

SENATE BILL No. 419

June 30, 2015, Introduced by Senator BIEDA and referred to the Committee on Elections and Government Reform.

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 **CITY, VILLAGE, OR TOWNSHIP MAY ADOPT AN ORDINANCE TO CONDUCT**
8 **CERTAIN LOCAL ELECTIONS BY MAIL.**

9 **(2) IF A CITY, VILLAGE, OR TOWNSHIP ADOPTS AN ORDINANCE UNDER**

1 SUBSECTION (1), SUBJECT TO THIS SECTION AND SECTION 750B, A CITY,
2 TOWNSHIP, OR VILLAGE CLERK MAY CONDUCT A LOCAL ELECTION BY MAIL IN
3 THE CITY, TOWNSHIP, OR VILLAGE, UNDER THE SUPERVISION OF THE
4 SECRETARY OF STATE.

5 (3) THE AUGUST PRIMARY HELD UNDER SECTION 534, THE GENERAL
6 NOVEMBER ELECTION, ANY OTHER ELECTION IN WHICH A CANDIDATE FOR
7 STATEWIDE OFFICE IS NOMINATED OR ELECTED, AND ANY OTHER ELECTION
8 THAT CONTAINS A STATEWIDE BALLOT QUESTION SHALL NOT BE CONDUCTED AS
9 AN ELECTION BY MAIL.

10 (4) THE CITY, TOWNSHIP, OR VILLAGE CLERK SHALL ADVISE THE
11 GOVERNING BODY OF THE CITY, TOWNSHIP, OR VILLAGE FOR WHICH THE
12 CLERK IS THE ELECTION OFFICIAL AS TO EACH LOCAL ELECTION HELD IN
13 THAT CITY, TOWNSHIP, OR VILLAGE THAT WILL BE CONDUCTED AS AN
14 ELECTION BY MAIL.

15 (5) THE SECRETARY OF STATE SHALL PROMULGATE RULES IN THE
16 MANNER PRESCRIBED IN THIS ACT TO PROVIDE PROCEDURES FOR CONDUCTING
17 AN ELECTION BY MAIL.

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

21 (2) THE CLERK SHALL DESIGNATE 1 OR MORE PLACES OF DEPOSIT IN
22 THE CITY, TOWNSHIP, OR VILLAGE FOR ELECTORS TO RETURN VOTED BALLOTS
23 FOR THE ELECTION BY MAIL. THE CLERK SHALL PROVIDE THAT THE PLACES
24 DESIGNATED FOR THE DEPOSIT OF VOTED BALLOTS IN THE CITY, TOWNSHIP,
25 OR VILLAGE BE OPEN ON THE DATE OF THE ELECTION FOR A PERIOD OF 13
26 HOURS OR MORE, BEGINNING NO LATER THAN 7 A.M. AND ENDING NO EARLIER
27 THAN 8 P.M., AS DETERMINED BY THE CLERK.

1 (3) THE CITY, TOWNSHIP, OR VILLAGE CLERK SHALL SEND BY
2 NONFORWARDABLE MAIL AN OFFICIAL BALLOT WITH A PRE-ADDRESSED,
3 POSTAGE PAID RETURN IDENTIFICATION ENVELOPE AND A SECRECY ENVELOPE
4 TO EACH ELECTOR WHO IS REGISTERED IN THE CITY, TOWNSHIP, OR VILLAGE
5 AS OF THE THIRTIETH DAY BEFORE THE DATE OF THE ELECTION BY MAIL.
6 THE CLERK SHALL ADDRESS THE BALLOT TO THE REGISTERED ELECTOR AS
7 THAT VOTER'S NAME APPEARS ON THE REGISTRATION RECORDS OF THAT
8 VOTER. EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (8), THE CLERK
9 SHALL MAIL THE OFFICIAL BALLOTS AND ENVELOPES DURING THE PERIOD
10 BEGINNING ON THE TWENTIETH DAY BEFORE THE DATE OF THE ELECTION BY
11 MAIL AND ENDING ON THE FOURTEENTH DAY BEFORE THE DATE OF THE
12 ELECTION BY MAIL.

