, return your ballot to the election official and obtain a new ballot. Do not attempt to erase or correct any marks made in error.~~

~~Sec. 736e. Each ballot secrecy sleeve used at a special election must either contain the following ballot marking instructions printed on the front of the ballot secrecy sleeve or must have a clear plastic pocket on the front of the ballot secrecy~~



~~sleeve that contains a printed copy of the~~ **The** following ballot marking instructions **must be used at a special election:**

**SPECIAL ELECTION**

**TO VOTE:** Completely darken the oval opposite each choice as shown:  
[insert graphic here].

-- OR --

**TO VOTE:** Completely darken the box opposite each choice as shown:  
[insert graphic here].

**IMPORTANT:** To mark your ballot, use only a black or blue ink pen.

**DO NOT USE ANY OTHER INK COLOR!**

**CHECK BOTH SIDES OF BALLOT:** This ballot has two sides. Be certain to check the reverse side of the ballot.

~~**WHEN YOU HAVE COMPLETED VOTING:** Place the ballot in the secrecy sleeve so that votes cannot be seen and the numbered stub is visible. Return the ballot to the election official stationed at the tabulator. (If voting by absentee ballot, follow the instructions provided by the clerk for returning the ballot.)~~

~~**NOTE:** If you make a mistake, return your ballot to the election official and obtain a new ballot. Do not attempt to erase or correct any marks made in error.~~

Sec. 737a. (1) Except as otherwise provided in this section, the board of election inspectors shall not count a write-in vote for ~~a person~~ **an individual** unless that ~~person~~ **individual** has filed a declaration of intent to be a write-in candidate as provided in this section. The write-in candidate shall file the declaration of intent to be a write-in candidate with the filing official for that elective office on or before 4 p.m. on the second Friday immediately before the election. The secretary of state, immediately after the 4 p.m. filing deadline under this subsection,

1 shall prepare and have delivered a list of all ~~persons~~**individuals**  
2 who have filed a declaration of intent to be a write-in candidate  
3 under this subsection, if any, to the appropriate county clerks. A  
4 filing official other than the secretary of state who receives a  
5 declaration of intent to be a write-in candidate or list of ~~persons~~  
6 **individuals** who filed a declaration of intent from another filing  
7 official under this subsection shall prepare and have delivered a  
8 list of all ~~persons~~**individuals** who have filed a declaration of  
9 intent to be a write-in candidate to the board of election  
10 inspectors in the appropriate precincts before ~~the close of the~~  
11 ~~polls~~**8 p.m.** on election day.

12 (2) If a candidate whose name is printed on the official  
13 ballot for the election dies or is otherwise disqualified after 4  
14 p.m. on the second Friday immediately before the election, the  
15 requirement of filing a declaration of intent to be a write-in  
16 candidate under subsection (1) does not apply to a write-in  
17 candidate. If a death or disqualification has occurred as described  
18 in this subsection, the board of election inspectors shall count  
19 all write-in votes for write-in candidates for the office sought by  
20 the deceased or disqualified candidate.

21 (3) Subsections (1) and (2) do not apply to a write-in  
22 candidate for precinct delegate. The board of election inspectors  
23 shall not count a write-in vote for a write-in candidate for  
24 precinct delegate unless that candidate has filed a declaration of  
25 intent to be a write-in candidate as provided in this subsection. A  
26 write-in candidate for precinct delegate shall file a declaration  
27 of intent to be a write-in candidate with the county clerk of the  
28 county in which that precinct is located on or before 4 p.m. on the  
29 Friday immediately before the election or with the board of

1 election inspectors in the appropriate precinct before ~~the close of~~  
 2 ~~the polls~~ **8 p.m.** on election day. A county clerk who receives a  
 3 declaration of intent to be a write-in candidate from a write-in  
 4 candidate for precinct delegate under this subsection shall prepare  
 5 and have delivered a list of all ~~persons~~ **individuals** who have filed  
 6 a declaration of intent to be a write-in candidate to the city and  
 7 township clerks for the appropriate precincts before election day.  
 8 A city or township clerk shall deliver a list of all ~~persons~~  
 9 **individuals** who have filed a declaration of intent to be a write-in  
 10 candidate for precinct delegate to the board of election inspectors  
 11 in the appropriate precincts before ~~the close of the polls~~ **8 p.m.**  
 12 on election day.

13 (4) The secretary of state shall prescribe forms for the  
 14 declaration of intent to be a write-in candidate. Clerks shall  
 15 maintain a supply of declaration of intent to be a write-in  
 16 candidate forms in the clerk's office. ~~and make the forms available~~  
 17 ~~in the polling places during the August primary for this purpose.~~  
 18 The declaration of intent to be a write-in candidate form must  
 19 include all of the following information:

20 (a) The name of the ~~person~~ **individual** intending to be a write-  
 21 in candidate.

22 (b) The elective office that the ~~person~~ **individual** seeks as a  
 23 write-in candidate.

24 (c) The residence address of the ~~person~~ **individual** seeking  
 25 elective office as a write-in candidate.

26 (d) Other information the secretary of state considers  
 27 appropriate.

28 Sec. 741. The ~~board of inspectors of election~~ **clerks** shall  
 29 preserve the unused ballots, together with the ballots that have

1 been spoiled by the electors and in place of which other ballots  
 2 have been issued. ~~, and return them to the city or township clerk,~~  
 3 ~~or other officer provided by a city charter, with a statement of~~  
 4 ~~the number of ballots voted, and the clerk shall give to the~~  
 5 ~~election inspectors a receipt that must be filed with the~~  
 6 ~~chairperson of the board.~~

7 Sec. 751. ~~When~~ **If** at an election an elector ~~shall state~~ **states**  
 8 that the elector cannot mark his or her ballot, the elector shall  
 9 be assisted in the marking of his or her ballot by ~~2 inspectors of~~  
 10 ~~election.~~ **the clerk of the city or township in which that elector**  
 11 **resides.** If an elector is so disabled on account of blindness, the  
 12 elector may be assisted in the marking of his or her ballot by a  
 13 member of his or her immediate family or by a ~~person~~ **an individual**  
 14 over 18 years of age designated by the **individual who is** blind.  
 15 ~~person.~~

16 Sec. 754. The ~~inspectors~~ **clerk** upon whom ~~shall fall~~ **falls** the  
 17 duty of assisting a voter shall render ~~such~~ **the** assistance inside  
 18 the ~~voting booth~~ **clerk's office** by showing him **or her** how to mark  
 19 his **or her** ballot in order to vote as ~~he desires,~~ **desired,** or the  
 20 ~~inspector~~ **clerk** shall himself **or herself** mark the ballot as  
 21 directed by the voter, but ~~no~~ **a** ballot ~~shall~~ **must not** be marked by  
 22 the ~~inspector~~ **clerk** from any written or printed list or slip  
 23 furnished him **or her** by the voter or any other ~~person.~~ **individual.**  
 24 The ~~inspector~~ **clerk** shall not suggest to the voter how he **or she**  
 25 should vote, or in any manner attempt to influence him **or her** as to  
 26 the marking of ~~his~~ **the** ballot, nor allow any other ~~person~~ **so**  
 27 **individual** to do ~~÷ Provided, That the~~ **so. The** duties and  
 28 restrictions with respect to ~~inspectors~~ **clerks** as provided for in  
 29 this section ~~shall~~ apply to and govern any ~~person~~ **individual**

1 assisting the voter in the marking of his **or her** ballot, in  
 2 accordance with the authorization in section 751. ~~of this act.~~

3 Sec. 755a. (1) If an elector is unable to write, or sign his  
 4 or her name on an election document because of a physical  
 5 disability, the elector may execute the election document where a  
 6 signature is required either by making his or her mark or by using  
 7 a signature stamp.

