

SENATE BILL No. 639

December 3, 2015, Introduced by Senator ROBERTSON and referred to the Committee on Elections and Government Reform.

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 509t, 509v, 730, 731, and 733 (MCL 168.509t, 168.509v, 168.730, 168.731, and 168.733), section 509t as amended by 2004 PA 92, section 509v as added by 1994 PA 441, sections 730 and 731 as amended by 1995 PA 261, and section 733 as amended by 1996 PA 583, and by adding sections 30h, 761b, 761c, and 764d.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 **SEC. 30H. (1) A COUNTY, CITY, TOWNSHIP, VILLAGE, OR SCHOOL**
2 **DISTRICT SHALL NOT ADOPT AN ORDINANCE OR RESOLUTION THAT DOES**
3 **EITHER OF THE FOLLOWING:**

4 **(A) GRANTS AUTHORITY REGARDING ELECTIONS TO ANY PUBLIC OFFICER**
5 **UNLESS THE AUTHORITY IS GRANTED TO THAT PUBLIC OFFICER UNDER THIS**
6 **ACT.**

7 **(B) IMPOSES AN OBLIGATION, DUTY, OR REQUIREMENT REGARDING**

1 ELECTIONS UPON ANY PUBLIC OFFICER OR ANY OTHER PERSON OTHER THAN AS
2 SET FORTH IN THIS ACT.

3 (2) A PUBLIC OFFICER SHALL NOT CONDUCT ANY ACTIVITY REGARDING
4 ELECTIONS UNLESS THAT ACTIVITY IS EXPRESSLY AUTHORIZED TO BE
5 CONDUCTED BY THAT PUBLIC OFFICER IN THIS ACT.

6 Sec. 509t. (1) Notwithstanding another provision of law to the
7 contrary, a person who is a qualified elector in this state and who
8 registers to vote in a manner consistent with the national voter
9 registration act of 1993 is considered a registered voter under
10 this act.

11 (2) A person who registers to vote in a jurisdiction in this
12 state by mail shall vote in person and shall, **SUBJECT TO SUBSECTION**
13 **(3)**, provide identification as required under section 303(b) of the
14 help America vote act of 2002, ~~42 USC 15483~~, **52 USC 21083**, if that
15 person has not previously voted in person in this state. This
16 subsection does not apply to any of the following registered
17 voters:

18 (a) A person entitled to vote by absentee ballot under the
19 uniformed and overseas citizens absentee voting act.

20 (b) A person who has a disability as defined in section 103 of
21 the persons with disabilities civil rights act, 1976 PA 220, MCL
22 37.1103, or, for purposes of voting in person only, a person who is
23 60 years of age or older.

24 (c) A person who is entitled to vote other than in person
25 under any other federal law.

26 (3) **IN ORDER TO SATISFY THE IDENTIFICATION REQUIREMENT UNDER**
27 **SUBSECTION (2), A PERSON WHO REGISTERS TO VOTE BY MAIL AND WHO HAS**

1 NOT PREVIOUSLY VOTED IN PERSON IN THIS STATE MUST PROVIDE
2 IDENTIFICATION EITHER TO THE CITY, TOWNSHIP, OR VILLAGE CLERK OF
3 THE CITY, TOWNSHIP, OR VILLAGE WHERE THE PERSON IS REGISTERED TO
4 VOTE OR TO AN ELECTION OFFICIAL ON ELECTION DAY AT THE ELECTION
5 PRECINCT WHERE THE PERSON IS REGISTERED TO VOTE. THE IDENTIFICATION
6 REQUIREMENT UNDER SUBSECTION (2) IS NOT SATISFIED BY A PERSON WHO
7 REGISTERS TO VOTE BY MAIL AND WHO HAS NOT PREVIOUSLY VOTED IN
8 PERSON IN THIS STATE IF THE PERSON PRESENTS IDENTIFICATION TO ANY
9 OF THE FOLLOWING:

10 (A) A DEPARTMENT OF STATE BRANCH OFFICE.

11 (B) THE OFFICE OF A COUNTY CLERK.

12 (C) THE OFFICE OF THE CLERK OF A CITY, TOWNSHIP, OR VILLAGE
13 THAT IS NOT THE CITY, TOWNSHIP, OR VILLAGE WHERE THE PERSON IS
14 REGISTERED TO VOTE.

