

# HOUSE BILL No. 5693

June 12, 2014, Introduced by Rep. Knezek and referred to the Committee on Elections and Ethics.

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 726 (MCL 168.726) and by adding sections 750a and 750b.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 726. ~~No ballots~~ **A BALLOT** shall **NOT** be delivered to an  
2   elector by ~~any~~ **A** person other than 1 of the **ELECTION** inspectors of  
3   ~~election~~ and only within the polling place, except as provided in  
4   this act for absent voters' **VOTER** ballots **AND ELECTION BY MAIL**  
5   **BALLOTS.**

6           **SEC. 750A. (1) SUBJECT TO THIS SECTION AND SECTION 750B, A**  
7   **COUNTY CLERK WHO IS THE SCHOOL DISTRICT ELECTION COORDINATOR FOR A**  
8   **SCHOOL DISTRICT OR A CITY, TOWNSHIP, OR VILLAGE CLERK MAY CONDUCT A**  
9   **LOCAL ELECTION BY MAIL IN THE CITY, TOWNSHIP, VILLAGE, OR SCHOOL**

1 DISTRICT, UNDER THE SUPERVISION OF THE SECRETARY OF STATE. IN  
2 DECIDING TO CONDUCT A LOCAL ELECTION BY MAIL, A COUNTY CLERK WHO IS  
3 THE SCHOOL DISTRICT ELECTION COORDINATOR FOR A SCHOOL DISTRICT OR A  
4 CITY, TOWNSHIP, OR VILLAGE CLERK SHALL CONSIDER REQUESTS FROM THE  
5 GOVERNING BODY OF THE CITY, TOWNSHIP, VILLAGE, OR SCHOOL DISTRICT  
6 AND WHETHER CONDUCTING THE ELECTION BY MAIL IS ECONOMICALLY AND  
7 ADMINISTRATIVELY FEASIBLE.

8 (2) THE AUGUST PRIMARY HELD UNDER SECTION 534, THE GENERAL  
9 NOVEMBER ELECTION, AND ANY OTHER ELECTION IN WHICH A CANDIDATE FOR  
10 STATEWIDE OFFICE, JUDICIAL OFFICE, LEGISLATIVE OFFICE, OR  
11 COUNTYWIDE OFFICE IS NOMINATED OR ELECTED SHALL BE CONDUCTED AS AN  
12 ELECTION BY MAIL.

13 (3) WITHIN 90 DAYS AFTER THE EFFECTIVE DATE OF THE AMENDATORY  
14 ACT THAT ADDED THIS SECTION, A COUNTY CLERK WHO IS THE SCHOOL  
15 DISTRICT ELECTION COORDINATOR FOR A SCHOOL DISTRICT OR A CITY,  
16 TOWNSHIP, OR VILLAGE CLERK SHALL ADVISE THE GOVERNING BODY OF THE  
17 CITY, TOWNSHIP, VILLAGE, OR SCHOOL DISTRICT FOR WHICH THE CLERK IS  
18 THE ELECTION OFFICIAL AS TO EACH LOCAL ELECTION HELD IN THAT CITY,  
19 TOWNSHIP, VILLAGE, OR SCHOOL DISTRICT THAT WILL BE CONDUCTED AS AN  
20 ELECTION BY MAIL. PERIODICALLY, THE CLERK MAY REVIEW ITS DECISION  
21 OF WHETHER A LOCAL ELECTION WILL BE CONDUCTED AS AN ELECTION BY  
22 MAIL. IF AN EARLIER DECISION TO CONDUCT OR NOT CONDUCT A LOCAL  
23 ELECTION AS AN ELECTION BY MAIL IS CHANGED, THE CLERK SHALL NOTIFY  
24 THE GOVERNING BODY OF THE CITY, TOWNSHIP, VILLAGE, OR SCHOOL  
25 DISTRICT NOT LATER THAN THE THIRD TUESDAY IN JANUARY OF THE YEAR IN  
26 WHICH THE ELECTION IS TO BE HELD OF THAT CHANGE. THIS SUBSECTION  
27 DOES NOT APPLY TO AN ELECTION REQUIRED TO BE HELD AS AN ELECTION BY

1 MAIL UNDER SUBSECTION (2).

2 (4) THE SECRETARY OF STATE SHALL PROMULGATE RULES IN THE  
3 MANNER PRESCRIBED IN THIS ACT TO PROVIDE PROCEDURES FOR CONDUCTING  
4 AN ELECTION BY MAIL.

