

# HOUSE BILL No. 6028

December 2, 2014, Introduced by Rep. Price and referred to the Committee on Local Government.

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 498, 518, 539, 653a, 798, and 826 (MCL 168.498, 168.518, 168.539, 168.653a, 168.798, and 168.826), sections 498 and 653a as amended by 2005 PA 71, section 798 as amended by 1992 PA 8, and section 826 as amended by 2013 PA 51.

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

1           Sec. 498. (1) The governing body of a township, city, or  
2 village may provide by resolution that in that township, city, or  
3 village the clerk shall be at the clerk's office, or in some  
4 other convenient place designated by the clerk, during the hours  
5 designated by the governing body on the thirtieth day ~~preceeding~~

1 **BEFORE** an election or primary election in the township, city, or  
2 village, unless the thirtieth day falls on a Saturday, Sunday, or  
3 legal holiday, in which event registration shall be accepted  
4 during the same hours on the following day.

5 (2) In a township, city, or village in which the clerk does  
6 not maintain regular daily office hours, the township board or  
7 the legislative body of the city or village may require that the  
8 clerk of the township, city, or village shall be at the clerk's  
9 office or other designated place for the purpose of receiving  
10 applications for registration on the days ~~which~~**THAT** the board or  
11 legislative body designates, but not more than 5 days before the  
12 last day for registration.

13 (3) ~~The~~**BEFORE JANUARY 1, 2015, THE** clerk of each township,  
14 city, and village shall give public notice of the days and hours  
15 that the clerk will be at the clerk's office or other designated  
16 place for the purpose of receiving registrations before an  
17 election or primary election by publication of the notice, except  
18 as provided in subsection (4) and section 497(2), in a newspaper  
19 published or of general circulation in the township, city, or  
20 village and, if considered advisable by the township, city, or  
21 village clerk, by posting written or printed notices in at least  
22 2 of the most conspicuous places in each election precinct.

23 **BEGINNING JANUARY 1, 2015, EXCEPT AS PROVIDED IN SUBSECTION (4)**  
24 **AND SECTION 497(2), THE CLERK OF EACH TOWNSHIP, CITY, OR VILLAGE**  
25 **SHALL GIVE PUBLIC NOTICE OF THE DAYS AND HOURS THAT THE CLERK**  
26 **WILL BE AT THE CLERK'S OFFICE OR OTHER DESIGNATED PLACE FOR THE**  
27 **PURPOSE OF RECEIVING REGISTRATIONS BEFORE AN ELECTION OR PRIMARY**

1 ELECTION BY PROVIDING TIER B PUBLIC NOTICE OF THE NOTICE AS SET  
2 FORTH IN THE LOCAL GOVERNMENT PUBLIC NOTICE ACT, AND, IF  
3 CONSIDERED ADVISABLE BY THE TOWNSHIP, CITY, OR VILLAGE CLERK, BY  
4 POSTING WRITTEN OR PRINTED NOTICES IN AT LEAST 2 OF THE MOST  
5 CONSPICUOUS PLACES IN EACH ELECTION PRECINCT. Except as provided  
6 in subsection (4), the publication or posting shall be made not  
7 less than 7 days before the last day for receiving registrations.  
8 The notice of registration shall include the offices to be filled  
9 that will appear on the ballot. If the notice of registration is  
10 for an election that includes a ballot proposal, a caption or  
11 brief description of the ballot proposal along with the location  
12 where an elector can obtain the full text of the ballot proposal  
13 shall be stated in the notice.

14 (4) ~~Notice~~ **BEFORE JANUARY 1, 2015, NOTICE** of registration  
15 for a school millage election that will be held pursuant to  
16 section 36 of the general property tax act, 1893 PA 206, MCL  
17 211.36, ~~shall be~~ **IS** required to be published once and shall be  
18 made not less than 5 days before the last day for receiving  
19 registrations as provided in section 497a. **BEGINNING JANUARY 1,**  
20 **2015, NOT LESS THAN 5 DAYS BEFORE THE LAST DAY FOR RECEIVING**  
21 **REGISTRATIONS AS PROVIDED IN SECTION 497A, TIER B PUBLIC NOTICE**  
22 **OF THE NOTICE OF REGISTRATION FOR A SCHOOL MILLAGE ELECTION THAT**  
23 **WILL BE HELD PURSUANT TO SECTION 36 OF THE GENERAL PROPERTY TAX**  
24 **ACT, 1893 PA 206, MCL 211.36, SHALL BE PROVIDED AS SET FORTH IN**  
25 **THE LOCAL GOVERNMENT PUBLIC NOTICE ACT.**