15 (4) A COUNTY, CITY, TOWNSHIP, OR VILLAGE CLERK SHALL NOT
16 DEPUTIZE ANY OTHER COUNTY, CITY, TOWNSHIP OR VILLAGE CLERK IN ORDER
17 TO VERIFY THE IDENTIFICATION OF A PERSON WHO REGISTERS TO VOTE BY
18 MAIL AND WHO HAS NOT PREVIOUSLY VOTED IN PERSON IN THIS STATE. A
19 PERSON WHO REGISTERS TO VOTE BY MAIL AND WHO HAS NOT PREVIOUSLY
20 VOTED IN PERSON IN THIS STATE MUST PROVIDE IDENTIFICATION AS SET
21 FORTH IN SUBSECTION (3).

22 (5) ~~(3)~~—This section does not preclude this state from
23 prosecuting a violation of this act that is also a violation of a
24 federal election or voting rights law.

25 Sec. 509v. (1) A person who is not registered to vote at the
26 address where he or she resides may apply to register to vote by
27 submitting an application at any of the following locations:

1 (a) The office of the clerk of a county or the office of the
2 clerk of the city or township in which the applicant resides,
3 during regular office hours of that clerk.

4 (b) A department of state office.

5 (c) A designated voter registration agency when submitting an
6 application, recertification, renewal, or change of address at the
7 voter registration agency.

8 (2) A person who is not registered to vote at the address
9 where he or she resides may apply for registration by submitting a
10 completed mail registration application. A person may request a
11 mail registration application from and submit the application to
12 any of the following:

13 (a) The secretary of state.

14 (b) The clerk of the county, city, or township in which the
15 applicant resides.

16 (c) A designated voter registration agency.

17 (3) **A PERSON WHO SUBMITS A COMPLETED MAIL REGISTRATION**
18 **APPLICATION IS SUBJECT TO THE IDENTIFICATION REQUIREMENT IN SECTION**
19 **509T.**

20 Sec. 730. (1) ~~At an election,~~ **FOR THE PERIOD BEGINNING 45 DAYS**
21 **BEFORE EACH ELECTION AND CONTINUING THROUGH ELECTION DAY,** a
22 political party or an incorporated organization or organized
23 committee of citizens interested in the adoption or defeat of a
24 ballot question being voted for or upon at the election, or
25 interested in preserving the purity of elections and in guarding
26 against the abuse of the elective franchise, may designate
27 challengers as provided in this act. Except as otherwise provided

1 in this act, a political party, incorporated organization, or
2 organized committee of interested citizens may designate not more
3 than 2 challengers to serve in a precinct **OR IN A CITY, TOWNSHIP,**
4 **OR VILLAGE CLERK'S OFFICE** at any 1 time. A political party,
5 incorporated organization, or organized committee of interested
6 citizens may designate not more than 1 challenger to serve at each
7 counting board.

8 (2) A challenger shall be a registered elector of this state.
9 Except as otherwise provided in this section, a candidate for
10 nomination or election to an office shall not serve as a challenger
11 at the election **OR DURING THE PERIOD BEGINNING 45 DAYS BEFORE THE**
12 **DAY OF THE ELECTION** in which he or she is a candidate. A candidate
13 for the office of delegate to a county convention may serve as a
14 challenger in a precinct other than the 1 in which he or she is a
15 candidate, **BUT MAY NOT SERVE AS A CHALLENGER IN A CITY, TOWNSHIP,**
16 **OR VILLAGE CLERK'S OFFICE DURING THE PERIOD BEGINNING 45 DAYS**
17 **BEFORE THE ELECTION AND CONTINUING THROUGH ELECTION DAY.** A person
18 who is appointed as an election inspector at an election shall not
19 act **OR HAVE ACTED** as a challenger at any time during the **PERIOD**
20 **BEGINNING 45 DAYS BEFORE THE ELECTION AND CONTINUING THROUGH**
21 election day.

22 (3) A challenger may be designated to serve in more than 1
23 precinct. The political party, incorporated organization, or
24 organized committee of interested citizens shall indicate which
25 precincts the challenger will serve when designating challengers
26 under subsection (1). If more than 1 challenger of a political
27 party, incorporated organization, or organized committee of

1 interested citizens is serving in a precinct **OR IN A CITY,**
2 **TOWNSHIP, OR VILLAGE CLERK'S OFFICE** at any 1 time, only 1 of the
3 challengers has the authority to initiate a challenge at any given
4 time. The challengers shall indicate to the board of election
5 inspectors **OR THE CITY, TOWNSHIP, OR VILLAGE CLERK** which of the 2
6 ~~will have~~ **HAS** this authority. The challengers may change this
7 authority and shall indicate the change to the board of election
8 inspectors **OR TO THE CITY, TOWNSHIP, OR VILLAGE CLERK.**