5 SEC. 750B. (1) A COUNTY, CITY, TOWNSHIP, OR VILLAGE CLERK WHO  
6 CONDUCTS AN ELECTION BY MAIL UNDER SECTION 750A SHALL CONDUCT THE  
7 ELECTION BY MAIL AS PROVIDED IN THIS SECTION.

8 (2) THE CLERK SHALL DESIGNATE 1 OR MORE PLACES OF DEPOSIT IN  
9 THE CITY, TOWNSHIP, VILLAGE, OR SCHOOL DISTRICT FOR VOTERS TO  
10 RETURN VOTED BALLOTS FOR THE ELECTION BY MAIL. THE CLERK SHALL  
11 PROVIDE THAT THE PLACES DESIGNATED FOR THE DEPOSIT OF VOTED BALLOTS  
12 IN THE CITY, TOWNSHIP, VILLAGE, OR SCHOOL DISTRICT BE OPEN ON THE  
13 DATE OF THE ELECTION FOR A PERIOD OF 13 HOURS OR MORE, BEGINNING NO  
14 LATER THAN 7 A.M. AND ENDING NO EARLIER THAN 8 P.M., AS DETERMINED  
15 BY THE CLERK.

16 (3) THE COUNTY, CITY, TOWNSHIP, OR VILLAGE CLERK SHALL SEND BY  
17 NONFORWARDABLE MAIL AN OFFICIAL BALLOT WITH A PRE-ADDRESSED,  
18 POSTAGE PAID RETURN IDENTIFICATION ENVELOPE AND A SECRECY ENVELOPE  
19 TO EACH VOTER WHO IS REGISTERED IN THE CITY, TOWNSHIP, VILLAGE, OR  
20 SCHOOL DISTRICT AS OF THE THIRTIETH DAY BEFORE THE DATE OF THE  
21 ELECTION BY MAIL. THE CLERK SHALL ADDRESS THE BALLOT TO THE  
22 REGISTERED VOTER AS THAT VOTER'S NAME APPEARS ON THE REGISTRATION  
23 RECORDS OF THAT VOTER. EXCEPT AS OTHERWISE PROVIDED IN THIS  
24 SUBSECTION AND SUBSECTION (8), THE CLERK SHALL MAIL THE OFFICIAL  
25 BALLOTS AND ENVELOPES DURING THE PERIOD BEGINNING ON THE TWENTIETH  
26 DAY BEFORE THE DATE OF THE ELECTION BY MAIL AND ENDING ON THE  
27 FOURTEENTH DAY BEFORE THE DATE OF THE ELECTION BY MAIL. FOR A

1 STATEWIDE ELECTION BY MAIL, THE SECRETARY OF STATE SHALL PRESCRIBE  
2 IN RULES PROMULGATED UNDER SECTION 750A(4) THE DATE ON WHICH THE  
3 OFFICIAL BALLOTS AND ENVELOPES FOR THE STATEWIDE ELECTION BY MAIL  
4 ARE TO BE MAILED BY A CLERK UNDER THIS SUBSECTION. HOWEVER, THE  
5 SECRETARY OF STATE SHALL PROVIDE IN THOSE RULES THAT ALL BALLOTS  
6 SHALL BE MAILED BY THE FOURTEENTH DAY BEFORE THE DATE OF THE  
7 ELECTION BY MAIL.

8 (4) FOR A PRIMARY ELECTION, THE ELECTION BY MAIL BALLOT SHALL  
9 CONTAIN A SECTION FOR THE SELECTION OF CANDIDATES FROM EACH  
10 POLITICAL PARTY THAT IS PARTICIPATING IN THE PRIMARY ELECTION. THE  
11 INSTRUCTIONS ACCOMPANYING THE PRIMARY ELECTION BY MAIL BALLOTS  
12 SHALL STATE CLEARLY THAT THE VOTER MAY VOTE FOR THE APPROPRIATE  
13 NUMBER OF CANDIDATES OF 1 PARTY ONLY AND THAT A PRIMARY BALLOT ON  
14 WHICH CANDIDATES FROM MORE THAN 1 PARTY ARE SELECTED WILL NOT BE  
15 COUNTED.

