

SUBSTITUTE FOR

HOUSE BILL NO. 5062

(As amended June 13, 2012)

<<A bill to amend 1954 PA 116, entitled
"Michigan election law,"
by amending sections 31, 33, 514, 679a, 811, 847, and 942 (MCL
168.31, 168.33, 168.514, 168.679a, 168.811, 168.847, and
168.942), section 31 as amended by 2005 PA 71, section 33 as
amended by 2002 PA 91, section 514 as amended by 1992 PA 195,
section 679a as added by 2004 PA 256, and sections 847 and 942 as
amended by 1995 PA 261, and by adding section 31a.>>

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 (2), issue instructions and
4 promulgate rules pursuant to the administrative procedures act of

1 1969, 1969 PA 306, MCL 24.201 to 24.328, for the conduct of
2 elections and registrations in accordance with the laws of this
3 state.

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

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

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

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

25 (f) Prepare the form of ballot for any proposed amendment to
26 the constitution or proposal under the initiative or referendum
27 provision of the constitution to be submitted to the voters of this

1 state.

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

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

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

17 (j) Establish a curriculum for comprehensive training and
18 accreditation of all county, city, township, **AND** village ~~and~~
19 ~~school elections~~ officials **WHO ARE RESPONSIBLE FOR CONDUCTING**
20 **ELECTIONS.**

21 **(K) ESTABLISH A CONTINUING ELECTION EDUCATION PROGRAM FOR ALL**
22 **COUNTY, CITY, TOWNSHIP, AND VILLAGE CLERKS.**

23 **(I)** ~~(k)~~ Establish and require attendance by all new appointed
24 or elected election officials at an initial course of instruction
25 within 6 months before the date of the election.

26 **(M)** ~~(l)~~ Establish a comprehensive training curriculum for all
27 precinct inspectors.

House Bill No. 5062 (H-2) as amended March 28, 2012

1 (N) ~~(m)~~—Create an election day dispute resolution team that
2 has regional representatives of the department of state, which team
3 shall appear on site, if necessary.

4 (2) Pursuant to the administrative procedures act of 1969,
5 1969 PA 306, MCL 24.201 to 24.328, the secretary of state shall
6 promulgate rules establishing uniform standards for state and local
7 nominating, recall, and ballot question petition signatures. The
8 standards for petition signatures may include, but need not be
9 limited to, standards for all of the following:

10 (a) Determining the validity of registration of a circulator
11 or individual signing a petition.

12 (b) Determining the genuineness of the signature of a
13 circulator or individual signing a petition, including digitized
14 signatures.

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

17 **SEC. 31A. (1) IN ORDER TO ENSURE COMPLIANCE WITH THE**
18 **PROVISIONS OF THIS ACT, AFTER EACH ELECTION THE SECRETARY OF STATE**
19 **MAY AUDIT ELECTION PRECINCTS.**

20 **(2) THE SECRETARY OF STATE SHALL DEVELOP AN ELECTION AUDIT**
21 **PROGRAM THAT DETAILS THE DOCUMENTS TO BE INSPECTED AND THE**
22 **PROCEDURES TO BE USED DURING AN ELECTION AUDIT CONDUCTED UNDER THIS**
23 **SECTION. THE SECRETARY OF STATE MAY TRAIN AND CERTIFY COUNTY CLERKS**
24 **AND THEIR STAFFS FOR THE PURPOSE OF CONDUCTING ELECTION AUDITS OF**
25 **PRECINCTS RANDOMLY SELECTED [BY THE SECRETARY OF STATE] IN THEIR COUNTIES.**
26 **THE SECRETARY OF**
27 **STATE SHALL SUPERVISE EACH COUNTY CLERK IN THE PERFORMANCE OF**
ELECTION AUDITS CONDUCTED UNDER THIS SECTION.

1 (3) EACH COUNTY CLERK WHO CONDUCTS AN ELECTION AUDIT UNDER
2 THIS SECTION SHALL PROVIDE THE RESULTS OF THE ELECTION AUDIT TO THE
3 SECRETARY OF STATE WITHIN 20 DAYS AFTER THE ELECTION AUDIT.