26 (5) A county clerk may enter into an agreement with the  
27 clerk of 1 or more townships or cities in the county or the

1 clerks of 1 or more cities or townships in a county may enter  
 2 into an agreement to jointly ~~publish~~ **PROVIDE** the notice required  
 3 in subsection (3). ~~The~~ **BEFORE JANUARY 1, 2015, THE** notice shall  
 4 be published in a newspaper of general circulation in the cities  
 5 and townships listed in the notice. **BEGINNING JANUARY 1, 2015,**  
 6 **TIER B PUBLIC NOTICE OF THE NOTICE SHALL BE PROVIDED AS SET FORTH**  
 7 **IN THE LOCAL GOVERNMENT PUBLIC NOTICE ACT.**

8       Sec. 518. (1) ~~Whenever~~ **IF** a new township ~~shall be~~ **IS**  
 9 organized, the persons designated to act as inspectors for the  
 10 first election to be held ~~therein~~ **IN THE TOWNSHIP** shall  
 11 constitute a board of registration for the purpose of making the  
 12 first registration of qualified electors ~~therein. Said~~ **IN THE**  
 13 **TOWNSHIP. THE** board ~~shall be~~ **IS** authorized to procure the  
 14 necessary books or files and forms to conduct ~~such~~ **THE**  
 15 registration in accordance with ~~the provisions of~~ this act.  
 16 ~~Subsequent to~~ **AFTER** the election, the records shall be delivered  
 17 to the ~~persons~~ **PERSON** elected to the office of **TOWNSHIP** clerk. ~~of~~  
 18 ~~the township. At least 10 days' public notice shall be given of~~  
 19 ~~the time and place for holding the registration. Such notice~~  
 20 ~~shall be given by posting written or printed notices in at least~~  
 21 ~~5 of the most conspicuous places in said township, city or~~  
 22 ~~village, or by publication in a newspaper of general circulation~~  
 23 ~~therein. Whenever~~ **IF** a new city is incorporated from the  
 24 territory of a township, the registration records of the portion  
 25 of the township incorporated as a city ~~shall~~ constitute the  
 26 registration records of the newly incorporated city. Township  
 27 registration records shall be available and used in connection

1 with the election on the adoption of the charter of any new city  
2 or village and for the first election of ~~such~~**THE** city's or  
3 village's officers.

4 (2) ~~Whenever~~**IF** any territory of a township is annexed to a  
5 city, the clerk of the township from which the territory was  
6 detached shall, not less than 5 days ~~prior to~~**BEFORE** the  
7 effective date of the annexation, forward to the clerk of the  
8 city to which the territory was annexed all of the current  
9 registration records of the registered electors residing in the  
10 annexed territory. ~~Such~~**THE** records shall ~~thereafter be~~**BECOME** a  
11 part of the registration records of ~~such~~**THE** city and the  
12 electors whose registration records were ~~so~~ transferred shall be  
13 registered electors of ~~such~~**THE** city.

14 (3) All ~~such~~ transfers of registration shall be accompanied  
15 by a statement signed by the township clerk certifying that all  
16 of the current registrations of persons residing within the  
17 annexed or incorporated area according to his **OR HER** records are  
18 included. ~~therein.~~

19 Sec. 539. If, upon the expiration of the time for filing  
20 petitions in any primary for city or county, it appears that  
21 there is no opposition to any candidate for any office upon any  
22 ticket, then the city or county clerk, as the case may be, shall  
23 certify to the board of election commissioners the names of all  
24 persons whose petitions have been properly filed and the office  
25 for which ~~such~~**THE** petitions were filed, and ~~such~~**THE** persons  
26 shall be declared by ~~such~~**THE** board of election commissioners  
27 nominees for the respective offices, and ~~such~~**THE** county clerk

