

HOUSE BILL No. 4806

August 18, 2015, Introduced by Reps. Hoadley, Irwin, Plawecki, Liberati, Pagan and Wittenberg and referred to the Committee on Elections.

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 744 and 931 (MCL 168.744 and 168.931), section 744 as amended by 2012 PA 156 and section 931 as amended by 1996 PA 583.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 744. (1) An election inspector or any other person in a
 2 polling room, in a compartment connected to a polling room, or
 3 within 100 feet from any ~~entrance to a~~ **DOORWAY USED BY VOTERS TO**
 4 **ENTER A** building in which a polling place is located shall not
 5 persuade or endeavor to persuade a person to vote for or against
 6 any particular candidate or party ticket or for or against any
 7 ballot question that is being voted on at the election. A person
 8 shall not place or distribute stickers, other than stickers
 9 provided by the election officials pursuant to law, in a polling

1 room, in a compartment connected to a polling room, or within 100
2 feet from any ~~entrance to a~~ **DOORWAY USED BY VOTERS TO ENTER A**
3 building in which a polling place is located.

4 (2) A person shall not solicit donations, gifts,
5 contributions, purchase of tickets, or similar demands, or request
6 or obtain signatures on petitions in a polling room, in a
7 compartment connected to a polling room, or within 100 feet from
8 any ~~entrance to a~~ **DOORWAY USED BY VOTERS TO ENTER A** building in
9 which a polling place is located.

10 (3) On election day, a person shall not post, display, or
11 distribute in a polling place, in any hallway used by voters to
12 enter or exit a polling place, or within 100 feet of ~~an entrance to~~
13 ~~a~~ **ANY DOORWAY USED BY VOTERS TO ENTER A** building in which a polling
14 place is located any material that directly or indirectly makes
15 reference to an election, a candidate, or a ballot question. Except
16 as otherwise provided in section 744a, this subsection does not
17 apply to official material that is required by law to be posted,
18 displayed, or distributed in a polling place on election day.

19 (4) A person who violates this section is guilty of a
20 misdemeanor.

21 Sec. 931. (1) A person who violates 1 or more of the following
22 subdivisions is guilty of a misdemeanor:

23 (a) A person shall not, either directly or indirectly, give,
24 lend, or promise valuable consideration ~~,~~ to or for any person ~~,~~ as
25 an inducement to influence the manner of voting by a person
26 relative to a candidate or ballot question ~~,~~ or as a reward for
27 refraining from voting.

1 (b) A person shall not, either before, on, or after an
2 election, for the person's own benefit or on behalf of any other
3 person, receive, agree, or contract for valuable consideration for
4 1 or more of the following:

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

7 (ii) Refraining or agreeing to refrain, or inducing or
8 attempting to induce another to refrain, from voting at an
9 election.

10 (iii) Doing anything prohibited by this act.

11 (iv) Both distributing absent voter ballot applications to
12 voters and receiving signed applications from voters for delivery
13 to the appropriate clerk or assistant of the clerk. This
14 subparagraph does not apply to an authorized election official.

15 (c) A person shall not solicit any valuable consideration from
16 a candidate for nomination for, or election to, an office described
17 in this act. This subdivision does not apply to requests for
18 contributions of money by or to an authorized representative of the
19 political party committee of the organization to which the
20 candidate belongs. This subdivision does not apply to a regular
21 business transaction between a candidate and any other person that
22 is not intended for, or connected with, the securing of votes or
23 the influencing of voters in connection with the nomination or
24 election.

25 (d) A person shall not, either directly or indirectly,
26 discharge or threaten to discharge an employee of the person for
27 the purpose of influencing the employee's vote at an election.

1 (e) A priest, pastor, curate, or other officer of a religious
2 society shall not for the purpose of influencing a voter at an
3 election, impose or threaten to impose upon the voter a penalty of
4 excommunication, dismissal, or expulsion, or command or advise the
5 voter, under pain of religious disapproval.

