

HOUSE BILL No. 6321

September 17, 2002, Introduced by Rep. Minore and referred to the Committee on Redistricting and Elections.

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 744 and 931 (MCL 168.744 and 168.931), section 744 as amended by 1995 PA 261 and section 931 as amended by 1996 PA 583.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 744. (1) An election inspector or ~~any other~~ ANOTHER
2 person in the polling room or in a compartment connected to the
3 polling room or within ~~100~~ 40 feet from ~~any~~ AN entrance to
4 the building in which the polling place is located shall not per-
5 suade or endeavor to persuade a person to vote for or against
6 ~~any~~ A particular candidate or party ticket, or for or against
7 ~~any~~ A ballot question that is being voted on at the election.
8 A person shall not place or distribute stickers, other than
9 stickers provided by the election officials pursuant to law, in

1 the polling room or in a compartment connected to the polling
2 room or within ~~100~~ 40 feet from ~~any~~ AN entrance to the build-
3 ing in which the polling place is located.

4 (2) A person shall not solicit donations, gifts, contribu-
5 tions, purchase of tickets, or similar demands, or request or
6 obtain signatures on petitions in the polling room or in a com-
7 partment connected to the polling room or within ~~100~~ 40 feet
8 from ~~any~~ AN entrance to the building in which the polling place
9 is located.

10 (3) On election day, a person shall not post, display, or
11 distribute in a polling place, in ~~any~~ A hallway used by voters
12 to enter or exit a polling place, or within ~~100~~ 40 feet of an
13 entrance to a building in which a polling place is located any
14 material that directly or indirectly makes reference to an elec-
15 tion, a candidate, or a ballot question. This subsection does
16 not apply to official material that is required by law to be
17 posted, displayed, or distributed in a polling place on election
18 day.

19 (4) A person who violates this section is guilty of a
20 misdemeanor.

21 Sec. 931. (1) A person who violates 1 or more of the fol-
22 lowing subdivisions is guilty of a misdemeanor:

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

1 (b) A person shall not, either before, on, or after an
2 election, for the person's own benefit or on behalf of ~~any~~
3 ~~other~~ ANOTHER person, receive, agree, or contract for valuable
4 consideration for 1 or more of the following:

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

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

10 (iii) Doing anything prohibited by this act.

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

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

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

1 (e) A priest, pastor, curate, or other officer of a
2 religious society shall not for the purpose of influencing a
3 voter at an election, impose or threaten to impose upon the voter
4 a penalty of excommunication, dismissal, or expulsion, or command
5 or advise the voter, under pain of religious disapproval.

6 (f) A person shall not hire a motor vehicle or other convey-
7 ance or cause the same to be done, for conveying voters, other
8 than voters physically unable to walk, to an election.

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

24 (i) The inspector of election, clerk, or other election
25 official notifies the board of election commissioners or other
26 officers in charge of elections of his or her inability to serve

1 at the time and place specified, 3 days or more before the
2 election.

3 (ii) The inspector of election, clerk, or other election
4 official is excused from duty by the board of election commis-
5 sioners or other officers in charge of elections for cause
6 shown.

7 (h) A person shall not willfully fail to perform a duty
8 imposed upon that person by this act, or disobey a lawful
9 instruction or order of the secretary of state as chief state
10 election officer or of a board of county election commissioners,
11 board of city election commissioners, or board of inspectors of
12 election.

13 (i) A delegate or member of a convention shall not solicit a
14 candidate for nomination before the convention for money, reward,
15 position, place, preferment, or other valuable consideration in
16 return for support by the delegate or member in the convention.
17 A candidate or other person shall not promise or give to a dele-
18 gate money, reward, position, place, preferment, or other valu-
19 able consideration in return for support by or vote of the dele-
20 gate in the convention.

21 (j) A person elected to the office of delegate to a conven-
22 tion shall not accept or receive ~~any~~ money or other valuable
23 consideration for his or her vote as a delegate.

24 (k) A person shall not, while the polls are open on an elec-
25 tion day, solicit votes in a polling place or within ~~100~~ 40
26 feet from an entrance to the building in which a polling place is
27 located.

1 (l) A person shall not keep a room or building for the
2 purpose, in whole or in part, of recording or registering bets or
3 wagers, or of selling pools upon the result of a political nomi-
4 nation, appointment, or election. A person shall not wager prop-
5 erty, money, or thing of value, or be the custodian of money,
6 property, or thing of value, staked, wagered, or pledged upon the
7 result of a political nomination, appointment, or election.

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

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

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

20 (3) A person or a person's agent who knowingly makes, pub-
21 lishes, disseminates, circulates, or places before the public, or
22 knowingly causes directly or indirectly to be made, published,
23 disseminated, circulated, or placed before the public, in this
24 state, either orally or in writing, an assertion, representation,
25 or statement of fact concerning a candidate for public office at
26 an election in this state, that is false, deceptive, scurrilous,
27 or malicious, without the true name of the author being

1 subscribed to the assertion, representation, or statement if
2 written, or announced if unwritten, is guilty of a misdemeanor.

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