1 shall forthwith notify the several clerks of the townships and  
2 cities interested, if any, and give notice that the primary will  
3 not be held as contemplated, giving the reasons therefor, ~~and a~~  
4 **FOR NOT HOLDING THE PRIMARY. BEFORE JANUARY 1, 2015, A** public  
5 notice shall be given of ~~such~~**THE** determination by a brief notice  
6 published by ~~such~~**THE** clerk in a newspaper circulated in ~~such~~**THE**  
7 county. **BEGINNING JANUARY 1, 2015, TIER C PUBLIC NOTICE OF THE**  
8 **DETERMINATION SHALL BE PROVIDED BY THE CLERK AS SET FORTH IN THE**  
9 **LOCAL GOVERNMENT PUBLIC NOTICE ACT.**

10           Sec. 653a. (1) On receipt of the notice from the county  
11 clerk pursuant to section 652, the clerk of each city and  
12 township shall give notice of the time and place at which the  
13 election is to be held, the offices to be filled, and the  
14 proposals to be submitted to the voters. ~~The~~**BEFORE JANUARY 1,**  
15 **2015, THE** notice shall be published in a newspaper published, or  
16 of general circulation, in the city or township. **BEGINNING**  
17 **JANUARY 1, 2015, TIER B PUBLIC NOTICE WITH A LINK OF THE NOTICE**  
18 **SHALL BE PROVIDED AS SET FORTH IN THE LOCAL GOVERNMENT PUBLIC**  
19 **NOTICE ACT.** A caption or brief description of the proposal or  
20 proposals along with the location where an elector can obtain the  
21 full text of the proposal or proposals shall be included in the  
22 notice. The publication **OR POSTING** shall be made not less than 7  
23 days before the election. The notice shall be in substantially  
24 the following form:

25   ELECTION NOTICE  
26 To the qualified electors of the city or township  
27 \_\_\_\_\_ notice is hereby given that a

1 \_\_\_\_\_  
 2 (indicate whether regular, special, or primary)  
 3 election will be held in \_\_\_\_\_  
 4 on \_\_\_\_\_ from 7 a.m. to 8 p.m. for the purpose of  
 5 (date)  
 6 nominating or electing candidates for the following offices:  
 7 \_\_\_\_\_  
 8 (list of offices)  
 9 and to vote on the following proposals:  
 10 \_\_\_\_\_  
 11 (list all proposals to be submitted to voters)  
 12 List of polling place locations: \_\_\_\_\_.  
 13 \_\_\_\_\_  
 14 (clerk)

15 (2) A county clerk may enter into an agreement with the  
 16 clerk of 1 or more townships or cities in the county or the  
 17 clerks of 1 or more cities or townships in a county may enter  
 18 into an agreement to jointly publish **OR POST** the notice in  
 19 subsection (1). ~~The~~ **BEFORE JANUARY 1, 2015, THE** notice shall be  
 20 published in a newspaper of general circulation in the cities and  
 21 townships listed in the notice. **BEGINNING JANUARY 1, 2015, TIER B**  
 22 **PUBLIC NOTICE WITH A LINK OF THE NOTICE SHALL BE PROVIDED AS SET**  
 23 **FORTH IN THE LOCAL GOVERNMENT PUBLIC NOTICE ACT.** If certain  
 24 offices or proposals are to be voted on in less than all of the  
 25 precincts, the notice shall specify the townships or cities that  
 26 shall vote on only those offices or proposals.

27 Sec. 798. (1) Before beginning the count of ballots, the  
 28 board of election commissioners shall test the electronic  
 29 tabulating equipment to determine if the electronic tabulating  
 30 equipment will accurately count the votes cast for all offices