9 Sec. 731. (1) Not less than 20 and not more than ~~30~~ **75** days
10 before an election, an incorporated organization or organized
11 committee of interested citizens other than political party
12 committees authorized by this act intending to appoint challengers
13 at the election shall file with the clerk of the county, city,
14 village, or township in which the election is to be held, a
15 statement setting forth the intention of the organization or
16 committee to appoint challengers. The statement shall set forth the
17 reason why the organization or committee claims the right to
18 appoint challengers, with a facsimile of the card to be used, and
19 shall be signed and sworn to by the chief presiding officer, the
20 secretary, or some other officer of the organization or committee.
21 The clerk or secretary of state, as applicable under subsection
22 (2), may deny an organization or committee the authorization to
23 appoint challengers if that organization or committee fails to
24 furnish evidence satisfactory to the clerk or secretary of state
25 that the organization or committee is devoted to the purposes
26 enumerated in section 730.

27 (2) Not later than 2 business days after receipt of a

1 statement of intent to appoint challengers under subsection (1), a
2 clerk shall approve or deny the organization's or committee's
3 authorization to appoint challengers and notify the organization or
4 committee of that approval or denial. If authorization is denied
5 under this subsection, an organization or committee may appeal the
6 denial with the secretary of state not later than 2 business days
7 after receipt of the denial. Not later than 2 business days after
8 receipt of an appeal of a denial under this subsection, the
9 secretary of state shall review the clerk's denial and approve or
10 deny the organization's or committee's authorization to appoint
11 challengers and notify the organization or committee and the clerk
12 of that decision.

13 (3) Before the opening of the polls **ON ELECTION DAY**, the clerk
14 shall certify in writing to the board of election inspectors in a
15 county, city, village, or township in which the election will be
16 conducted the names of organizations and committees that are
17 authorized under this section to appoint and keep challengers at
18 the polling places in the county, city, village, or township **ON**
19 **ELECTION DAY**.

20 (4) A person who files a statement under this section on
21 behalf of an organization or committee that is not authorized by
22 this act to appoint challengers or a clerk who knowingly fails to
23 perform the duties required by this section is guilty of a felony ~~τ~~
24 punishable by a fine of not more than \$1,000.00 ~~τ~~ or by
25 imprisonment for not more than 2 years, or both.

26 Sec. 733. (1) ~~The~~ **A** board of election inspectors **OR A CITY,**
27 **TOWNSHIP, OR VILLAGE CLERK** shall provide space for the challengers

1 within the polling place **OR CLERK'S OFFICE** that enables the
2 challengers to observe the election procedure and each person
3 applying to vote. A challenger may do 1 or more of the following:

4 (a) Under the scrutiny of an election inspector **OR A CITY,**
5 **TOWNSHIP, OR VILLAGE CLERK,** inspect without handling the poll books
6 as ballots are issued to electors and the electors' names **ARE** being
7 entered in the poll book.

8 (b) Observe the manner in which the duties of ~~the~~**AN** election
9 ~~inspectors~~**INSPECTOR OR CLERK** are being performed.

10 (c) Challenge the voting rights of a person who the challenger
11 has good reason to believe is not a registered elector.

12 (d) Challenge an election procedure that is not being properly
13 performed.

14 (e) Bring to an election inspector's **OR CLERK'S** attention any
15 of the following:

16 (i) Improper handling of a ballot by an elector, ~~or~~ election
17 inspector, **OR CLERK.**

18 (ii) A violation of a regulation made by the board of election
19 inspectors ~~pursuant to~~ **OR CLERK UNDER** section 742.

20 (iii) Campaigning being performed by an election inspector,
21 **CLERK,** or other person in violation of section 744.

22 (iv) A violation of election law or other prescribed election
23 procedure.

24 (f) Remain during the canvass of votes and until the statement
25 of returns is duly signed and made.

26 (g) Examine without handling each ballot as it is being
27 counted.

1 (h) Keep records of votes cast and other election procedures
2 as the challenger desires.

3 (i) Observe the recording of absent voter ballots on voting
4 machines.

5 (2) The board of election inspectors shall provide space for
6 each challenger, if any, at each counting board that enables the
7 challengers to observe the counting of the ballots. A challenger at
8 the counting board may do 1 or more of the activities allowed in
9 subsection (1), as applicable.

10 (3) Any evidence of drinking of alcoholic beverages or
11 disorderly conduct is sufficient cause for the expulsion of a
12 challenger from the polling place, **THE CLERK'S OFFICE**, or the
13 counting board. The election inspectors, **CLERK**, and other election
14 officials on duty shall protect a challenger in the discharge of
15 his or her duties.