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

21 (5) FOR AN ELECTOR WHO HAS APPLIED TO REGISTER TO VOTE ON OR
22 BEFORE THE CLOSE OF REGISTRATION AND IS NOT LISTED IN THE
23 REGISTRATION RECORDS OF THE CITY, TOWNSHIP, OR VILLAGE, THE CITY,
24 TOWNSHIP, OR VILLAGE CLERK SHALL PROCEED IN THE SAME MANNER AS
25 PRESCRIBED IN SECTION 523A FOR AN INDIVIDUAL WHO APPEARS AT A
26 POLLING PLACE ON ELECTION DAY. IF THE ELECTOR MEETS THE
27 REQUIREMENTS OF SECTION 523A, THE CLERK SHALL MAKE THE REGULAR OR

1 PROVISIONAL OFFICIAL BALLOT, THE RETURN IDENTIFICATION ENVELOPE,
2 AND THE SECRECY ENVELOPE AVAILABLE AT THE CLERK'S OFFICE OR OTHER
3 PLACE DESIGNATED BY THE CLERK. THE ELECTOR WHO RECEIVES THE
4 OFFICIAL BALLOT AND ENVELOPES UNDER THIS SUBSECTION SHALL DO ALL OF
5 THE FOLLOWING:

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

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

10 (C) RETURN THE BALLOT IN THE RETURN IDENTIFICATION ENVELOPE TO
11 THE CLERK.

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

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

17 (7) TO VOTE AN ELECTION BY MAIL BALLOT RECEIVED UNDER
18 SUBSECTION (3), A REGISTERED ELECTOR SHALL MARK THE BALLOT, SIGN
19 THE RETURN IDENTIFICATION ENVELOPE SUPPLIED WITH THE BALLOT, AND
20 COMPLY WITH THE INSTRUCTIONS PROVIDED WITH THE BALLOT. THE ELECTOR
21 MAY RETURN THE MARKED BALLOT TO THE APPROPRIATE CITY, TOWNSHIP, OR
22 VILLAGE CLERK BY DEPOSITING IT IN THE UNITED STATES MAIL OR WITH
23 ANOTHER PUBLIC POSTAL SERVICE, EXPRESS MAIL SERVICE, PARCEL POST
24 SERVICE, OR COMMON CARRIER. THE ELECTOR MAY RETURN THE MARKED
25 BALLOT TO THE APPROPRIATE CITY, TOWNSHIP, OR VILLAGE CLERK BY
26 DEPOSITING IT AT THE OFFICE OF THE CLERK OR OTHER PLACE OF DEPOSIT
27 DESIGNATED BY THE CLERK. THE ELECTOR SHALL RETURN THE BALLOT IN THE

1 RETURN IDENTIFICATION ENVELOPE SUPPLIED WITH THE BALLOT OR THE
2 BALLOT WILL NOT BE COUNTED. AN ELECTION BY MAIL BALLOT MUST BE
3 RECEIVED AT THE OFFICE OF THE APPROPRIATE CLERK OR OTHER PLACE OF
4 DEPOSIT DESIGNATED BY THE CLERK NOT LATER THAN THE END OF THE
5 PERIOD DETERMINED UNDER SUBSECTION (2) ON THE DATE OF THE ELECTION.

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

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

23 (A) THE BALLOT IS RETURNED IN THE RETURN IDENTIFICATION
24 ENVELOPE.

25 (B) THE RETURN IDENTIFICATION ENVELOPE IS SIGNED BY THE
26 ELECTOR TO WHOM THE BALLOT WAS ISSUED.

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

1 (10) THE CITY, TOWNSHIP, OR VILLAGE CLERK SHALL VERIFY THE
2 SIGNATURE OF EACH ELECTOR ON THE RETURN IDENTIFICATION ENVELOPE
3 WITH THE SIGNATURE OF THE ELECTOR ON THE ELECTOR'S VOTER
4 REGISTRATION CARD, ACCORDING TO THE PROCEDURES PRESCRIBED IN THIS
5 ACT AND RULES PROMULGATED BY THE SECRETARY OF STATE.

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

14 (12) AN ELECTION BY MAIL BALLOT OR AN ELECTOR CASTING A BALLOT
15 AT AN ELECTION BY MAIL, OR BOTH, IS SUBJECT TO CHALLENGE AS
16 PRESCRIBED IN THIS ACT.

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