8 (2) As used in this section, "election document" includes, but  
 9 is not limited to, any of the following:

10 ~~(a) A voter application as described in section 523.~~

11 **(a)** ~~(b)~~ An absent voter ballot application as described in  
 12 section 759 or 759a.

13 **(b)** ~~(c)~~ An emergency absent voter ballot application as  
 14 described in section 759b.

15 **(c)** ~~(d)~~ An absent voter ballot return envelope as described in  
 16 section 761.

17 Sec. 757. ~~Any inspector~~ **A clerk** who ~~shall wilfully assist~~  
 18 **willfully assists** any elector in any manner contrary to the  
 19 provisions contained in this ~~section, shall, act is,~~ upon  
 20 conviction, ~~be~~ guilty of a felony.

21 Sec. 759a. (1) An absent uniformed services voter or an  
 22 overseas voter who is not registered, but possessed the  
 23 qualifications of an elector under section 492, may apply for  
 24 registration by using the federal postcard application. The  
 25 department of state, bureau of elections, is responsible for  
 26 disseminating information on the procedures for registering and  
 27 voting to an absent uniformed services voter and an overseas voter.

28 (2) Upon the request of an absent uniformed services voter or  
 29 an overseas voter, the clerk of a county, city, township, or

1 village shall electronically transmit a blank voter registration  
2 application or blank absent voter ballot application to the voter.  
3 The clerk of a county, city, township, or village shall accept a  
4 completed voter registration application or completed absent voter  
5 ballot application electronically transmitted by an absent  
6 uniformed services voter or overseas voter. A voter registration  
7 application or absent voter ballot application submitted by an  
8 absent uniformed services voter or overseas voter ~~shall~~**must**  
9 contain the signature of the voter.

10 (3) A spouse or dependent of an overseas voter who is a  
11 citizen of the United States, is accompanying that overseas voter,  
12 and is not a qualified and registered elector anywhere else in the  
13 United States, may apply for an absent voter ballot even though the  
14 spouse or dependent is not a qualified elector of a city or  
15 township of this state.

16 (4) An absent uniformed services voter or an overseas voter,  
17 whether or not registered to vote, may apply for an absent voter  
18 ballot. Upon receipt of an application for an absent voter ballot  
19 under this section that complies with this act, a county, city,  
20 village, or township clerk shall forward to the applicant the  
21 absent voter ballots requested, the forms necessary for  
22 registration, and instructions for completing the forms. If the  
23 ballots are not yet available at the time of receipt of the  
24 application, the clerk shall immediately forward to the applicant  
25 the registration forms and instructions, and forward the ballots as  
26 soon as they are available. If a federal postcard application or an  
27 application from the official United States ~~department~~**Department**  
28 of ~~defense~~**Defense** website is filed, the clerk shall accept the  
29 federal postcard application or the application from the official

1 United States ~~department~~**Department** of ~~defense~~**Defense** website as  
2 the registration application and shall not send any additional  
3 registration forms to the applicant. If the ballots and  
4 registration forms are received before ~~the close of the polls~~**8**  
5 **p.m.** on election day and if the registration complies with the  
6 requirements of this act, the absent voter ballots ~~shall~~**must** be  
7 delivered to the proper election board to be tabulated. If the  
8 registration does not comply with the requirements of this act, the  
9 clerk shall retain the absent voter ballots until the expiration of  
10 the time that the voted ballots must be kept and shall then destroy  
11 the ballots without opening the envelope. The clerk may retain  
12 registration forms completed under this section in a separate file.  
13 The address in this state shown on a registration form is the  
14 residence of the registrant.

15 (5) Not later than 45 days before an election, a county, city,  
16 township, or village clerk shall electronically transmit or mail as  
17 appropriate an absent voter ballot to each absent uniformed  
18 services voter or overseas voter who applied for an absent voter  
19 ballot 45 days or more before the election.

20 (6) Upon the request of an absent uniformed services voter or  
21 overseas voter, the clerk of a county, city, township, or village  
22 shall electronically transmit an absent voter ballot to the voter.  
23 The voter shall print the absent voter ballot and return the voted  
24 ballot by mail to the appropriate clerk.

25 (7) The secretary of state shall prescribe electronic absent  
26 voter ballot formats and electronic absent voter ballot  
27 transmission methods. Each county, city, township, or village clerk  
28 shall employ the prescribed electronic ballot formats to fulfill an  
29 absent voter ballot request received from an absent uniformed

1 services voter or overseas voter who wishes to receive his or her  
2 absent voter ballot through an electronic transmission. The  
3 secretary of state shall establish procedures to implement the  
4 requirements in this section and for the processing of a marked  
5 absent voter ballot returned by an absent uniformed services voter  
6 or overseas voter who obtained his or her absent voter ballot  
7 through an electronic transmission.

8 (8) The secretary of state shall modify the printed statement  
9 provided under section 761(4) and the absent voter ballot  
10 instructions provided under section 764a as appropriate to  
11 accommodate the procedures developed for electronically  
12 transmitting an absent voter ballot to an absent uniformed services  
13 voter or overseas voter. A statement ~~shall~~**must** be included in the  
14 certificate signed by the absent voter who obtained his or her  
15 absent voter ballot through an electronic transmission that the  
16 secrecy of the absent voter ballot may be compromised during the  
17 duplication process. The absent voter ballot instructions provided  
18 to an absent uniformed services voter or overseas voter ~~shall~~**must**  
19 include the proper procedures for returning the absent voter ballot  
20 to the appropriate clerk.

21 (9) The size of a precinct ~~shall~~**must** not be determined by  
22 registration forms completed under this section.

23 (10) An absent uniformed services voter or an overseas voter  
24 who submits an absent voter ballot application is eligible to vote  
25 as an absent voter in any local, state, or federal election  
26 occurring in the calendar year in which the election is held for  
27 that ballot requested if the absent voter ballot application is  
28 received by the county, city, village, or township clerk not later  
29 than 2 p.m. of the Saturday before the election. A county, city, or



1 township clerk receiving an absent voter ballot application from an  
2 absent uniformed services voter or overseas voter shall transmit to  
3 a village clerk and the school district election coordinators,  
4 where applicable, the necessary information to enable the village  
5 clerk and school district election coordinators to forward an  
6 absent voter ballot for each applicable election in that calendar  
7 year to the absent voter. A village clerk receiving an absent voter  
8 ballot application from an absent uniformed services voter or  
9 overseas voter shall transmit to the township clerk and the school  
10 district election coordinators, where applicable, the necessary  
11 information to enable the city or township clerk and school  
12 district election coordinators to forward an absent voter ballot  
13 for each applicable election in that calendar year to the absent  
14 voter. If the local elections official rejects a voter registration  
15 application or absent voter ballot application submitted by an  
16 absent uniformed services voter or overseas voter, the election  
17 official shall notify the voter of the rejection.

