

SENATE BILL No. 1435

September 14, 2006, Introduced by Senator HAMMERSTROM and referred to the Committee on Government Operations.

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 31, 33, and 735 (MCL 168.31, 168.33, and 168.735), section 31 as amended by 2005 PA 71, section 33 as amended by 2002 PA 91, and section 735 as amended by 2004 PA 92, and by adding section 735a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

3 (a) Subject to ~~subsection~~ **SUBSECTIONS (2) AND (3)**, issue
4 instructions and promulgate rules pursuant to the administrative
5 procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, for the
6 conduct of elections and registrations in accordance with the laws
7 of this state.

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

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

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

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

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

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

1 (h) Investigate, or cause to be investigated by local
2 authorities, the administration of election laws, and report
3 violations of the election laws and regulations to the attorney
4 general or prosecuting attorney, or both, for prosecution.

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

14 (j) Establish a curriculum for comprehensive training and
15 accreditation of all county, city, township, village, and school
16 elections officials.

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

20 (l) Establish a comprehensive training curriculum for all
21 precinct inspectors.

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

25 (2) Pursuant to the administrative procedures act of 1969,
26 1969 PA 306, MCL 24.201 to 24.328, the secretary of state shall
27 promulgate rules establishing uniform standards for state and local

1 nominating, recall, and ballot question petition signatures. The
2 standards for petition signatures may include, but need not be
3 limited to, standards for all of the following:

4 (a) Determining the validity of registration of a circulator
5 or individual signing a petition.

6 (b) Determining the genuineness of the signature of a
7 circulator or individual signing a petition, including digitized
8 signatures.

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

11 (3) PURSUANT TO THE ADMINISTRATIVE PROCEDURES ACT OF 1969,
12 1969 PA 306, MCL 24.201 TO 24.328, THE SECRETARY OF STATE MAY
13 PROMULGATE RULES TO IMPLEMENT THE USE OF AN ELECTRONIC POLL BOOK IN
14 LIEU OF, OR IN ADDITION TO, THE PAPER POLL BOOK DESCRIBED IN
15 SECTION 735.

16 Sec. 33. (1) The director of elections shall conduct training
17 schools throughout this state preceding the general November
18 election, and preceding ~~such~~ other elections as the director
19 considers advisable, for county clerks and their representatives
20 with respect to the conducting of elections in accordance with the
21 election laws. Included in this training shall be instruction on
22 the uniform voting system. ~~In case any~~ **IF A** county clerk ~~shall~~
23 ~~fail~~ **FAILS** to conduct in his or her county a training school for
24 election boards within the county, the director of elections shall
25 conduct ~~such~~ **THE** training school, the cost of the training school
26 to be charged as an obligation of the county.

27 (2) The director of elections shall train all county, city,

1 and township clerks who are involved in the training of precinct
2 inspectors. The training shall include team training and monitoring
3 of their performance as trainers. **THE TRAINING SHALL ALSO INCLUDE**
4 **THE USE OF AN ELECTRONIC POLL BOOK.**

5 (3) The director of elections shall conduct all precinct
6 inspector training in counties where the clerk has not been
7 accredited to conduct the training schools.

8 Sec. 735. (1) ~~At~~ **EXCEPT AS OTHERWISE PROVIDED IN SECTION**
9 **735A, AT** each primary and election, election inspectors shall keep
10 1 poll book and 1 poll list. An election inspector shall enter in
11 the poll book, in the order in which electors are given ballots,
12 the name of each elector who is given a ballot and immediately
13 after the name, on the same line, shall enter the number of the
14 ballot given to the elector. For an absent voter ballot, when an
15 election inspector removes the ballot from the sealed absent voter
16 envelope, the election inspector shall enter in the poll book the
17 name of the absent voter and the number of the ballot.

18 (2) If an elector is issued a provisional ballot, an election
19 inspector shall enter a proper designation in the poll book,
20 including whether the provisional ballot was tabulated in the
21 precinct or was secured for verification after the election.