16 (5) FOR AN ELECTOR WHO HAS APPLIED TO REGISTER TO VOTE ON OR  
17 BEFORE THE CLOSE OF REGISTRATION AND IS NOT LISTED IN THE  
18 REGISTRATION RECORDS OF THE CITY, TOWNSHIP, VILLAGE, OR SCHOOL  
19 DISTRICT, THE COUNTY, CITY, TOWNSHIP, OR VILLAGE CLERK SHALL  
20 PROCEED IN THE SAME MANNER AS PRESCRIBED IN SECTION 523A FOR A  
21 PERSON WHO APPEARS AT A POLLING PLACE ON ELECTION DAY. IF THE  
22 ELECTOR MEETS THE REQUIREMENTS OF SECTION 523A, THE CLERK SHALL  
23 MAKE THE REGULAR OR PROVISIONAL OFFICIAL BALLOT, THE RETURN  
24 IDENTIFICATION ENVELOPE, AND THE SECRECY ENVELOPE AVAILABLE AT THE  
25 CLERK'S OFFICE OR OTHER PLACE DESIGNATED BY THE CLERK. THE ELECTOR  
26 WHO RECEIVES THE OFFICIAL BALLOT AND ENVELOPES UNDER THIS  
27 SUBSECTION SHALL DO ALL OF THE FOLLOWING:

1 (A) VOTE AT THE ELECTION IN THE CLERK'S OFFICE OR OTHER PLACE  
2 DESIGNATED BY THE CLERK OR VOTE BY MAIL.

3 (B) MARK THE BALLOT, SIGN THE RETURN IDENTIFICATION ENVELOPE,  
4 AND COMPLY WITH THE INSTRUCTIONS PROVIDED WITH THE BALLOT.

5 (C) RETURN THE BALLOT IN THE RETURN IDENTIFICATION ENVELOPE TO  
6 THE CLERK.

7 (6) A BALLOT OR BALLOT LABEL USED IN AN ELECTION BY MAIL SHALL  
8 CONTAIN THE FOLLOWING WARNING:

9 "A PERSON WHO, BY USE OF FORCE OR OTHER MEANS, UNDULY  
10 INFLUENCES AN ELECTOR TO VOTE IN A PARTICULAR MANNER OR TO REFRAIN  
11 FROM VOTING IS SUBJECT TO IMPRISONMENT OR TO A FINE, OR BOTH."

12 (7) TO VOTE AN ELECTION BY MAIL BALLOT RECEIVED UNDER  
13 SUBSECTION (3), A REGISTERED VOTER SHALL MARK THE BALLOT, SIGN THE  
14 RETURN IDENTIFICATION ENVELOPE SUPPLIED WITH THE BALLOT, AND COMPLY  
15 WITH THE INSTRUCTIONS PROVIDED WITH THE BALLOT. THE VOTER MAY  
16 RETURN THE MARKED BALLOT TO THE APPROPRIATE COUNTY, CITY, TOWNSHIP,  
17 OR VILLAGE CLERK BY DEPOSITING IT IN THE UNITED STATES MAIL OR WITH  
18 ANOTHER PUBLIC POSTAL SERVICE, EXPRESS MAIL SERVICE, PARCEL POST  
19 SERVICE, OR COMMON CARRIER. THE VOTER MAY RETURN THE MARKED BALLOT  
20 TO THE APPROPRIATE COUNTY, CITY, TOWNSHIP, OR VILLAGE CLERK BY  
21 DEPOSITING IT AT THE OFFICE OF THE CLERK OR OTHER PLACE OF DEPOSIT  
22 DESIGNATED BY THE CLERK. THE VOTER SHALL RETURN THE BALLOT IN THE  
23 RETURN IDENTIFICATION ENVELOPE SUPPLIED WITH THE BALLOT OR THE  
24 BALLOT WILL NOT BE COUNTED. AN ELECTION BY MAIL BALLOT MUST BE  
25 RECEIVED AT THE OFFICE OF THE APPROPRIATE CLERK OR OTHER PLACE OF  
26 DEPOSIT DESIGNATED BY THE CLERK NOT LATER THAN THE END OF THE  
27 PERIOD DETERMINED UNDER SUBSECTION (2) ON THE DATE OF THE ELECTION.