18 (11) An electronic mail address provided by an absent  
19 uniformed services voter or overseas voter for the purposes of this  
20 section is confidential and exempt from disclosure under the  
21 freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

22 (12) Under the uniformed and overseas citizens absentee voting  
23 act, the state director of elections shall approve a ballot form  
24 and registration procedures for absent uniformed services voters  
25 and overseas voters.

26 (13) An absent uniformed services voter or an overseas voter  
27 may use the federal write-in absentee ballot, in accordance with  
28 the provisions of the uniformed and overseas citizens absentee  
29 voting act, at a regular election or special election to vote for a

1 local, state, or federal office or on a ballot question. An absent  
2 uniformed services voter or an overseas voter who uses the federal  
3 write-in absentee ballot shall return his or her voted federal  
4 write-in absentee ballot by mail to the appropriate clerk. The  
5 state bureau of elections shall do both of the following:

6 (a) Make the ballot format for each election available to  
7 absent uniformed services voters and overseas voters by electronic  
8 mail or on an internet website maintained by the department of  
9 state.

10 (b) Make the ballot information, including the offices, names  
11 of candidates, and ballot proposals, for each election available to  
12 absent uniformed services voters and overseas voters on an internet  
13 website maintained by the department of state.

14 (14) The clerk of a city, village, or township shall submit to  
15 the county clerk of the county in which that city, village, or  
16 township is located a written statement no later than 45 days  
17 before each election indicating whether absent voter ballots were  
18 issued to absent uniformed services voters or overseas voters in  
19 compliance with this section and the uniformed and overseas  
20 citizens absentee voting act. The city, village, or township clerk  
21 shall provide to the county clerk a written explanation describing  
22 remedial actions taken by the city, village, or township clerk if  
23 the city, village, or township clerk fails to comply with this  
24 section and the uniformed and overseas citizens absentee voting  
25 act. Not later than 42 days before each election, each county clerk  
26 shall submit to the state bureau of elections a written report  
27 compiled from the written statements submitted by the city,  
28 village, and township clerks. The written report ~~shall~~**must**  
29 identify the cities, villages, and townships that complied with the

1 45-day deadline under this subsection, the cities, villages, and  
2 townships that did not comply with the 45-day deadline under this  
3 subsection, but provided a written explanation, and those cities,  
4 villages, and townships that did not comply with the 45-day  
5 deadline under this subsection and that did not provide a written  
6 explanation. The state bureau of elections may require the clerk of  
7 a city, village, or township that did not comply with the 45-day  
8 deadline under this subsection, but provided a written explanation,  
9 to provide additional information. The state bureau of elections  
10 shall require the clerk of a city, village, or township that did  
11 not comply with the 45-day deadline and that did not provide a  
12 written explanation to file a written explanation, describing the  
13 remedial actions taken by the city, village, or township clerk,  
14 within 1 business day after the state bureau of elections notifies  
15 the clerk of that city, village, or township.

16 (15) For a presidential primary election, the secretary of  
17 state shall prescribe procedures for contacting an elector who is  
18 an absent uniformed services voter or an overseas voter, as  
19 described in this section, and who is eligible to receive an absent  
20 voter ballot or who applies for an absent voter ballot for the  
21 presidential primary election, offering the elector the opportunity  
22 to select a political party ballot for the presidential primary  
23 election.

24 (16) The secretary of state shall order a city, village, or  
25 township clerk to extend the ballot receipt deadline for any  
26 absentee voter ballots under this section that were not transmitted  
27 to an absent uniformed services voter or overseas voter in  
28 compliance with subsection (5). The extension ~~shall~~**must** equal the  
29 total number of days beyond the deadline as provided in subsection

(5) that the city, village, or township clerk transmitted the requested absentee voter ballots. These absentee voter ballots received during the extension time ~~shall~~**must** be counted and tabulated for the final results of the election provided that the absentee voter ballots are executed and sent by ~~the close of the polls~~**8 p.m.** on election day. The election may be formally certified before the end of the extension time if the number of outstanding absentee voter ballots under this subsection will not alter the outcome of the election.

(17) As used in this section:

(a) "Absent uniformed services voter" means any of the following:

(i) A member of a uniformed service on active duty who, by reason of being on active duty, is absent from the place of residence where the member is otherwise qualified to vote.

(ii) A member of the merchant marine who, by reason of service in the merchant marine, is absent from the place of residence where the member is otherwise qualified to vote.

(iii) A spouse or dependent of a member referred to in subparagraph (i) or (ii) who, by reason of the active duty or service of the member, is absent from the place of residence where the spouse or dependent is otherwise qualified to vote.

(b) "Member of the merchant marine" means an individual, other than a member of a uniformed service or an individual employed, enrolled, or maintained on the Great Lakes or the inland waterways, who is either of the following:

(i) Employed as an officer or crew member of a vessel documented under the laws of the United States, a vessel owned by the United States, or a vessel of foreign-flag registry under

1 charter to or control of the United States.

2 (ii) Enrolled with the United States for employment or training  
3 for employment, or maintained by the United States for emergency  
4 relief service, as an officer or crew member of a vessel documented  
5 under the laws of the United States, a vessel owned by the United  
6 States, or a vessel of foreign-flag registry under charter to or  
7 control of the United States.

8 (c) "Overseas voter" means any of the following:

9 (i) An absent uniformed services voter who, by reason of active  
10 duty or service, is absent from the United States on the date of an  
11 election.

12 (ii) A person who resides outside of the United States and is  
13 qualified to vote in the last place in which the person was  
14 domiciled before leaving the United States.

15 (iii) A person who resides outside of the United States and who,  
16 but for such residence outside of the United States, would be  
17 qualified to vote in the last place in which he or she was  
18 domiciled before leaving the United States.

19 (d) "Uniformed services" means the ~~army, navy, air force,~~  
20 ~~marine corps, coast guard,~~ **Army, Navy, Air Force, Marine Corps,**  
21 **Coast Guard,** the ~~commissioned corps~~ **Commissioned Corps** of the  
22 ~~public health service,~~ **Public Health Service,** the ~~commissioned~~  
23 ~~corps~~ **Commissioned Corps** of the ~~national oceanic~~ **National Oceanic**  
24 ~~and atmospheric administration,~~ **Atmospheric Administration,** a  
25 reserve component of a uniformed service, or the Michigan ~~national~~  
26 ~~guard~~ **National Guard** as **that term is** defined in section 105 of the  
27 Michigan military act, 1967 PA 150, MCL 32.505.

28 Sec. 759b. (1) Any registered elector may apply for absent  
29 voter ballots at any time ~~prior to~~ **before** 4 p.m. on election day if

1 ~~he shall have become~~ **the elector becomes** physically disabled or  
 2 ~~shall be~~ **is** absent from the city or township because of sickness or  
 3 death in the family ~~which has~~ **that** occurred at a time which has  
 4 made it impossible to apply for absent voter ballots by the  
 5 statutory deadline. The application ~~shall~~ **must** be called an  
 6 emergency absent voter application.

7 (2) Emergency absent voter applications may be made by letter  
 8 or on a form provided by the clerk. The application ~~shall~~ **must** set  
 9 forth that the voter is qualified to vote in the election, stating  
 10 the statutory reason for applying for an emergency absent voter  
 11 ballot, and that the reason for applying after the statutory  
 12 deadline occurred at such a time to make it impossible to file an  
 13 application for absent voter ballots by the statutory deadline.

