

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 4734

A bill to amend 1954 PA 116, entitled
"Michigan election law,"
by amending sections 23, 24e, 28, 821, 822, and 830 (MCL 168.23,
168.24e, 168.28, 168.821, 168.822, and 168.830), section 23 as
amended by 2012 PA 417, section 821 as amended by 2003 PA 302, and
section 822 as amended by 2013 PA 51, and section 830 as amended by
2018 PA 341, and by adding sections 668b and 824a; and to repeal
acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 23. (1) The chief or only judge of probate of the county
2 or probate court district, the county clerk, and the county
3 treasurer shall constitute a board of county election commissioners
4 for each county. ~~, 2 of whom shall be a quorum for the transaction~~
5 ~~of business.~~ The chief or only judge of probate of the county or

1 probate court district and the county clerk shall act respectively
 2 as chairperson and secretary of the board. In the absence or
 3 disqualification of the county clerk from any meeting of the board
 4 of county election commissioners, the board may select 1 of the
 5 county clerk's deputies to act in the county clerk's place. In the
 6 absence or disqualification of any member of the board of county
 7 election commissioners other than the county clerk, the members of
 8 the board who are present shall appoint ~~some other county officer~~
 9 **THE COUNTY PROSECUTING ATTORNEY, COUNTY SHERIFF, OR REGISTER OF**
 10 **DEEDS** in the absent or disqualified member's place, and the
 11 appointed county officer, on being notified, shall attend without
 12 delay and act as a member of the board.

13 (2) If a member of the board is involved in the recall of an
 14 officer, either by assisting in the preparation of the petition for
 15 recall or by being an officer whose recall is sought, then the
 16 member of the board ~~shall be~~ **IS** disqualified with respect to any
 17 determination under section 952 and ~~shall~~ **MUST** be replaced as
 18 provided in this section.

19 Sec. 24e. **(1)** The board shall meet as necessary to transact
 20 their business, and during the month of January in each even
 21 numbered year elect ~~one~~ **1** of their members ~~chairman~~ **CHAIRPERSON** and
 22 ~~one~~ **1** as ~~vice-chairman~~ **VICE-CHAIRPERSON**. Any 3 members shall
 23 constitute a quorum, but no action ~~shall become~~ **BECOMES** effective
 24 unless 1 member from each political party represented concurs
 25 ~~therein~~ **IN THE ACTION**.

26 **(2)** The county clerk ~~shall be~~ **IS** the clerk of the board of
 27 county canvassers. The ~~board of county canvassers~~ **COUNTY CLERK** may

1 employ ~~such~~ **ANY** assistants as are necessary **TO** adequately ~~to~~
 2 perform the duties of the board. ~~and the~~ **THE** payment for the
 3 assistants shall ~~shall~~ **MUST** be in amounts authorized by the ~~board of~~
 4 ~~county canvassers~~ **COUNTY CLERK** and shall ~~shall~~ **MUST** be paid from an
 5 appropriation made for that purpose by the **COUNTY** board of
 6 ~~supervisors prior to~~ **COMMISSIONERS BEFORE** the canvass.

7 Sec. 28. Members of the various boards of election
 8 commissioners ~~and boards of canvassers~~ and any other person charged
 9 with duties in connection with the conduct of primaries, elections,
 10 canvassing of returns, and recounts shall ~~shall~~ **MUST** receive ~~such~~
 11 compensation as ~~shall be~~ **IS** determined by the legislative body of
 12 ~~the~~ **THIS** state, **THE** county, **THE** city, **THE** township, or **THE** village,
 13 as ~~the case may be~~. **APPLICABLE. THE COUNTY BOARD OF COMMISSIONERS**
 14 **SHALL CONSULT WITH THE COUNTY CLERK TO DETERMINE THE COMPENSATION**
 15 **FOR THE BOARD OF COUNTY CANVASSERS AND ANY ASSISTANTS EMPLOYED BY**
 16 **THE COUNTY BOARD OF CANVASSERS.**

17 **SEC. 668B. (1) EACH CITY OR TOWNSHIP SHALL USE THE ELECTRONIC**
 18 **POLL BOOK SOFTWARE DEVELOPED BY THE BUREAU OF ELECTIONS IN EACH**
 19 **ELECTION PRECINCT IN THE CITY OR TOWNSHIP ON ELECTION DAY TO**
 20 **PROCESS VOTERS AND GENERATE ELECTION PRECINCT REPORTS.**

21 **(2) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (3), AFTER 4**
 22 **P.M. ON THE DAY BEFORE AN ELECTION, EACH CITY OR TOWNSHIP CLERK**
 23 **SHALL DOWNLOAD THE ELECTRONIC POLL BOOK SOFTWARE FROM THE QUALIFIED**
 24 **VOTER FILE SOFTWARE.**