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

9 (g) In a city, township, village, or school district that has
10 a board of election commissioners authorized to appoint inspectors
11 of election, an inspector of election, a clerk, or other election
12 official who accepts an appointment as an inspector of election
13 shall not fail to report at the polling place designated on
14 election morning at the time specified by the board of election
15 commissioners, unless excused as provided in this subdivision. A
16 person who violates this subdivision is guilty of a misdemeanor τ
17 punishable by a fine of not more than \$10.00 or imprisonment for
18 not more than 10 days, or both. An inspector of election, clerk, or
19 other election official who accepts an appointment as an inspector
20 of election is excused for failing to report at the polling place
21 on election day and is not subject to a fine or imprisonment under
22 this subdivision if 1 or more of the following requirements are
23 met:

24 (i) The inspector of election, clerk, or other election
25 official notifies the board of election commissioners or other
26 officers in charge of elections of his or her inability to serve at
27 the time and place specified, 3 days or more before the election.

1 (ii) The inspector of election, clerk, or other election
2 official is excused from duty by the board of election
3 commissioners or other officers in charge of elections for cause
4 shown.

5 (h) A person shall not willfully fail to perform a duty
6 imposed upon that person by this act ~~,~~ or disobey a lawful
7 instruction or order of the secretary of state as chief state
8 election officer or of a board of county election commissioners,
9 board of city election commissioners, or board of inspectors of
10 election.

11 (i) A delegate or member of a convention shall not solicit a
12 candidate for nomination before the convention for money, reward,
13 position, place, preferment, or other valuable consideration in
14 return for support by the delegate or member in the convention. A
15 candidate or other person shall not promise or give to a delegate
16 money, reward, position, place, preferment, or other valuable
17 consideration in return for support by or vote of the delegate in
18 the convention.

19 (j) A person elected to the office of delegate to a convention
20 shall not accept or receive any money or other valuable
21 consideration for his or her vote as a delegate.

22 (k) A person shall not, while the polls are open on an
23 election day, solicit votes in a polling place or within 100 feet
24 from ~~an entrance to the~~ **ANY DOORWAY USED BY VOTERS TO ENTER A**
25 building in which a polling place is located.

26 (l) A person shall not keep a room or building for the
27 purpose, in whole or in part, of recording or registering bets or

1 wagers ~~or~~ of selling pools upon the result of a political
2 nomination, appointment, or election. A person shall not wager
3 property, money, or thing of value, or be the custodian of money,
4 property, or thing of value ~~staked~~, wagered, or pledged upon the
5 result of a political nomination, appointment, or election.

6 (m) A person shall not participate in a meeting or a portion
7 of a meeting of more than 2 persons, other than the person's
8 immediate family, at which an absent voter ballot is voted.

9 (n) A person, other than an authorized election official,
10 shall not, either directly or indirectly, give, lend, or promise
11 any valuable consideration to or for a person to induce that person
12 to both distribute absent voter ballot applications to voters and
13 receive signed absent voter ballot applications from voters for
14 delivery to the appropriate clerk.

15 (2) A person who violates a provision of this act for which a
16 penalty is not otherwise specifically provided in this act ~~is~~
17 guilty of a misdemeanor.

18 (3) A person or a person's agent who knowingly makes,
19 publishes, disseminates, circulates, or places before the public,
20 or knowingly causes directly or indirectly to be made, published,
21 disseminated, circulated, or placed before the public, in this
22 state, either orally or in writing, an assertion, representation,
23 or statement of fact concerning a candidate for public office at an
24 election in this state, that is false, deceptive, scurrilous, or
25 malicious, without the true name of the author being subscribed to
26 the assertion, representation, or statement if written, or
27 announced if unwritten, is guilty of a misdemeanor.

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

5 Enacting section 1. This amendatory act takes effect 90 days
6 after the date it is enacted into law.