14 (3) Any person intentionally making a false statement in ~~such~~  
 15 **an emergency absent voter** application is guilty of a felony. Any  
 16 person aiding or abetting any person to make a false statement on  
 17 ~~such an emergency absent voter~~ application is guilty of a felony.

18 (4) Upon receipt by the clerk of a valid application for an  
 19 emergency absent voter ballot, the clerk may deliver the ballots to  
 20 the applicant in person, through a deputy or an election assistant,  
 21 or ~~he~~ **the clerk** may deliver them at his **or her** office to ~~a person~~  
 22 **an individual** named by the applicant in the application. The voter  
 23 may return the ballots to the clerk in the sealed envelope provided  
 24 ~~therefor~~ **with the ballots** in any manner he **or she** sees fit. To be  
 25 valid, ballots must be returned to the clerk in time to be  
 26 delivered to the ~~polls prior to~~ **absent voter counting board before**  
 27 8 p.m. on election day.

28 Sec. 761b. (1) ~~Beginning January 1, 2019, the~~ **The** clerk of  
 29 each city or township shall be available in his or her office to

1 issue and receive absent voter ballots for any combination of at  
 2 least 8 hours on the Saturday or Sunday immediately before election  
 3 day.

4 (2) At least 30 days before the date of an election, the clerk  
 5 of each city or township shall post and notify the secretary of  
 6 state of the hours that the clerk's office will be open on the  
 7 Saturday or Sunday, or both, immediately before the election to  
 8 issue and receive absent voter ballots.

9 (3) Subject to the requirements ~~for polling places~~ in section  
 10 662, upon the approval by resolution of the governing body of a  
 11 city or township, the clerk of that city or township may specify  
 12 additional locations and hours that the clerk will be available to  
 13 issue and receive absent voter ballots. These additional locations  
 14 must allow challengers as described in section 730.

15 (4) At least 30 days before the date of an election, the clerk  
 16 of each city or township shall post and notify the secretary of  
 17 state, if applicable, concerning the additional locations and hours  
 18 that the clerk will be available to issue and receive absent voter  
 19 ballots as provided under subsection (3).

20 Sec. 764a. The following instructions for an absent voter  
 21 ~~shall~~**must** be included with each ballot or set of ballots furnished  
 22 an absent voter:

#### 23 INSTRUCTIONS FOR ABSENT VOTERS

24 Step 1. Enclosed you will find voting instructions as to the  
 25 method of voting. Read these carefully and then vote the ballot.

26 Step 2. After voting a ballot, place the ballot in the secrecy  
 27 sleeve, if any. If a secrecy sleeve is not provided, refold the  
 28 ballot to conceal your votes.

29 Step 3. Place the ballot or ballots in the return envelope and

1     securely seal the envelope.

2             Step 4. Sign and date the return envelope in the place  
3     designated. Your signature must appear on the return envelope or  
4     the ballot will not be counted. If you are disabled or otherwise  
5     unable to mark the ballot and required assistance in voting your  
6     absent voter ballot, have the person who assisted you complete the  
7     section on the return envelope entitled "TO BE COMPLETED ONLY IF  
8     VOTER IS ASSISTED IN VOTING BY ANOTHER PERSON".

9             Step 5. Deliver the return envelope by 1 of the following  
10    methods:

11            (a) Place the necessary postage upon the return envelope and  
12    deposit it in the United States mail or with another public postal  
13    service, express mail service, parcel post service, or common  
14    carrier.

15            (b) Deliver the envelope personally to the office of the  
16    clerk, to the clerk, or to an authorized assistant of the clerk.

17            (c) In either (a) or (b), a member of the immediate family of  
18    the voter including a father-in-law, mother-in-law, brother-in-law,  
19    sister-in-law, son-in-law, daughter-in-law, grandparent, or  
20    grandchild or a person residing in the voter's household may mail  
21    or deliver a ballot to the clerk for the voter.

22            (d) You may request by telephone that the clerk who issued the  
23    ballot provide assistance in returning the ballot. The clerk is  
24    required to provide assistance if you are unable to return your  
25    absent voter ballot as specified in (a), (b), or (c) above, if it  
26    is before 5 p.m. on the Friday immediately preceding the election,  
27    and if you are asking the clerk to ~~pickup~~**pick up** the absent voter  
28    ballot within the jurisdictional limits of the city, township, or  
29    village in which you are registered. Your absent voter ballot will



1 then be picked up by the clerk or an election assistant sent by the  
 2 clerk. All ~~persons~~**individuals** authorized to pick up absent voter  
 3 ballots are required to carry credentials issued by the clerk. If  
 4 using this absent voter ballot return method, do not give your  
 5 ballot to anyone until you have checked their credentials.

6 Step 6. The ballot must reach the clerk or an authorized  
 7 assistant of the clerk before ~~the close of the polls~~**8 p.m.** on  
 8 election day. An absent voter ballot received by the clerk or  
 9 assistant of the clerk after ~~the close of the polls~~**8 p.m.** on  
 10 election day will not be counted.

#### 11 WARNING

12 All of the following actions are violations of the Michigan  
 13 election law and are illegal in this state:

14 (1) To vote an absent voter ballot at a meeting or gathering  
 15 at which other people are voting absent voter ballots.

16 (2) For ~~a person~~**an individual** who is assisting an absent  
 17 voter in marking the ballot to suggest or in any manner attempt to  
 18 influence the absent voter on how he or she should vote.

19 (3) For ~~a person~~**an individual** who is present and knows that a  
 20 ~~person~~**an individual** is voting an absent voter ballot to suggest or  
 21 in any manner attempt to influence the absent voter on how he or  
 22 she should vote.

23 (4) For ~~a person~~**an individual** other than those listed in  
 24 these instructions to return, offer to return, agree to return, or  
 25 solicit to return an absent voter ballot to the clerk.

26 (5) For ~~a person~~**an individual** other than the absent voter; a  
 27 ~~person~~**an individual** listed in these instructions; or ~~a person~~**an**  
 28 **individual** whose job it is to handle mail before, during, or after  
 29 being transported by a public postal service, express mail service,

1 parcel post service, or common carrier, but only during the normal  
2 course of his or her employment to be in possession of a voted or  
3 unvoted absent voter ballot.

4 Sec. 764b. (1) An absent voter ballot must be delivered to the  
5 clerk only as authorized in the instructions for an absent voter  
6 provided in section 764a.

7 (2) The clerk of a city or township may accept delivery of  
8 absent voter ballots at any location in the city or township.

9 (3) The clerk of a city or township may appoint the number of  
10 assistants necessary to accept delivery of absent voter ballots at  
11 any location in the city or township. An appointment as assistant  
12 to accept delivery of absent voter ballots must be for 1 election  
13 only. An assistant appointed to receive ballots at a location other  
14 than the office of the clerk must be furnished credentials of  
15 authority by the clerk. If an absent voter's ballot is received by  
16 an assistant at any location other than the clerk's office the  
17 assistant, upon request, shall exhibit the credentials to the  
18 absent voter before the assistant accepts an absent voter ballot.  
19 An assistant, before entering upon the discharge of duties, shall  
20 take and subscribe to the oath of office as provided in section 1  
21 of article XI of the state constitution of 1963. An assistant shall  
22 perform only the duties assigned by the clerk. ~~A person~~ **An**  
23 **individual** must not be appointed as an assistant to accept delivery  
24 of absent voter ballots who is a candidate or a member of the  
25 immediate family of a candidate whose name appears on the ballot at  
26 that election.