22 (3) At the completion of the precinct canvass, an election
23 inspector shall record on the certificate provided in the poll book
24 the number of each metal seal used to seal voting equipment and
25 ballot containers. Each member of the board of election inspectors
26 shall sign the certificate.

27 **SEC. 735A. (1) THE SECRETARY OF STATE SHALL DO BOTH OF THE**

1 FOLLOWING:

2 (A) DEVELOP AN ELECTRONIC POLL BOOK TO BE USED AT PRIMARIES
3 AND ELECTIONS IN THIS STATE.

4 (B) ESTABLISH THE NECESSARY CRITERIA THAT WILL ENABLE A LOCAL
5 UNIT OF GOVERNMENT TO USE AN ELECTRONIC POLL BOOK AT A PRIMARY OR
6 ELECTION.

7 (2) THE SECRETARY OF STATE MAY ESTABLISH A PILOT PROJECT TO
8 TEST THE USE OF AN ELECTRONIC POLL BOOK AT PRIMARIES AND ELECTIONS
9 IN THIS STATE. THE SECRETARY OF STATE SHALL SELECT THE LOCAL UNITS
10 OF GOVERNMENT IN WHICH TO TEST AN ELECTRONIC POLL BOOK UNDER THIS
11 SECTION.

12 (3) A LOCAL UNIT OF GOVERNMENT SHALL NOT USE AN ELECTRONIC
13 POLL BOOK AT A PRIMARY OR ELECTION UNLESS THE LOCAL UNIT OF
14 GOVERNMENT IS SELECTED AS A PILOT JURISDICTION BY THE SECRETARY OF
15 STATE UNDER SUBSECTION (2) OR UNLESS PRIOR WRITTEN APPROVAL IS
16 GRANTED BY THE SECRETARY OF STATE.

17 (4) AN ELECTRONIC POLL BOOK DEVELOPED PURSUANT TO THIS SECTION
18 SHALL BE ABLE TO DO ALL OF THE FOLLOWING:

19 (A) ACCESS THE QUALIFIED VOTER FILE TO CAPTURE VOTER HISTORY.

20 (B) ALLOW FOR EXPRESS VOTER CHECK-IN AS PROVIDED IN SUBSECTION
21 (6).

22 (5) AN ELECTRONIC POLL BOOK SHALL BE USED IN ACCORDANCE WITH
23 THE PROVISIONS OF THIS ACT AND THE RULES PROMULGATED BY THE
24 SECRETARY OF STATE UNDER SECTION 31.

25 (6) IF AN ELECTRONIC POLL BOOK IS USED AT A PRIMARY OR
26 ELECTION, THE LOCAL UNIT OF GOVERNMENT MAY PROVIDE AN EXPRESS VOTER
27 CHECK-IN FOR REGISTERED ELECTORS WHO HAVE AN OPERATOR'S OR

1 CHAUFFEUR'S LICENSE ISSUED PURSUANT TO THE MICHIGAN VEHICLE CODE,
2 1949 PA 300, MCL 257.1 TO 257.923, OR AN OFFICIAL STATE
3 IDENTIFICATION CARD ISSUED PURSUANT TO 1972 PA 222, MCL 28.291 TO
4 28.300. THE REGISTERED ELECTOR CAN SWIPE HIS OR HER OPERATOR'S OR
5 CHAUFFEUR'S LICENSE OR STATE IDENTIFICATION CARD THROUGH A CARD
6 READER AND THE REGISTERED ELECTOR'S VOTER INFORMATION IS VERIFIED
7 AGAINST A VOTER REGISTRATION DATABASE. UPON VERIFICATION, THE
8 REGISTERED ELECTOR'S VOTER INFORMATION IS ENTERED INTO THE
9 ELECTRONIC POLL BOOK.

10 (7) THE SECRETARY OF STATE SHALL DEVELOP INSTRUCTIONS
11 CONSISTENT WITH THIS ACT FOR SECURING AN ELECTRONIC POLL BOOK.

12 Enacting section 1. This amendatory act takes effect January
13 1, 2007.