4 Sec. 33. (1) The director of elections shall conduct training
5 schools throughout this state ~~preceeding~~**BEFORE** the general November
6 election, and ~~preceeding such~~**BEFORE** other elections as the director
7 considers advisable, for county clerks and their representatives
8 with respect to the conducting of elections in accordance with the
9 election laws. Included in this training shall be instruction on
10 the uniform voting system. ~~In case any~~**IF A** county clerk ~~shall fail~~
11 **FAILS** to conduct in his or her county a training school for
12 election boards within the county, the director of elections shall
13 conduct ~~such~~**THE** training school, the cost of the training school
14 to be charged as an obligation of the county.

15 (2) The director of elections shall train all county, city,
16 and township clerks who are involved in the training of precinct
17 inspectors. The training shall include team training and monitoring
18 of their performance as trainers.

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

22 (4) **THE DIRECTOR OF ELECTIONS SHALL CONDUCT CONTINUING**
23 **ELECTION EDUCATION TRAINING COURSES FOR COUNTY, CITY, TOWNSHIP, AND**
24 **VILLAGE CLERKS TO ATTEND. EACH COUNTY, CITY, TOWNSHIP, AND VILLAGE**
25 **CLERK IS REQUIRED TO ATTEND AND COMPLETE CONTINUING ELECTION**
26 **EDUCATION TRAINING AT LEAST ONCE EVERY 2 YEARS TO MAINTAIN**
27 **ACCREDITATION AS A CLERK. THE DEPARTMENT OF STATE IS RESPONSIBLE**

1 FOR PROVIDING CONTINUING ELECTION EDUCATION TRAINING TO THE CLERKS
2 AT NO CHARGE TO THE CLERKS, COUNTIES, CITIES, TOWNSHIPS, OR
3 VILLAGES.

4 Sec. 514. If the registration of an elector is ~~cancelled,~~
5 **CANCELED**, the clerk shall make a proper entry on the original and
6 duplicate registration cards, indicating the date and the cause for
7 cancellation, and shall affix his or her signature to the entries.
8 All copies of the ~~cancelled-~~**CANCELED** registration cards shall be
9 filed in the office of the clerk. All duplicates of the original
10 registration cards ~~so cancelled-~~**CANCELED** may be destroyed 2 years
11 after the registrations are ~~cancelled-~~**CANCELED**. The clerk may also
12 destroy the original registration cards of an elector ~~10-~~5 years
13 after the date of cancellation of the elector's registration, if
14 the registration is not reinstated within that period. The clerk
15 may also destroy any ~~cancelled-~~**CANCELED** original registration cards
16 2 years after the date of cancellation if the ~~cancelled-~~**CANCELED**
17 registration cards are reproduced ~~pursuant to-~~**UNDER** the records
18 ~~media-~~**REPRODUCTION** act, 1992 PA 116, MCL 24.401 TO 24.406, and the
19 reproductions are on file in the office of the clerk. The
20 reproductions may be destroyed after the expiration of the
21 statutory retention date of the reproduced records. The
22 registration records, if combustible, shall be destroyed by
23 burning.

24 Sec. 679a. (1) The ~~legislative body-~~**ELECTION COMMISSION** of a
25 city, township, or village ~~may,~~**SHALL**, by resolution, provide that
26 at an election at which the ballots are counted and certified at
27 the precinct, 1 or more additional boards of election inspectors be

1 appointed to serve as receiving boards. For a precinct having
2 receiving boards, the board of election commissioners shall appoint
3 a receiving board consisting of 2 or more election inspectors, with
4 an equal number from each major political party, and shall appoint
5 an equal number of election inspectors from each major political
6 party.

7 (2) Not less than 2 election inspectors in a precinct,
8 representing each of the major political parties, shall deliver to
9 the receiving board for that precinct a sealed ballot container
10 containing the voted ballots, and, in a separate sealed envelope,
11 the poll book and statement of returns. The poll book and statement
12 of returns may be enclosed in a single sealed envelope.

13 (3) The receiving board shall open the sealed envelope and
14 review the poll book and statement of returns to determine both of
15 the following:

16 (a) That the ballot container is properly sealed and the seal
17 number is properly recorded in the poll book and the statement of
18 returns. If the ballot container is not properly sealed or there is
19 a discrepancy with the seal number recorded in the poll book or the
20 statement of returns, the election inspectors who delivered the
21 ballot container and the receiving board shall together take the
22 necessary steps to correct the discrepancy. The election inspectors
23 and the receiving board shall note the discrepancy and the
24 corrective action in the remarks section of the poll book and all
25 shall sign the notation.