27 (4) A clerk who receives a request from an absent voter under  
28 section 764a for assistance in returning his or her absent voter  
29 ballot shall make arrangements to collect the ballot from the voter

1 either personally or by sending an authorized assistant, if all of  
2 the following conditions are satisfied:

3 (a) The clerk's office issued the absent voter ballot to that  
4 absent voter.

5 (b) Upon the clerk's request, the absent voter states that he  
6 or she is unable to return the absent voter ballot by the other  
7 means specified in instructions (a), (b), or (c) of Step 5 under  
8 section 764a.

9 (c) The absent voter telephones the appropriate clerk for  
10 assistance on or before 5 p.m. on the Friday immediately before the  
11 election.

12 (d) The absent voter requests the clerk to pick up the absent  
13 voter ballot within the jurisdictional limits of the city or  
14 township in which the absent voter is registered.

15 (5) Notwithstanding subsection (4), a clerk who receives a  
16 request from an absent voter under section 764a for assistance in  
17 returning his or her absent voter ballot may make arrangements to  
18 collect the ballot from the voter either personally or by sending  
19 an authorized assistant, if all of the following conditions are  
20 satisfied:

21 (a) The clerk's office issued the absent voter ballot to that  
22 absent voter.

23 (b) Upon the clerk's request, the absent voter states that he  
24 or she is unable to return the absent voter ballot by the other  
25 means specified in instructions (a), (b), or (c) of Step 5 under  
26 section 764a.

27 (6) The clerk shall maintain a list open to the public that  
28 contains the names and addresses of all authorized assistants  
29 appointed under this section who are available to collect absent

1 voter ballots on or before election day in that city or township.

2 (7) An absent voter ballot received by the clerk before ~~the~~  
3 ~~close of the polls~~ **8 p.m.** on election day must not be invalidated  
4 solely because the delivery to the clerk was not in compliance with  
5 section 764a or this section, however the ballot must be considered  
6 challenged and must be marked and processed as provided in section  
7 745.

8 Sec. 765. (1) A clerk who receives an absent voter ballot  
9 return envelope containing the marked ballots of an absent voter  
10 shall not open that envelope before delivering the envelope to the  
11 board of election inspectors as provided in this section. The city  
12 or township clerk shall safely keep in his or her office until  
13 election day any absent voter ballot return envelopes received by  
14 the clerk before election day containing the marked ballots of an  
15 absent voter.

16 (2) Before ~~the opening of the polls~~ **7 a.m.** on election day or  
17 as soon after ~~the opening of the polls~~ **7 a.m. on election day** as  
18 possible, the clerk shall deliver the absent voter ballot return  
19 envelopes to the chairperson or other member of the board of  
20 election inspectors in the absent voter's precinct, together with  
21 the signed absent voter ballot applications received by the clerk  
22 from any voters of that precinct and the clerk's list or record  
23 kept relative to those absent voters. ~~However, if higher numbered~~  
24 ~~ballots are used under section 717, the clerk shall retain the~~  
25 ~~applications and lists in his or her office and shall keep the~~  
26 ~~applications and lists open to public inspection at all reasonable~~  
27 ~~hours.~~ Absent voter ballots must not be tabulated before ~~the~~  
28 ~~opening of the polls~~ **7 a.m.** on election day.

29 (3) The city or township clerk, or authorized designee of the

1 clerk, shall call for and receive absent voter ballots from the  
2 post office at which the city or township clerk regularly receives  
3 mail addressed to the city or township clerk on election day. Any  
4 envelopes containing absent voter ballots that are received from  
5 the post office or from voters who voted by absentee ballot in  
6 person in the clerk's office on election day must be delivered to  
7 the board of election inspectors ~~or at~~ the absent voter counting  
8 boards to be tabulated.

9 (4) If a marked absent voter ballot is received by the clerk  
10 after ~~the close of the polls, 8 p.m. on election day,~~ the clerk  
11 shall plainly mark the envelope with the time and date of receipt  
12 and shall file the envelope in his or her office.

13 (5) On or before 8 a.m. on election day, the clerk shall post  
14 in the clerk's office or otherwise make public the number of absent  
15 voter ballots the clerk distributed to absent voters and the number  
16 of absent voter ballot return envelopes containing the marked  
17 ballots of absent voters received by the clerk before election day  
18 and to be delivered to the board of election inspectors ~~or at~~ the  
19 absent voter counting boards under this act. On or before 9 p.m. on  
20 election day, the clerk shall post in the clerk's office or  
21 otherwise make public the number of absent voter ballot return  
22 envelopes containing the marked ballots of absent voters received  
23 by the clerk on election day and delivered to the board of election  
24 inspectors, under subsection (3), along with the total number of  
25 absent voter ballot return envelopes containing the marked ballots  
26 of absent voters received by the clerk both before and on election  
27 day and delivered to the board of election inspectors ~~or at~~ the  
28 absent voter counting boards under this act. ~~As soon as possible~~  
29 ~~after all precincts in the city or township are processed, the~~

~~clerk shall post in the clerk's office or otherwise make public the number of absent voter ballot return envelopes containing the marked ballots of absent voters received by the election inspectors at the precincts on election day, along with the total number of absent voter ballot return envelopes containing the marked ballots of absent voters received in the city or township for that election.~~ This subsection applies only to elections in which a federal or state office appears on the ballot.

Sec. 765a. (1) ~~If a city or township decides to use absent voter counting boards, the~~ **The** board of election commissioners of ~~that~~ **each** city or township shall establish an absent voter counting board for each election day precinct in that city or township. ~~The ballot form of an absent voter counting board must correspond to the ballot form of the election day precinct for which it is established.~~ After the polls close **8 p.m.** on election day, the county, city, or township clerk responsible for producing the accumulation report of the election results ~~submitted by the boards of precinct election inspectors~~ shall format the accumulation report to clearly indicate all of the following:

- ~~(a) The election day precinct returns.~~
- ~~(b) The corresponding~~ **the** absent voter counting board returns.
- ~~(c) A total of each election day precinct return and each corresponding absent voter counting board return.~~

(2) The board of election commissioners shall establish the absent voter counting boards. The board of election commissioners shall appoint the election inspectors to those absent voter counting boards not less than 21 days or more than 40 days before the election at which they are to be used. Sections 673a and 674 apply to the appointment of election inspectors to absent voter

1 counting boards under this section. The board of election  
2 commissioners shall determine the number of ballots that may be  
3 expeditiously counted by an absent voter counting board in a  
4 reasonable period of time, taking into consideration the size and  
5 complexity of the ballot to be counted pursuant to the guidelines  
6 of the secretary of state. Combined ballots must be regarded as the  
7 number of ballots as there are sections to the ballot.

8 (3) If more than 1 absent voter counting board is to be used,  
9 the city or township clerk shall determine the number of electronic  
10 voting systems or the number of ballot boxes and the number of  
11 election inspectors to be used in each of the absent voter counting  
12 boards and to which absent voter counting board the absent voter  
13 ballots for each precinct are assigned for counting.