25 **(3) IN A CITY OR TOWNSHIP WITH MORE THAN 50 ELECTION**
 26 **PRECINCTS, THE CITY OR TOWNSHIP CLERK MAY BEGIN DOWNLOADING THE**
 27 **ELECTRONIC POLL BOOK SOFTWARE FROM THE QUALIFIED VOTER FILE**

1 SOFTWARE AFTER 2 P.M. ON THE SATURDAY BEFORE AN ELECTION. IF A CITY
2 OR TOWNSHIP CLERK DOWNLOADS THE ELECTRONIC POLL BOOK SOFTWARE FROM
3 THE QUALIFIED VOTER FILE SOFTWARE BEFORE 4 P.M. ON THE DAY BEFORE
4 AN ELECTION AS PROVIDED IN THIS SUBSECTION, THE CITY OR TOWNSHIP
5 CLERK MUST PROVIDE A SUPPLEMENTAL ABSENT VOTER LIST TO EACH
6 ELECTION PRECINCT BEFORE THE POLLS OPEN ON ELECTION DAY THAT
7 CAPTURES ANY ABSENT VOTER ACTIVITY IN THE CITY OR TOWNSHIP BETWEEN
8 2 P.M. ON THE SATURDAY BEFORE THE ELECTION AND 4 P.M. ON THE MONDAY
9 BEFORE THE ELECTION.

10 Sec. 821. (1) ~~The~~ **EXCEPT AS PROVIDED IN SUBSECTION (2), THE**
11 board of county canvassers shall meet at the office of the county
12 clerk ~~at 1 p.m.~~ **NO LATER THAN 9 A.M.** on the day ~~THURSDAY~~ after the
13 day of a general election, August primary, or presidential primary
14 election **ANY ELECTION HELD** in the county. ~~Except as provided in~~
15 ~~subsection (2), for other elections the board shall meet within 5~~
16 ~~days following the election.~~ **THE COUNTY CLERK OR THE COUNTY CLERK'S**
17 **STAFF SHALL DETERMINE THE MEETING DATE AND TIME FOR THE BOARD OF**
18 **COUNTY CANVASSERS.**

19 (2) If, at an election held on the May regular election date,
20 a ballot question appears on the ballot concerning **AN** authorized
21 millage that is subject to a millage reduction as provided in
22 section 34d of the general property tax act, 1893 PA 206, MCL
23 211.34d, the board of county canvassers shall meet to canvass and
24 certify the results of the vote on that proposition after May 31
25 and before June 15 following the election.

26 Sec. 822. (1) The board of county canvassers shall then
27 proceed without delay to canvass the returns of votes cast for all

1 candidates for offices voted for and all questions voted on at the
2 election, according to the precinct returns filed with the probate
3 judge or presiding probate judge by the several city and township
4 clerks, or in case of local elections according to the precinct
5 returns filed with the county clerk, and ~~shall~~**MUST** conclude the
6 canvass at the earliest possible time and in every case ~~within 14~~
7 ~~days~~**NO LATER THAN THE FOURTEENTH DAY AFTER THE ELECTION.**

8 (2) If the board of county canvassers fails to certify the
9 results of any election for any officer or proposition ~~within~~**BY**
10 ~~the 14 days~~**FOURTEENTH DAY AFTER THE ELECTION** as provided, the
11 board of county canvassers shall immediately deliver to the
12 secretary of the board of state canvassers all records and other
13 information pertaining to the election. The board of state
14 canvassers shall meet immediately and make the necessary
15 determinations and certify the results within the 10 days
16 immediately following the receipt of the records from the board of
17 county canvassers. The cost of the canvass ~~shall~~**MUST** be borne by
18 the county involved.

19 **SEC. 824A. IN ANY STATEMENT PREPARED UNDER SECTION 824, THE**
20 **BOARD OF COUNTY CANVASSERS SHALL DISCLOSE THE NUMBER OF OUT-OF-**
21 **BALANCE PRECINCTS THAT WERE NOT RECONCILED DURING THE COUNTY**
22 **CANVASS PROCESS.**

23 Sec. 830. Each ~~county canvasser and county clerk shall~~**MUST**
24 receive ~~such~~ reasonable compensation for services performed under
25 this act as is allowed by the county board of commissioners, which
26 compensation must be paid out of the treasury of the county.

27 Enacting section 1. Sections 24f and 24h of the Michigan

1 election law, 1954 PA 116, MCL 168.24f and 168.24h, are repealed.

2 Enacting section 2. This amendatory act takes effect 90 days

3 after the date it is enacted into law.