1           (8) A VOTER MAY OBTAIN A REPLACEMENT ELECTION BY MAIL BALLOT  
2 IF THE BALLOT IS DESTROYED, SPOILED, LOST, OR NOT RECEIVED BY THE  
3 VOTER. A VOTER WHO SEEKS A REPLACEMENT BALLOT SHALL SIGN A SWORN  
4 STATEMENT THAT THE BALLOT WAS DESTROYED, SPOILED, LOST, OR NOT  
5 RECEIVED BY THE VOTER AND SUBMIT THE STATEMENT TO THE APPROPRIATE  
6 CLERK BEFORE THE END OF THE PERIOD DETERMINED UNDER SUBSECTION (2).  
7 THE CLERK SHALL KEEP A RECORD OF EACH REPLACEMENT ELECTION BY MAIL  
8 BALLOT PROVIDED UNDER THIS SUBSECTION. THE CLERK SHALL DESIGNATE  
9 THE CLERK'S OFFICE OR A CENTRAL LOCATION IN THE CITY, TOWNSHIP,  
10 VILLAGE, OR SCHOOL DISTRICT IN WHICH THE ELECTION IS HELD AS THE  
11 SINGLE PLACE TO OBTAIN A REPLACEMENT ELECTION BY MAIL BALLOT UNDER  
12 THIS SUBSECTION. A CLERK MAY MAIL REPLACEMENT BALLOTS 5 DAYS OR  
13 MORE BEFORE THE DATE OF THE ELECTION BY MAIL. THE CLERK MAY DELIVER  
14 IN PERSON TO A REGISTERED VOTER A REPLACEMENT BALLOT UP UNTIL AND  
15 INCLUDING THE DATE OF THE ELECTION BY MAIL.

16           (9) ELECTION OFFICIALS SHALL COUNT AN ELECTION BY MAIL BALLOT  
17 ONLY IF THAT BALLOT MEETS ALL OF THE FOLLOWING REQUIREMENTS:

18           (A) THE BALLOT IS RETURNED IN THE RETURN IDENTIFICATION  
19 ENVELOPE.

20           (B) THE RETURN IDENTIFICATION ENVELOPE IS SIGNED BY THE VOTER  
21 TO WHOM THE BALLOT WAS ISSUED.

22           (C) THE SIGNATURE IS VERIFIED AS PROVIDED IN SUBSECTION (10).

23           (10) THE COUNTY, CITY, TOWNSHIP, OR VILLAGE CLERK SHALL VERIFY  
24 THE SIGNATURE OF EACH VOTER ON THE RETURN IDENTIFICATION ENVELOPE  
25 WITH THE SIGNATURE OF THE VOTER ON THE VOTER'S REGISTRATION CARD,  
26 ACCORDING TO THE PROCEDURES PRESCRIBED IN THIS ACT AND RULES  
27 PROMULGATED BY THE SECRETARY OF STATE.

1           (11) IF THE CLERK OR OTHER ELECTION OFFICIAL DETERMINES THAT A  
2 VOTER TO WHOM A REPLACEMENT ELECTION BY MAIL BALLOT HAS BEEN ISSUED  
3 HAS VOTED MORE THAN ONCE, AN ELECTION OFFICIAL SHALL NOT COUNT ANY  
4 BALLOT CAST BY THAT VOTER. A CLERK OR OTHER ELECTION OFFICIAL WHO  
5 BECOMES AWARE OF A PERSON WHO VOTES OR ATTEMPTS TO VOTE BY MEANS OF  
6 BOTH AN ORIGINAL BALLOT AND A REPLACEMENT BALLOT SHALL REPORT THAT  
7 INFORMATION TO THE PROSECUTING ATTORNEY FOR THAT COUNTY AND TO THE  
8 SECRETARY OF STATE.

9           (12) AN ELECTION BY MAIL BALLOT OR A VOTER CASTING A BALLOT AT  
10 AN ELECTION BY MAIL, OR BOTH, IS SUBJECT TO CHALLENGE AS PRESCRIBED  
11 IN THIS ACT.