14 ~~(4) In a city or township that uses absent voter counting~~  
15 ~~boards under this section, absent voter ballots must be counted in~~  
16 ~~the manner provided in this section and absent voter ballots must~~  
17 ~~not be delivered to the polling places.~~ The board of election  
18 commissioners shall provide a place for each absent voter counting  
19 board to count the absent voter ballots. Section 662 applies to the  
20 designation and prescribing of the absent voter counting place or  
21 places in which the absent voter counting board performs its duties  
22 under this section, except the location may be in a different  
23 jurisdiction if the county provides a tabulator for use at a  
24 central absent voter counting board location in that county. The  
25 places must be designated as absent voter counting places. ~~Except~~  
26 ~~as otherwise provided in this section, laws relating to paper~~  
27 ~~ballot precincts, including laws relating to the appointment of~~  
28 ~~election inspectors, apply to absent voter counting places.~~ The  
29 provisions of this section relating to placing of absent voter

1 ballots on electronic voting systems apply. More than 1 absent  
2 voter counting board may be located in 1 building.

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

9 (6) Absent voter ballots received by the clerk before election  
10 day must be delivered to the absent voter counting board by the  
11 clerk or the clerk's authorized assistant at the time the election  
12 inspectors of the absent voter counting boards report for duty,  
13 which time must be established by the board of election  
14 commissioners. Absent voter ballots received by the clerk before  
15 ~~the time set for the closing of the polls 8 p.m.~~ on election day  
16 must be delivered to the absent voter counting boards. Absent voter  
17 ballots must be delivered to the absent voter counting boards in  
18 the sealed absent voter ballot return envelopes in which they were  
19 returned to the clerk. Written or stamped on each of the return  
20 envelopes must be the time and the date that the envelope was  
21 received by the clerk and a statement by the clerk that the  
22 signatures of the absent voters on the envelopes have been checked  
23 and found to agree with the signatures of the voters on the  
24 registration cards or the digitized signatures of voters contained  
25 in the qualified voter file as provided under section 766. If a  
26 signature on the registration card or a digitized signature  
27 contained in the qualified voter file and on the absent voter  
28 ballot return envelope does not agree as provided under section  
29 766, 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" must not be delivered to the absent voter  
5 counting board but must 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) This chapter does not prohibit an absent voter from voting~~  
9 ~~in person within the voter's precinct at an election,~~  
10 ~~notwithstanding that the voter may have applied for an absent voter~~  
11 ~~ballot and the ballot may have been mailed or otherwise delivered~~  
12 ~~to the voter. The voter, the election inspectors, and other~~  
13 ~~election officials shall proceed in the manner prescribed in~~  
14 ~~section 769. The clerk shall preserve the canceled ballots for 2~~  
15 ~~years.~~

16 (7) ~~(8) The absent voter counting boards shall process the~~  
17 ~~ballots and returns in as nearly as possible the same manner as~~  
18 ~~ballots are processed in paper ballot precincts. The poll book may~~  
19 be combined with the absent voter list or record required by  
20 section 760, and the applications for absent voter ballots may be  
21 used as the poll list. The processing and tallying of absent voter  
22 ballots may commence at 7 a.m. on the day of the election.

23 (8) ~~(9) An election inspector, challenger, or any other person~~  
24 **individual** in attendance at an absent voter counting place at any  
25 time after the processing of ballots has begun shall take and sign  
26 the following oath that may be administered by the chairperson or a  
27 member of the absent voter counting board:

28 "I (name of person taking oath) do solemnly swear (or affirm)  
29 that I shall not communicate in any way any information relative to

1 the processing or tallying of votes that may come to me while in  
 2 this counting place until after ~~the polls are closed.~~ **8 p.m. on**  
 3 **election day.**".

4 (9) ~~(10)~~—The oaths administered under subsection ~~(9)~~ **(8)** must  
 5 be placed in an envelope provided for the purpose and sealed with  
 6 the red state seal. Following the election, the oaths must be  
 7 delivered to the city or township clerk. Except as otherwise  
 8 provided in subsection ~~(12)~~, ~~a person~~ **(11), an individual** in  
 9 attendance at the absent voter counting place shall not leave the  
 10 counting place after the tallying has begun until ~~the polls close.~~  
 11 ~~A person~~ **8 p.m. on election day. An individual** who causes the polls  
 12 to be closed or who discloses an election result or in any manner  
 13 characterizes how any ballot being counted has been voted in a  
 14 voting precinct before ~~the time the polls can be legally closed~~ **8**  
 15 **p.m. on election day** is guilty of a felony.

16 (10) ~~(11)~~—Voted absent voter ballots must be placed in an  
 17 approved ballot container, and the ballot container must be sealed  
 18 in the manner provided by this act for paper ballot precincts. The  
 19 seal numbers must be recorded on the statement sheet and in the  
 20 poll book.

21 (11) ~~(12)~~—Subject to this subsection, a local election  
 22 official who has established an absent voter counting board, the  
 23 deputy or employee of that local election official, an employee of  
 24 the state bureau of elections, a county clerk, an employee of a  
 25 county clerk, or a representative of a voting equipment company may  
 26 enter and leave an absent voter counting board after the tally has  
 27 begun but before ~~the polls close.~~ ~~A person~~ **8 p.m. on election day.**  
 28 **An individual** described in this subsection may enter an absent  
 29 voter counting board only for the purpose of responding to an

1 inquiry from an election inspector or a challenger or providing  
 2 instructions on the operation of the counting board. Before  
 3 entering an absent voter counting board, ~~a person~~ **an individual**  
 4 described in this subsection must take and sign the oath prescribed  
 5 in subsection ~~(9)~~ **(8)**. The chairperson of the absent voter  
 6 counting board shall record in the poll book the name of ~~a person~~  
 7 **an individual** described in this subsection who enters the absent  
 8 voter counting board. ~~A person~~ **An individual** described in this  
 9 subsection who enters an absent voter counting board and who  
 10 discloses an election result or in any manner characterizes how any  
 11 ballot being counted has been voted in a precinct before ~~the time~~  
 12 ~~the polls can be legally closed~~ **8 p.m.** on election day is guilty of  
 13 a felony. As used in this subsection, "local election official"  
 14 means a county, city, or township clerk.

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

27 Sec. 794. As used in sections 794 to 799a:

28 (a) "Audit trail" means a record of the votes cast by each  
 29 voter that can be printed, recorded, or visually reviewed after ~~the~~

~~polls are closed.~~ **8 p.m. on election day.** The record ~~shall~~ **must** not allow for the identification of the voter.

(b) "Ballot" means a card, ballot label, paper ballot, envelope, or any medium through which votes are recorded.

(c) "Ballot label" means the display or material containing the names of offices and candidates or the questions to be voted on.

(d) "Counting center" means 1 or more locations selected by the board of election commissioners of the city, county, township, village, or school district at which ballots are counted by means of electronic tabulating equipment or vote totals are electronically received from electronic tabulating equipment and electronically compiled.

(e) "Electronic tabulating equipment" means an apparatus that electronically examines and counts votes recorded on ballots and tabulates the results.

(f) "Electronic voting system" means a system in which votes are recorded and counted by electronic tabulating equipment.

(g) "Escrow account" means a third party approved by the secretary of state for the purpose of taking custody of all source codes, including all revisions or modifications of source codes.

**(h) "Memory device" means a method or device used to store electronic data.**

**(i) ~~(h)~~**—"Source code" means the assembly language or ~~high level~~ **high-level** language used to program the electronic voting system.

**(j) ~~(i)~~**—"Voting device" means an apparatus that contains the ballot label and allows the voter to record his or her vote.