16 (4) A person shall not threaten or intimidate a challenger
17 while performing an activity allowed under subsection (1). A
18 challenger shall not threaten or intimidate an elector while the
19 elector is entering the polling place **OR CLERK'S OFFICE**, applying
20 to vote, entering the voting compartment, voting, or leaving the
21 polling place **OR CLERK'S OFFICE**.

22 **SEC. 761B. (1) FOR THE PERIOD BEGINNING 45 DAYS BEFORE EACH**
23 **ELECTION AND CONTINUING THROUGH ELECTION DAY, IF A CITY, TOWNSHIP,**
24 **OR VILLAGE CLERK'S OFFICE IS OPEN AND AN ELECTOR MAY OBTAIN HIS OR**
25 **HER ABSENT VOTER BALLOT IN PERSON FROM THE CLERK AT THE CLERK'S**
26 **OFFICE, A PERSON SHALL NOT DO EITHER OF THE FOLLOWING WITHIN 100**
27 **FEET OF AN ENTRANCE TO THE CLERK'S OFFICE:**

1 (A) POST, DISPLAY, OR DISTRIBUTE ANY MATERIAL THAT DIRECTLY OR
2 INDIRECTLY MAKES REFERENCE TO AN ELECTION, A CANDIDATE, OR A BALLOT
3 QUESTION.

4 (B) PERSUADE OR ENDEAVOR TO PERSUADE A PERSON TO VOTE FOR OR
5 AGAINST ANY PARTICULAR CANDIDATE OR PARTY TICKET OR FOR OR AGAINST
6 ANY BALLOT QUESTION THAT IS BEING VOTED ON AT THE ELECTION.

7 (2) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A
8 MISDEMEANOR.

9 SEC. 761C. (1) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION
10 AND SECTION 759(1) AND (2), FOR THE PERIOD BEGINNING 45 DAYS BEFORE
11 EACH ELECTION AND CONTINUING THROUGH ELECTION DAY, A CITY,
12 TOWNSHIP, OR VILLAGE CLERK'S OFFICE SHALL ONLY BE OPEN DURING
13 NORMAL BUSINESS HOURS AND SHALL NOT BE OPEN ON A SATURDAY OR SUNDAY
14 TO PROCESS ABSENT VOTER BALLOT APPLICATIONS OR TO ISSUE ABSENT
15 VOTER BALLOTS. IF THE FORTY-FIFTH DAY BEFORE AN ELECTION FALLS ON A
16 SATURDAY OR SUNDAY, A CITY, TOWNSHIP, OR VILLAGE CLERK'S OFFICE MAY
17 BE OPEN ON THAT DAY TO PROCESS ABSENT VOTER BALLOT APPLICATIONS AND
18 TO ISSUE ABSENT VOTER BALLOTS IN ORDER TO COMPLY WITH THE
19 REQUIREMENTS OF SECTION 759A.

20 (2) FOR THE PERIOD BEGINNING 45 DAYS BEFORE EACH ELECTION AND
21 CONTINUING THROUGH ELECTION DAY, THE CLERK OF A CITY, TOWNSHIP, OR
22 VILLAGE SHALL PROCESS ABSENT VOTER BALLOT APPLICATIONS AT OR ISSUE
23 ABSENT VOTER BALLOTS FROM THE REGULAR CLERK'S OFFICE AND NOT AT OR
24 FROM ANY OTHER LOCATION.

25 SEC. 764D. (1) A CITY, TOWNSHIP, OR VILLAGE CLERK WHO RECEIVES
26 ABSENT VOTER BALLOT RETURN ENVELOPES CONTAINING THE MARKED BALLOTS
27 OF ABSENT VOTERS SHALL, ON A DAILY BASIS DURING THE PERIOD

1 BEGINNING 45 DAYS BEFORE AN ELECTION AND CONTINUING THROUGH
2 ELECTION DAY, REPORT TO THE COUNTY CLERK OF THE COUNTY IN WHICH
3 THAT CITY, TOWNSHIP, OR VILLAGE IS LOCATED THE NAME OF EACH ELECTOR
4 WHO HAS RETURNED TO THE CLERK AN ABSENT VOTER BALLOT RETURN
5 ENVELOPE.

6 (2) WHEN REPORTING ELECTION NIGHT RESULTS, EACH COUNTY CLERK
7 SHALL SEPARATE FOR EACH PRECINCT THE ABSENT VOTER BALLOT ELECTION
8 RESULTS FROM THE ELECTION DAY BALLOT ELECTION RESULTS.