26 (b) That the number of individuals voting recorded in the poll
27 book equals the number of ballots issued to electors, as shown by

1 the statement of returns. If the number of individuals voting as
2 shown by the poll book does not equal the number of ballots counted
3 as shown by the statement of returns, and if an explanation of the
4 discrepancy has not been noted in the poll book, the receiving
5 board shall ask the election inspectors about the discrepancy, note
6 the explanation in the poll book, and all shall sign the notation.

7 (4) If the poll book or statement of returns has been
8 erroneously sealed in the ballot container, the election inspectors
9 may open the ballot container and remove the poll book or statement
10 of returns. The elections inspectors and receiving board shall note
11 the corrective action in the remarks section of the poll book and
12 all shall sign the notation before placing the poll book or
13 statement of returns in a separate sealed envelope. If the
14 statement of returns was sealed in the ballot container and the
15 poll book was sealed in an envelope, the poll book shall be removed
16 from the sealed envelope for the notation of corrective action to
17 be recorded before placing the poll book and statement of returns
18 in a sealed envelope. The receiving board shall notify the clerk of
19 the board of canvassers responsible for canvassing all or a portion
20 of the election of the corrective action taken.

21 (5) When the receiving board has completed the review under
22 subsection (3), the receiving board shall place the poll book and
23 statement of returns in the appropriate envelope, sealed with a red
24 paper seal and initialed by the receiving board. If permitted by
25 the clerk of the board of canvassers, the poll books and statement
26 of returns from more than 1 precinct may be included and delivered
27 in a single envelope.

1 Sec. 811. All election returns, including poll lists,
2 statements, tally sheets, ~~absent voters' applications,~~ absent
3 voters' return envelopes bearing the statement required by section
4 761, absent voters' records required by section 760, and other
5 returns made by the inspectors of election of the several precincts
6 shall be carefully preserved and may be destroyed after the
7 expiration of 2 years following the primary or election at which
8 the same were used. **ALL APPLICATIONS EXECUTED UNDER SECTION 523 AND**
9 **ALL ABSENT VOTERS' APPLICATIONS SHALL BE CAREFULLY PRESERVED AND**
10 **MAY BE DESTROYED AFTER THE EXPIRATION OF 6 YEARS FOLLOWING THE**
11 **PRIMARY OR ELECTION AT WHICH THOSE APPLICATIONS WERE EXECUTED.** All
12 ballots used at any primary or election may be destroyed after ~~7~~**30**
13 days following the final determination of the board of canvassers
14 with respect to ~~such~~**THE** primary or election unless a petition for
15 recount has been filed and not completed or unless their
16 destruction is stayed by an order of a court.

17 Sec. 847. The secretary of state may authorize the release of
18 all ballots, ballot boxes, voting machines, and equipment after ~~10~~
19 **30** days following certification of an election by the board of
20 state canvassers in a precinct other than a precinct in which 1 or
21 more of the following occur:

22 (a) A petition for recount has been filed with the board of
23 state canvassers.

24 (b) A petition has been filed pursuant to section 879.

25 (c) A court of competent jurisdiction has issued an order
26 restraining interference with ballots, ballot boxes, voting
27 machines, and equipment.

House Bill No. 5062 as amended June 12, 2012

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18 Sec. 942. An offense under this act ~~other than fraudulent~~
19 ~~registration~~ shall not be prosecuted unless the prosecution is
20 commenced within ~~2 years after the date of the registration,~~
21 ~~primary, or election in connection with which the offense is~~
22 ~~alleged to have been committed. Fraudulent registration under this~~
23 ~~act shall not be prosecuted unless the prosecution is commenced~~
24 ~~within 3~~ years after the time the offense is discovered. The
25 complaining witness or any other person who is called to testify in
26 behalf of the people in a proceeding under this section shall not
27 be liable to criminal prosecution under this act for an offense in

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1 respect to which he or she is examined or to which his or her
2 testimony relates, except to prosecution for perjury committed in
3 the testimony.

<<Enacting section 1. This amendatory act takes effect August 15,
2012.>>