

SENATE BILL NO. 404

June 22, 2023, Introduced by Senators GEISS, CAMILLERI, CHANG and MOSS and referred to the Committee on Elections and Ethics.

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 726, 736, 751, and 931 (MCL 168.726, 168.736, 168.751, and 168.931), section 931 as amended by 1996 PA 583, and by adding sections 726a, 753, and 753a; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 726. ~~No ballots shall~~ **Except as otherwise provided in**
2 **this act, a ballot must not** be delivered to an elector by any

1 ~~person~~ **individual** other than 1 of the **election** inspectors of
2 ~~election~~ and only ~~within~~ **in** the polling place. ~~, except as provided~~
3 ~~in this act for absent voters' ballots.~~

4 **Sec. 726a. (1) An elector who is 65 years of age or older, or**
5 **an elector who has a disability, may request to vote the elector's**
6 **ballot using curbside voting at the elector's polling place or**
7 **early voting site. An elector may request to use curbside voting in**
8 **any of the following ways:**

9 (a) By calling the appropriate city or township clerk's office
10 during regular business hours.

11 (b) By sending another individual into the elector's polling
12 place or early voting site to indicate to the election inspectors
13 that the elector wishes to use curbside voting.

14 (c) Any other appropriate method authorized by the secretary
15 of state at least 120 days before the election.

16 (d) Any other appropriate method authorized by the appropriate
17 city or township clerk.

18 (2) Curbside voting must be available to electors during all
19 hours that a polling place or early voting site is open.

20 (3) An elector must not be required to disclose the reason for
21 requesting curbside voting and must not be required to provide
22 evidence or documentation of the elector's age or disability to use
23 curbside voting.

24 (4) Curbside voting must be conducted in an area designated by
25 the appropriate city or township clerk that is located within 200
26 feet of any entrance to a polling place or early voting site. The
27 area designated must include a sign indicating that the area is
28 designated for curbside voting only. If the area designated for
29 curbside voting is located more than 100 feet from any entrance to

1 a polling place or early voting site, an individual shall not
2 conduct any of the activities prohibited under section 744 within
3 10 feet of a vehicle parked in the area designated for curbside
4 voting.

5 (5) When the election inspectors at a polling place or early
6 voting site become aware that an elector described in subsection
7 (1) is outside of the polling place or early voting site and wishes
8 to use curbside voting, the following procedure must be used:

9 (a) Except as otherwise provided in this subdivision, 2
10 election inspectors, 1 from each major political party, must go to
11 the elector's vehicle outside of the polling place or early voting
12 site and verify the elector's registration status. If 1 election
13 inspector from each major political party is not immediately
14 available, 2 election inspectors, regardless of political party
15 affiliation, may go to the elector's vehicle outside of the polling
16 place or early voting site to verify the elector's registration
17 status.

18 (b) If the elector's registration status is confirmed, the
19 election inspectors must provide that elector with a ballot to vote
20 and a secrecy envelope.

21 (c) The elector shall mark the ballot in the presence of both
22 election inspectors, but in a manner that protects the secrecy of
23 the ballot.

24 (d) Once the elector has completed marking the elector's
25 ballot, the elector shall return the marked ballot in a secrecy
26 envelope to the election inspectors.

27 (e) The election inspectors shall immediately return to the
28 polling place or early voting site and deposit the marked ballot
29 into the ballot tabulator.

1 (f) Once the ballot is tabulated, the election inspectors
2 shall return to the elector's vehicle and indicate to the elector
3 that the elector's ballot was tabulated and provide that elector
4 with written proof that the elector's ballot was tabulated.

5 Sec. 736. ~~When~~**If** an elector applying to vote ~~shall~~**is** not be
6 challenged, or, **if** having been challenged, ~~if~~ the answers to **the**
7 questions asked ~~him~~**the elector** while under oath as to ~~his~~**the**
8 **elector's** qualifications ~~shall~~ show that ~~he~~**the elector** is a
9 qualified elector at that poll, ~~he shall~~**the elector must** be
10 permitted to vote. The **election** inspector having charge of the
11 ballots shall deliver to ~~said~~**the** elector ~~1 of each kind of said~~
12 ~~ballots~~**the ballot** to be voted at the election. ~~All the ballots so~~
13 **The ballot** given to an elector applying to vote ~~shall~~**must** bear the
14 same number, beginning, for the first elector to whom ballots are
15 given, with the lowest numbered ballots, the next higher number for
16 the second ~~such~~ elector, and so on. On request of the elector, an
17 **election** inspector may give **an** explanation of the manner of voting,
18 and if ~~by the board deemed~~**of election inspectors considers it**
19 necessary, an interpreter may be called. ~~, but the~~**An** elector shall
20 not ~~be~~ otherwise **be** assisted in the marking of ~~his~~**the elector's**
21 ballot, except as **otherwise** provided in this act. ~~for assisted~~
22 electors.