1 and on all questions. ~~Public~~ **BEFORE JANUARY 1, 2015, PUBLIC**  
2 notice of the time and place of the test shall be given at least  
3 48 hours before the test by publication in a newspaper published  
4 in the county, city, village, township, or school district where  
5 the electronic tabulating equipment is used. ~~If~~ **BEFORE JANUARY 1,**  
6 **2015, IF** a newspaper is not published in that county, city,  
7 village, township, or school district, the notice shall be given  
8 by publication in a newspaper of general circulation in that  
9 county, city, village, township, or school district. **BEGINNING**  
10 **JANUARY 1, 2015, TIER C PUBLIC NOTICE OF THE TIME AND PLACE OF**  
11 **THE TEST SHALL BE GIVEN AT LEAST 48 HOURS BEFORE THE TEST AS SET**  
12 **FORTH IN THE LOCAL GOVERNMENT PUBLIC NOTICE ACT.** The test shall  
13 be conducted in the manner prescribed by rules promulgated by the  
14 secretary of state ~~pursuant to~~ **UNDER** the administrative  
15 procedures act of 1969, ~~Act No. 306 of the Public Acts of 1969,~~  
16 ~~being sections 24.201 to 24.328 of the Michigan Compiled Laws.~~  
17 **1969 PA 306, MCL 24.201 TO 24.328.** In the test, a different  
18 number of valid votes shall be assigned to each candidate for an  
19 office, and for and against each question. If an error is  
20 detected, the board of election commissioners shall determine the  
21 cause of the error and correct the error. The board of election  
22 commissioners shall make an errorless count and shall certify the  
23 errorless count before the count is started. The electronic  
24 tabulating equipment that can be used for a purpose other than  
25 examining and counting votes shall pass the same test at the  
26 conclusion of the count before the election returns are approved  
27 as official.



1           (2) On completion of the test and count, the programs, test  
2 materials, and ballots arranged by precincts shall be sealed and  
3 retained as provided by this subsection and rules promulgated by  
4 the secretary of state ~~pursuant to Act No. 306 of the Public Acts~~  
5 ~~of 1969.~~ **UNDER THE ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969 PA**  
6 **306, MCL 24.201 TO 24.328.** If the electronic tabulating equipment  
7 that is tested and certified to by the board of election  
8 commissioners will be used to count votes at the precinct, a  
9 memory device containing the tested programs, if any, shall be  
10 sealed into the electronic tabulating equipment. Upon completion  
11 and certification of the count of votes, the memory device  
12 containing the program and the vote totals shall remain sealed in  
13 the electronic tabulating equipment or, if removed from the  
14 electronic tabulating equipment, shall remain sealed in a  
15 container approved by the secretary of state, delivered to the  
16 clerk, and retained in the manner provided for other voted  
17 ballots.

18           Sec. 826. (1) The board of county canvassers shall determine  
19 and declare the result of the election for county and local  
20 officers, and for all county and local ballot questions. If a  
21 state senatorial or representative district is located solely  
22 within 1 county, the board of county canvassers shall determine  
23 and declare the result of the election for that office. Upon  
24 making the determination under this subsection, the board of  
25 county canvassers shall prepare a certificate of determination  
26 and deliver the properly certified certificate of determination  
27 to the county clerk. If the determination relates to a state

1 senatorial or representative district located solely within 1  
2 county, the board of county canvassers shall also deliver the  
3 properly certified certificate of determination to the board of  
4 state canvassers.

5 (2) Upon receipt of a properly certified certificate of  
6 determination from a board of county canvassers under subsection  
7 (1), the county clerk shall file the certificate in his or her  
8 office. ~~The~~ **BEFORE JANUARY 1, 2015, THE** county clerk may have a  
9 statement of the total county or district votes cast for the  
10 various candidates and the total vote cast for and against the  
11 various ballot questions at the election ~~to be~~ published in at  
12 least 1 newspaper printed or circulated in that county. **BEGINNING**  
13 **JANUARY 1, 2015, TIER C PUBLIC NOTICE OF A STATEMENT OF THE TOTAL**  
14 **COUNTY OR DISTRICT VOTES CAST FOR THE VARIOUS CANDIDATES AND THE**  
15 **TOTAL VOTE CAST FOR AND AGAINST THE VARIOUS BALLOT QUESTIONS AT**  
16 **THE ELECTION MAY BE PROVIDED BY THE COUNTY CLERK AS SET FORTH IN**  
17 **THE LOCAL GOVERNMENT PUBLIC NOTICE ACT.** The county clerk shall  
18 immediately execute and deliver to the persons declared elected ~~7~~  
19 a properly certified certificate of election.

20 Enacting section 1. This amendatory act does not take effect  
21 unless Senate Bill No. \_\_\_\_ or House Bill No. 5560 (request no.  
22 03796'13) of the 97th Legislature is enacted into law.