

# HOUSE BILL NO. 5258

August 17, 2021, Introduced by Reps. Koleszar, Whitsett, Ellison, Scott, Puri, Pohutsky, Young, Cavanagh, Camilleri, Liberati, Garza, Thanedar, Aiyash, Coleman, Clemente, Tyrone Carter, Bellino, Brixie, Tate, Cynthia Johnson and Yancey and referred to the Committee on Elections and Ethics.

A bill to amend 1954 PA 116, entitled  
"Michigan election law,"  
by amending sections 565, 710, and 711 (MCL 168.565, 168.710, and  
168.711), sections 565 and 711 as amended by 1984 PA 113.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 565. (1) ~~Proof~~ **Not less than 58 days before the primary**  
2 **election, proof** copies of the ballots ~~shall~~ **must** be placed on file  
3 in the office of the county clerk. ~~at least 14 days prior to the~~  
4 ~~primary election, and, at~~ **At** the time of filing, **the county clerk**

1 **shall send by email** 1 proof copy of the ballot ~~shall be sent in~~  
 2 ~~counties with a population of 1,500,000 or more by registered or~~  
 3 ~~certified mail with return receipt demanded, and in counties with~~  
 4 ~~less than 1,500,000 by first class mail to the secretary of state~~  
 5 and **shall send by first-class mail 1 proof copy of the ballot** to  
 6 each candidate whose name appears ~~upon on~~ the ballots, ~~at his or~~  
 7 ~~her last known~~ **ballot to the candidate's** address **listed on his or**  
 8 **her affidavit of identity. If a candidate provides an email address**  
 9 **on his or her affidavit of identity, the county clerk shall also**  
 10 **send a proof copy of the ballot to the candidate by email.**

11 (2) If a candidate desires to correct **an error on** the ballot,  
 12 the candidate shall ~~forward the ballot to~~ **immediately contact** the  
 13 county clerk ~~within 2 business days of the receipt of the ballot,~~  
 14 **by telephone or email** with the corrections. ~~noted on the ballot.~~  
 15 **All corrections must be received by the county clerk within 5**  
 16 **business days after the proof copy of the ballot is mailed or the**  
 17 **county clerk is authorized to begin printing the ballots.**

18 (3) The county clerk shall prepare and sign an affidavit when  
 19 sending proof ballots ~~which: attests that proof that attests to all~~  
 20 **of the following:**

21 (a) **Proof** ballots were mailed as required. ~~;- lists the~~

22 (b) **The names of the** candidates who were mailed **proof** ballots.  
 23 ~~;- the~~

24 (c) **Each** address to which the **proof** ballots were mailed. ~~;- and~~  
 25 ~~lists the~~

26 (d) **The** date or dates proof ballots were mailed.

27 Sec. 710. The county board of election commissioners shall  
 28 place on file at the office of the county clerk, at least ~~15~~ **58**  
 29 days ~~prior to~~ **before** any election, **a** proof copy of the official

1 ballot containing the names of candidates for public office to be  
 2 voted for at ~~such the~~ election. ~~, and such~~ **The** proof copies ~~shall~~  
 3 **must** be open for public inspection.

4 Sec. 711. **(1)** At the time of filing the proof copy of the  
 5 ballot at the office of the county clerk, the county board of  
 6 election commissioners shall send ~~in counties with a population of~~  
 7 ~~1,500,000 or more by registered or certified mail, with a return~~  
 8 ~~receipt demanded, and in counties with less than 1,500,000 by first~~  
 9 ~~class~~ **first-class** mail a proof copy of the official ballot to each  
 10 candidate whose name appears on the ballot ~~at to~~ the candidate's  
 11 ~~last known address~~ **listed on his or her affidavit of identity. If a**  
 12 **candidate provides an email address on his or her affidavit of**  
 13 **identity, the county clerk shall also send a proof copy of the**  
 14 **ballot to the candidate by email.**

15 **(2)** The county clerk shall prepare and sign an affidavit when  
 16 sending proof ballots ~~which: that~~ attests ~~that proof to all of the~~  
 17 **following:**

18 **(a) Proof** ballots were mailed as required. ~~, lists the~~

19 **(b) The names of the** candidates who were mailed ballots. ~~, the~~

20 **(c) Each** address to which the ballots were mailed. ~~, and lists~~  
 21 ~~the~~

22 **(d) The** date or dates proof ballots were mailed.

23 **(3)** The board of election commissioners shall also send 2  
 24 ~~copies of~~ proof ballots **by email** to the secretary of state who  
 25 shall immediately approve and certify the ballot or notify the  
 26 board of election commissioners of any correction.

27 **(4)** If a candidate desires to correct **an error on** the ballot,  
 28 the candidate shall ~~forward the ballot to~~ **immediately contact** the  
 29 county clerk ~~within 2 business days of the receipt of the ballot by~~

1 **telephone or email** with the corrections. ~~noted on the ballot. The~~  
2 ~~board of election commissioners shall correct errors found in the~~  
3 ~~ballot by the inspection provided for in this section and at the~~  
4 ~~expiration of the 2-day correction period shall proceed with the~~  
5 ~~printing of the ballots.~~ **All corrections must be received by the**  
6 **county clerk within 5 business days after the proof copy of the**  
7 **ballot is mailed or the county clerk is authorized to begin**  
8 **printing the ballots.**

9 (5) The county clerk shall ~~forward~~ **email** a copy of the  
10 corrected ballot to the secretary of state.