23 Sec. 751. (1) ~~When~~**If** at an election an elector ~~shall state~~
24 **states** that the elector cannot mark ~~his or her~~**the elector's**
25 ballot, the elector ~~shall~~**must** be assisted in the marking of ~~his or~~
26 ~~her~~**the elector's** ballot by 2 **election** inspectors. ~~of election.~~

27 (2) If an elector is ~~so~~ disabled on account of blindness, the
28 elector may be assisted in the marking of ~~his or her~~**the elector's**
29 ballot by a member of ~~his or her~~**the elector's** immediate family or

1 by ~~a person~~ **an individual** over 18 years of age designated by the
 2 ~~blind person~~ **elector**.

3 (3) Beginning on the effective date of the amendatory act that
 4 added this subsection, an elector may seek language assistance from
 5 an individual the elector chooses in order to exercise the
 6 elector's right to vote.

7 (4) Beginning on the effective date of the amendatory act that
 8 added this subsection, an elector may bring any individual into the
 9 voting booth or voting compartment at an election to assist that
 10 elector in participating in the electoral process. An election
 11 inspector may confirm with the elector that the individual is of
 12 the elector's choice to assist that elector.

13 Sec. 753. (1) A nonprofit or nonpartisan entity that is not a
 14 political committee may offer or provide transportation for an
 15 elector to and from any of the following for voting purposes:

- 16 (a) A polling place location.
- 17 (b) An early voting site.
- 18 (c) An absent voter ballot drop box.
- 19 (d) A city or township clerk's office.

20 (2) As used in this section, "political committee" means any
 21 of the following:

- 22 (a) A committee as that term is defined under section 3 of the
 23 Michigan campaign finance act, 1976 PA 388, MCL 169.203.
- 24 (b) An entity that is tax-exempt under section 527 of the
 25 internal revenue code of 1986, 26 USC 527.

26 Sec. 753a. An individual may provide food, entertainment,
 27 warmth, or other necessities to electors who are in line to vote at
 28 a polling place location, an early voting site, or a city or
 29 township clerk's office.

1 Sec. 931. (1) ~~A person~~ **An individual** who violates 1 or more of
2 the following subdivisions is guilty of a misdemeanor:

3 (a) ~~A person~~ **An individual** shall not, either directly or
4 indirectly, give, lend, or promise valuable consideration ~~,~~ to or
5 for any ~~person,~~ **individual** as an inducement to influence the manner
6 of voting by a ~~person~~ **an individual** relative to a candidate or
7 ballot question ~~,~~ or as a reward for refraining from voting.

8 (b) ~~A person~~ **An individual** shall not, either before, on, or
9 after an election, for the ~~person's~~ **individual's** own benefit or on
10 behalf of any other ~~person,~~ **individual**, receive, agree, or contract
11 for valuable consideration for 1 or more of the following:

12 (i) Voting or agreeing to vote, or inducing or attempting to
13 induce another to vote, at an election.

14 (ii) Refraining or agreeing to refrain, or inducing or
15 attempting to induce another to refrain, from voting at an
16 election.

17 (iii) Doing anything prohibited by this act.

18 (iv) Both distributing absent voter ballot applications to
19 ~~voters~~ **electors** and receiving signed applications from ~~voters~~
20 **electors** for delivery to the appropriate clerk or assistant of the
21 clerk. This subparagraph does not apply to an authorized election
22 official.

23 (c) ~~A person~~ **An individual** shall not solicit any valuable
24 consideration from a candidate for nomination for, or election to,
25 an office described in this act. This subdivision does not apply to
26 requests for contributions of money by or to an authorized
27 representative of the political party committee of the organization
28 to which the candidate belongs. This subdivision does not apply to
29 a regular business transaction between a candidate and any other

1 ~~person~~**individual** that is not intended for, or connected with, the
2 securing of votes or the influencing of voters in connection with
3 the nomination or election.

4 (d) ~~A person~~**An individual** shall not, either directly or
5 indirectly, discharge or threaten to discharge an employee of the
6 ~~person~~**individual** for the purpose of influencing the employee's
7 vote at an election.

8 (e) A priest, pastor, curate, or other officer of a religious
9 society shall not for the purpose of influencing ~~a voter~~**an elector**
10 at an election, impose or threaten to impose upon the ~~voter~~**elector**
11 a penalty of excommunication, dismissal, or expulsion, ~~or~~ command
12 or advise the ~~voter~~**elector** under pain of religious disapproval.

