

SENATE BILL No. 1379

June 12, 2008, Introduced by Senators BROWN, JACOBS, JANSEN and BIRKHOLZ and referred to the Committee on Campaign and Election Oversight.

A bill to amend 1954 PA 116, entitled
"Michigan election law,"
by amending sections 809 and 821 (MCL 168.809 and 168.821), section
809 as amended by 1995 PA 261 and section 821 as amended by 2003 PA
302, and by adding section 806b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 806B. THE BOARD OF ELECTION INSPECTORS MAY TRANSMIT THE
2 STATEMENT OF RETURNS TO THE COUNTY CLERK AFTER THE POLLS CLOSE ON
3 ELECTION NIGHT BY TELEPHONE, FACSIMILE MACHINE, OR MODEM. THE
4 COUNTY CLERK SHALL TABULATE THE ELECTION RESULTS AS THEY ARE
5 RECEIVED BY TELEPHONE, FACSIMILE MACHINE, OR MODEM AND MAKE THOSE
6 RESULTS AVAILABLE TO THE PUBLIC.

7 Sec. 809. (1) The board of election inspectors shall seal 1 of
8 the statement of returns and 1 of the tally sheets or the combined

1 tally return sheet with a red state election seal in an envelope
 2 and shall address the envelope to the board of county canvassers,
 3 in care of the judge of probate. **THE BOARD OF ELECTION INSPECTORS**
 4 **SHALL ALSO SEAL 1 POLL BOOK AND 1 TALLY SHEET WITH A RED STATE**
 5 **ELECTION SEAL IN AN ENVELOPE AND SHALL ADDRESS THAT ENVELOPE TO THE**
 6 **COUNTY CLERK.** The board of election inspectors shall deliver the
 7 sealed envelope ~~ENVELOPES~~ to the clerk of the township or city
 8 **IMMEDIATELY AFTER CLOSING THE PRECINCT ON ELECTION NIGHT.** ~~Upon~~

9 (2) **IF THE BOARD OF ELECTION INSPECTORS TRANSMITS THE ELECTION**
 10 **RESULTS TO THE COUNTY CLERK BY TELEPHONE, FACSIMILE MACHINE, OR**
 11 **MODEM ON ELECTION NIGHT, UPON** receipt of the sealed envelope
 12 **ENVELOPES,** the township or city clerk shall ~~immediately deliver the~~
 13 ~~envelope to the person to whom addressed~~ **SECURE BOTH ENVELOPES IN A**
 14 **LOCKED VAULT OR SECURE STORAGE AREA OVER NIGHT AND SHALL DELIVER**
 15 **THE ENVELOPE FOR THE JUDGE OF PROBATE TO THE JUDGE OF PROBATE OR**
 16 **HIS OR HER DESIGNEE AND THE ENVELOPE FOR THE COUNTY CLERK TO THE**
 17 **COUNTY CLERK BY 11 A.M. ON THE DAY FOLLOWING THE DAY OF THE**
 18 **ELECTION.** The judge of probate **OR HIS OR HER DESIGNEE** shall deliver
 19 the sealed envelope received by him or her to the board of county
 20 canvassers when it meets to canvass the returns.

21 (3) ~~(2) The board of election inspectors shall seal the other~~
 22 ~~statement of returns or combined tally and statement, together with~~
 23 ~~the poll list, in an envelope addressed to the county clerk. The~~ **IF**
 24 **THE BOARD OF ELECTION INSPECTORS DOES NOT TRANSMIT THE ELECTION**
 25 **RESULTS TO THE COUNTY CLERK BY TELEPHONE, FACSIMILE MACHINE, OR**
 26 **MODEM ON ELECTION NIGHT, THE** board of election inspectors shall
 27 deliver the sealed envelope ~~ENVELOPES~~ to the **CITY OR TOWNSHIP** clerk

1 immediately upon completion of the count. The **CITY OR TOWNSHIP**
2 **CLERK SHALL IMMEDIATELY DELIVER THE ENVELOPES TO THE** county clerk
3 **WHO** shall open the envelope **ADDRESSED TO THE COUNTY CLERK** at that
4 time, compile unofficial returns, and make the returns in the
5 envelope available to the public. The office of the county clerk
6 shall be open on election day for election purposes and shall
7 remain open until the last returns have been received and the clerk
8 completes an unofficial tabulation.

9 **(4) ~~(3)~~**—If a city or township election to be canvassed by a
10 board of city or township canvassers is held at a time at which no
11 election returns must be forwarded to the board of county
12 canvassers, the board of election inspectors shall return all poll
13 books, tally sheets, and returns to the city or township clerk. The
14 city or township clerk shall perform the duties required in this
15 section of the county clerks. If a local election to be canvassed
16 by the board of county canvassers is not held in conjunction with a
17 county or state election, the board of election inspectors shall
18 deliver both sealed envelopes to the local clerk **WHO SHALL SECURE**
19 **ALL ELECTION MATERIALS USED IN THE PRECINCT ON ELECTION DAY AS**
20 **PROVIDED IN THIS CHAPTER.** The local clerk shall deliver both sealed
21 envelopes to the county clerk before 11 a.m. on the day following
22 the election. In a city or township election, in which the city or
23 township consists of more than 5 precincts, held in conjunction
24 with an election to be canvassed by the board of county canvassers,
25 the board of election inspectors shall deliver the duplicate
26 returns required by section 806 to the city or township clerk.

27 Sec. 821. (1) The board of county canvassers shall meet at the

1 office of the county clerk at ~~1 p.m.~~ **11 A.M.** on the day after
2 **FOLLOWING** the day of a general election, August primary, **SCHOOL**
3 **ELECTION**, or presidential primary election in the county. Except as
4 provided in subsection (2), for other elections the board shall
5 meet within 5 days following the election.

6 (2) If, at an election held on the May regular election date,
7 a ballot question appears on the ballot concerning authorized
8 millage that is subject to a millage reduction as provided in
9 section 34d of the general property tax act, 1893 PA 206, MCL
10 211.34d, the board of county canvassers shall meet to canvass and
11 certify the results of the vote on that proposition after May 31
12 and before June 15 following the election.