**(k) ~~(j)~~**—"Voting station" means an enclosure provided to ensure

1 ballot secrecy during the voting of the ballot.

2 ~~(k) "Memory device" means a method or device used to store~~  
3 ~~electronic data.~~

4 Sec. 795. (1) An electronic voting system acquired or used  
5 under sections 794 to 799a must meet all of the following  
6 requirements:

7 (a) Provide for voting in secrecy, except in the case of  
8 voters who receive assistance as provided by this act.

9 (b) Utilize a paper ballot for tabulating purposes.

10 (c) Permit each elector to vote at an election for all ~~persons~~  
11 **individuals** and offices for whom and for which the elector is  
12 lawfully entitled to vote; to vote for as many ~~persons~~**individuals**  
13 for an office as the elector is entitled to vote for; and to vote  
14 for or against any question upon which the elector is entitled to  
15 vote. Except as otherwise provided in this subdivision, the  
16 electronic tabulating equipment must reject all choices recorded on  
17 the elector's ballot for an office or a question if the number of  
18 choices exceeds the number that the elector is entitled to vote for  
19 on that office or question. Electronic tabulating equipment that  
20 can detect that the choices recorded on an elector's ballot for an  
21 office or a question exceeds the number that the elector is  
22 entitled to vote for on that office or question must be located at  
23 each ~~polling place~~**absent voter counting board location** and  
24 programmed to reject a ballot containing that type of an error. ~~If~~  
25 ~~a choice on a ballot is rejected as provided in this subdivision,~~  
26 ~~an elector must be given the opportunity to have that ballot~~  
27 ~~considered a spoiled ballot and to vote another ballot.~~

28 (d) Permit an elector, at a presidential election, by a single  
29 selection to vote for the candidates of a party for ~~president,~~

~~vice-president,~~ **President, Vice President,** and presidential electors.

(e) Permit an elector in a primary election to vote for the candidates in the party primary of the elector's choice. Except as otherwise provided in this subdivision, the electronic tabulating equipment must reject each ballot on which votes are cast for candidates of more than 1 political party. Electronic tabulating equipment that can detect that the elector has voted for candidates of more than 1 political party must be located at each ~~polling place~~ **absent voter counting board** and programmed to reject a ballot containing that type of an error. ~~If a choice on a ballot is rejected as provided in this subdivision, an elector must be given the opportunity to have that ballot considered a spoiled ballot and to vote another ballot.~~

(f) Prevent an elector from voting for the same ~~person~~ **individual** more than once for the same office.

(g) Reject a ballot on which no valid vote is cast. Electronic tabulating equipment must be programmed to reject a ballot on which no valid vote is cast.

(h) Be suitably designed for the purpose used; be durably constructed; and be designed to provide for safety, accuracy, and efficiency.

(i) Be designed to accommodate the needs of an elderly voter or a person with 1 or more disabilities.

(j) Record correctly and count accurately each vote properly cast.

(k) Provide an audit trail.

(l) Provide an acceptable method for an elector to vote for a ~~person~~ **an individual** whose name does not appear on the ballot.

1 (m) Allow for accumulation of vote totals from the precincts  
 2 in the jurisdiction. The accumulation software must meet  
 3 specifications prescribed by the secretary of state and must be  
 4 certified by the secretary of state as meeting these  
 5 specifications.

6 (n) Be compatible with or include at least 1 voting device  
 7 that is accessible for an individual with disabilities to vote in a  
 8 manner that provides the same opportunity for access and  
 9 participation, including secrecy and independence, as provided for  
 10 other voters. The voting device must include nonvisual  
 11 accessibility for the blind and visually impaired.

12 (2) Electronic tabulating equipment that counts votes at the  
 13 precinct before ~~the close of the polls~~ **8 p.m. on election day** must  
 14 provide a method for rendering the equipment inoperable if vote  
 15 totals are revealed before ~~the close of the polls~~ **8 p.m. on**  
 16 **election day**. Electronic tabulating equipment that tabulates  
 17 ~~ballots, including absentee ballots,~~ at a central location must be  
 18 programmed to reject a ballot if the choices recorded on an  
 19 elector's ballot for an office or a question exceed the number that  
 20 the elector is entitled to vote for on that office or question, if  
 21 no valid choices are recorded on an elector's ballot, or if, in a  
 22 primary election, votes are recorded for candidates of more than 1  
 23 political party.

24 (3) Each jurisdiction in this state conducting an election  
 25 ~~shall equip each polling place with~~ **must have** at least 1 accessible  
 26 voting device as required under subsection (1)(n).

27 Sec. 796. Sample ballots, ~~which shall be~~ **that are** facsimile  
 28 copies of the official ballot or ballot labels, ~~shall~~ **must** be  
 29 provided as required by law. ~~At least 2 copies shall be posted in~~

~~each polling place on election day.~~ Sample ballots may be printed on a single page or on a number of pages stapled together.

Sec. 797b. The secretary of state shall promulgate rules pursuant to the administrative procedures act of 1969, ~~Act No. 306 of the Public Acts of 1969, being sections 24.201 to 24.328 of the Michigan Compiled Laws,~~ **1969 PA 306, MCL 24.201 to 24.328,** governing the tabulation of ballots, certification of results, delivery of ballots and certified results, and sealing of devices and ballot boxes after ~~the polls are closed.~~ **8 p.m. on election day.**

Sec. 811. All election returns, including poll lists, statements, tally sheets, absent voters' return envelopes bearing the statement required by section 761, absent voters' records required by section 760, and other returns made by the inspectors of election of the several precincts must be carefully preserved and may be destroyed after the expiration of 2 years following the primary or election at which the same were used. All ~~applications executed under section 523, all~~ voter registration applications executed by applicants under section 497(3) and (4) ~~and all~~ absent voters' applications must be carefully preserved and may be destroyed after the expiration of 6 years following the primary or election at which those applications were executed. All ballots used at any primary or election may be destroyed after 30 days following the final determination of the board of canvassers with respect to the primary or election unless a petition for recount ~~has been~~ **is** filed and not completed or unless their destruction is stayed by an order of a court.

Sec. 829. (1) The board of county canvassers shall include the results of the tabulated provisional ballots in the canvass of the election following procedures prescribed by the secretary of state



1 designed to maintain the secrecy of the ballot.

2 (2) Within 14 days after a primary or election, the county  
3 clerk shall transmit a county provisional ballot report to the  
4 secretary of state. The county provisional ballot report must be in  
5 a manner prescribed by the secretary of state. After the secretary  
6 of state receives a county provisional ballot report, the county  
7 provisional ballot report must be immediately available for public  
8 inspection.

9 (3) Within 14 days after an election, the county clerk shall  
10 transmit a county affidavit report to the secretary of state. ~~The~~  
11 ~~county affidavit report must include the number of affidavits~~  
12 ~~signed by voters under section 523(2).~~ The county affidavit report  
13 must be transmitted in a form prescribed by the secretary of state.  
14 After the secretary of state receives the county affidavit report  
15 from the county clerk, the county affidavit report must immediately  
16 be available for public inspection.

17 (4) Within 14 days after an election, the secretary of state  
18 shall transmit to the house and senate committees dealing with  
19 elections a voter registration application report that includes the  
20 number of voter registration applications executed by applicants  
21 under section 497(3) and (4).