13 ~~(f) A person shall not hire a motor vehicle or other~~
14 ~~conveyance or cause the same to be done, for conveying voters,~~
15 ~~other than voters physically unable to walk, to an election.~~

16 **(f)** ~~(g)~~In a city, township, village, or school district that
17 has a board of election commissioners authorized to appoint
18 inspectors of election, an inspector of election, a clerk, or other
19 election official who accepts an appointment as an inspector of
20 election shall not fail to report at the polling place designated
21 on election morning at the time specified by the board of election
22 commissioners, unless excused as provided in this subdivision. ~~A~~
23 ~~person~~**An individual** who violates this subdivision is guilty of a
24 misdemeanor ~~or~~ punishable by a fine of not more than \$10.00 or
25 imprisonment for not more than 10 days, or both. An inspector of
26 election, clerk, or other election official who accepts an
27 appointment as an inspector of election is excused for failing to
28 report at the polling place on election day and is not subject to a
29 fine or imprisonment under this subdivision if 1 or more of the

1 following requirements are met:

2 (i) The inspector of election, clerk, or other election
3 official notifies the board of election commissioners or other
4 officers in charge of elections of ~~his or her~~ **the** inability to
5 serve at the time and place specified, 3 days or more before the
6 election.

7 (ii) The inspector of election, clerk, or other election
8 official is excused from duty by the board of election
9 commissioners or other officers in charge of elections for cause
10 shown.

11 (g) ~~(h) A person~~ **An individual** shall not willfully fail to
12 perform a duty imposed upon that ~~person~~ **individual** by this act, or
13 disobey a lawful instruction or order of the secretary of state as
14 chief state election officer or of a board of county election
15 commissioners, board of city election commissioners, or board of
16 inspectors of election.

17 (h) ~~(i) A~~ delegate or member of a convention shall not solicit
18 a candidate for nomination before the convention for money, reward,
19 position, place, preferment, or other valuable consideration in
20 return for support by the delegate or member in the convention. A
21 candidate or other ~~person~~ **individual** shall not promise or give to a
22 delegate money, reward, position, place, preferment, or other
23 valuable consideration in return for support by or vote of the
24 delegate in the convention.

25 (i) ~~(j) A person~~ **An individual** elected to the office of
26 delegate to a convention shall not accept or receive any money or
27 other valuable consideration for ~~his or her~~ **the individual's** vote
28 as a delegate.

29 (j) ~~(k) A person~~ **An individual** shall not, while the polls are

1 open on an election day, solicit votes in a polling place or within
 2 100 feet from an entrance to the building in which a polling place
 3 is located.

4 (k) ~~(l) A person~~ **An individual** shall not keep a room or
 5 building for the purpose, in whole or in part, of recording or
 6 registering bets or wagers, or of selling pools ~~upon~~ **on** the result
 7 of a political nomination, appointment, or election. ~~A person~~ **An**
 8 **individual** shall not wager property, money, or thing of value, or
 9 be the custodian of money, property, or thing of value ~~—~~ **staked,**
 10 **wagered,** or pledged ~~upon~~ **on** the result of a political nomination,
 11 appointment, or election.

12 (l) ~~(m) A person~~ **An individual** shall not participate in a
 13 meeting or a portion of a meeting of more than 2 ~~persons,~~
 14 **individuals,** other than the ~~person's~~ **individual's** immediate family,
 15 at which an absent voter ballot is voted.

16 (m) ~~(n) A person,~~ **An individual,** other than an authorized
 17 election official, shall not, either directly or indirectly, give,
 18 lend, or promise any valuable consideration to or for ~~a person~~ **an**
 19 **individual** to induce that ~~person~~ **individual** to both distribute
 20 absent voter ballot applications to ~~voters~~ **electors** and receive
 21 signed absent voter ballot applications from ~~voters~~ **electors** for
 22 delivery to the appropriate clerk.

23 (2) ~~A person~~ **An individual** who violates a provision of this
 24 act for which a penalty is not otherwise specifically provided in
 25 this act ~~,~~ **is** guilty of a misdemeanor.

26 ~~(3) A person or a person's agent who knowingly makes,~~
 27 ~~publishes, disseminates, circulates, or places before the public,~~
 28 ~~or knowingly causes directly or indirectly to be made, published,~~
 29 ~~disseminated, circulated, or placed before the public, in this~~

1 ~~state, either orally or in writing, an assertion, representation,~~
2 ~~or statement of fact concerning a candidate for public office at an~~
3 ~~election in this state, that is false, deceptive, scurrilous, or~~
4 ~~malicious, without the true name of the author being subscribed to~~
5 ~~the assertion, representation, or statement if written, or~~
6 ~~announced if unwritten, is guilty of a misdemeanor.~~

7 **(3)** ~~(4)~~As used in this section, "valuable consideration"
8 includes, but is not limited to, money, property, a gift, a prize
9 or chance for a prize, a fee, a loan, an office, a position, an
10 appointment, or employment.

11 Enacting section 1. Section 579 of the Michigan election law,
12 1954 PA 116, MCL 168.579, is repealed.

13 Enacting section 2. This amendatory act does not take effect
14 unless Senate Bill No. 401 of the 102nd Legislature is enacted into
15 law.