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

24 (a) A person shall not, either directly or indirectly, give,  
25 lend, or promise valuable consideration ~~to~~ to or for any person, as  
26 an inducement to influence the manner of voting by a person  
27 relative to a candidate or ballot question ~~or~~ or as a reward for  
28 refraining from voting.

29 (b) A person shall not, either before, on, or after an

1 election, for the person's own benefit or on behalf of any other  
2 person, receive, agree, or contract for valuable consideration for  
3 1 or more of the following:

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

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

9 (iii) Doing anything prohibited by this act.

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

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

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

27 (e) A priest, pastor, curate, or other officer of a religious  
28 society shall not for the purpose of influencing a voter at an  
29 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 inspectors  
8 of election, an inspector of election, a clerk, or other election  
9 official who accepts an appointment as an inspector of election  
10 shall not fail to report ~~at the polling place designated on~~  
11 election morning at the time specified by the board of election  
12 commissioners, unless excused as provided in this subdivision. A  
13 person who violates this subdivision is guilty of a misdemeanor ~~7~~  
14 punishable by a fine of not more than \$10.00 or imprisonment for  
15 not more than 10 days, or both. An inspector of election, clerk, or  
16 other election official who accepts an appointment as an inspector  
17 of election is excused for failing to report ~~at the polling place~~  
18 on election day and is not subject to a fine or imprisonment under  
19 this subdivision if 1 or more of the following requirements are  
20 met:

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

25 (ii) The inspector of election, clerk, or other election  
26 official is excused from duty by the board of election  
27 commissioners or other officers in charge of elections for cause  
28 shown.

29 (h) A person shall not willfully fail to perform a duty

1 imposed upon that person by this act, or disobey a lawful  
2 instruction or order of the secretary of state as chief state  
3 election officer or of a board of county election commissioners,  
4 board of city election commissioners, or board of inspectors of  
5 election.

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

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

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

21 (k) ~~(l)~~ A person shall not keep a room or building for the  
22 purpose, in whole or in part, of recording or registering bets or  
23 wagers, or of selling pools upon the result of a political  
24 nomination, appointment, or election. A person shall not wager  
25 property, money, or thing of value, or be the custodian of money,  
26 property, or thing of value, staked, wagered, or pledged upon the  
27 result of a political nomination, appointment, or election.

28 (l) ~~(m)~~ A person shall not participate in a meeting or a  
29 portion of a meeting of more than 2 persons, other than the

1 person's immediate family, at which an absent voter ballot is  
2 voted.

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

9 (2) A person who violates a provision of this act for which a  
10 penalty is not otherwise specifically provided in this act ~~is~~  
11 guilty of a misdemeanor.

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

22 (4) As used in this section, "valuable consideration"  
23 includes, but is not limited to, money, property, a gift, a prize  
24 or chance for a prize, a fee, a loan, an office, a position, an  
25 appointment, or employment.

26 Sec. 932. A person who violates 1 or more of the following  
27 subdivisions is guilty of a felony:

28 (a) A person shall not attempt, by means of bribery, menace,  
29 or other corrupt means or device, either directly or indirectly, to

1 influence an elector in giving his or her vote, or to deter the  
2 elector from, or interrupt the elector in giving his or her vote at  
3 any election held in this state.

4 (b) A person not duly authorized by law shall not, during the  
5 progress of any election or after ~~the closing of the polls 8 p.m.~~  
6 **on election day** and before the final results of the election have  
7 been ascertained, break open or violate the seals or locks of any  
8 ballot box or voting machine used or in use at that election. A  
9 person shall not willfully damage or destroy any ballot box or  
10 voting machine. A person shall not obtain undue possession of that  
11 ballot box or voting machine. A person shall not conceal, withhold,  
12 or destroy a ballot box or voting machine, or fraudulently or  
13 forcibly add to or diminish the number of ballots legally deposited  
14 in the box or the totals on the voting machine. A person shall not  
15 aid or abet in any act prohibited by this subdivision.

16 (c) An inspector of election, clerk, or other officer or  
17 person having custody of any record, election list of voters,  
18 affidavit, return, statement of votes, certificates, poll book, or  
19 of any paper, document, or vote of any description, which ~~pursuant~~  
20 ~~to~~ **under** this act is directed to be made, filed, or preserved,  
21 shall not willfully destroy, mutilate, deface, falsify, or  
22 fraudulently remove or secrete any or all of those items, in whole  
23 or in part, or fraudulently make any entry, erasure, or alteration  
24 on any or all of those items, or permit any other person to do so.

25 (d) A person shall neither disclose to any other person the  
26 name of any candidate voted for by any elector, the contents of  
27 whose ballots were seen by the person, nor in any manner obstruct  
28 or attempt to obstruct any elector in the exercise of his or her  
29 duties as an elector under this act.

1           (e) A person who is not involved in the counting of ballots as  
2 provided by law and who has possession of an absent voter ballot  
3 mailed or delivered to another person shall not do any of the  
4 following:

5           (i) Open the envelope containing the ballot.

6           (ii) Make any marking on the ballot.

7           (iii) Alter the ballot in any way.

8           (iv) Substitute another ballot for the absent voter ballot that  
9 the person possesses.

10          (f) A person other than an absent voter; a person whose job it  
11 is to handle mail before, during, or after being transported by a  
12 public postal service, express mail service, parcel post service,  
13 or common carrier, but only during the normal course of his or her  
14 employment; a clerk or assistant of the clerk; a member of the  
15 immediate family of the absent voter including father-in-law,  
16 mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-  
17 in-law, grandparent, or grandchild; or a person residing in the  
18 absent voter's household shall not do any of the following:

19          (i) Possess an absent voter ballot mailed or delivered to  
20 another person, regardless of whether the ballot has been voted.

21          (ii) Return, solicit to return, or agree to return an absent  
22 voter ballot to the clerk of a city, township, village, or school  
23 district.

24          (g) A person who assists an absent voter who is disabled or  
25 otherwise unable to mark the ballot shall only render his or her  
26 assistance by showing the absent voter how to vote the ballot as  
27 the absent voter desires or by marking the ballot as directed by  
28 the absent voter. A person who assists an absent voter who is  
29 disabled or otherwise unable to mark the ballot shall not suggest

1 or in any manner attempt to influence the absent voter on how he or  
2 she should vote or allow any other person to do so.

3 (h) A person ~~present while an absent voter is voting an absent~~  
4 ~~voter ballot~~ shall not suggest or in any manner attempt to  
5 influence the absent voter on how he or she should vote.

6 (i) A person shall not plan or organize a meeting at which  
7 absent voter ballots are to be voted.

8 Enacting section 1. Sections 346, 507, 523, 523a, 575, 577,  
9 663, 664, 668a, 675, 709, 717, 722, 724, 726, 729, 736, 736a, 738,  
10 740, 742, 743, 744, 744a, 746, 749, 762, 769, 797, 797a, 801, 813,  
11 and 932e of the Michigan election law, 1954 PA 116, MCL 168.346,  
12 168.507, 168.523, 168.523a, 168.575, 168.577, 168.663, 168.664,  
13 168.668a, 168.675, 168.709, 168.717, 168.722, 168.724, 168.726,  
14 168.729, 168.736, 168.736a, 168.738, 168.740, 168.742, 168.743,  
15 168.744, 168.744a, 168.746, 168.749, 168.762, 168.769, 168.797,  
16 168.797a, 168.801, 168.813, and 168.932e, are repealed.