

HOUSE BILL NO. 4510

March 11, 2021, Introduced by Reps. Steven Johnson, Brixie, Young, Fink and LaFave and referred to the Committee on Elections and Ethics.

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 579 and 738 (MCL 168.579 and 168.738), as amended by 1996 PA 213, and by adding sections 736h and 763.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 579. (1) ~~If~~**Except as otherwise provided in subsection**
2 **(2), if** an elector, after marking his or her ballot **or absent voter**

1 **ballot**, exposes ~~it~~**the ballot or absent voter ballot** to any ~~person~~
 2 **individual** in a manner likely to reveal the name of any candidate
 3 for whom the elector voted, the board of election inspectors shall
 4 reject the ballot **or absent voter ballot** and the elector shall
 5 ~~forfeit~~**forfeits** the right to vote at the primary. A note of the
 6 occurrence shall ~~must~~ be made ~~upon~~**on** the poll list opposite the
 7 name of the elector.

8 (2) This section does not apply to ~~an~~**either of the following:**

9 (a) **An** elector who exposes his or her ballot to a minor child
 10 accompanying that elector in the booth or voting compartment under
 11 section 736a.

12 (b) **An** elector who displays a photograph of his or her marked
 13 election ballot or marked absent voter ballot if displayed more
 14 than 100 feet from an entrance to a building in which a polling
 15 place is located as provided in sections 736h and 763.

16 Sec. 736h. Notwithstanding any other provision of this act to
 17 the contrary, an elector may do any or all of the following:

18 (a) Use a camera, including, but not limited to, a cellular
 19 telephone camera, in a voting booth or voting compartment to take a
 20 photograph of his or her marked election ballot.

21 (b) Use a camera, including, but not limited to, a cellular
 22 telephone camera, in a voting booth or voting compartment to take a
 23 photograph of himself or herself with his or her marked election
 24 ballot.

25 (c) Display a photograph of his or her marked election ballot
 26 if displayed more than 100 feet from an entrance to a building in
 27 which a polling place is located.

28 Sec. 738. (1) Before leaving the booth or voting compartment,
 29 the elector shall fold his or her ballot or each of the ballots so

1 that no part of the face ~~shall be~~**is** exposed, and with the
 2 detachable corner on the outside. Upon leaving the booth, the
 3 elector shall at once deliver in public view the ballot or ballots
 4 to the **election** inspector designated to receive the ballot or
 5 ballots. Except as provided in subsection (2), the **election**
 6 inspector shall tear off the corner of the ballot, where
 7 perforated, containing the number and shall then in the presence of
 8 the elector and the board of **election** inspectors deposit each
 9 ballot in the proper ballot box without opening the ballot.

10 (2) ~~If~~**Except as otherwise provided in subsection (3), if** an
 11 elector shows his or her ballot **or absent voter ballot** or any part
 12 of the ballot **or absent voter ballot** to any ~~person~~**individual** other
 13 than ~~a person~~**an individual** lawfully assisting him or her in the
 14 preparation of the ballot **or absent voter ballot** or a minor child
 15 accompanying that elector in the booth or voting compartment under
 16 section 736a, after the ballot **or absent voter ballot** has been
 17 marked, to disclose any part of the face of the ballot **or absent**
 18 **voter ballot**, the ballot ~~shall~~**or absent voter ballot must** not be
 19 deposited in the ballot box, but ~~shall~~**must** be marked "rejected for
 20 exposure", and ~~shall~~**must** be disposed of as are other rejected
 21 ballots. ~~If~~**Except as otherwise provided in subsection (3), if** an
 22 elector exposes his or her ballot **or absent voter ballot**, a note of
 23 the occurrence ~~shall~~**must** be entered on the poll list opposite his
 24 or her name and the elector ~~shall~~**must** not be allowed to vote at
 25 the election.

26 (3) **Subsection (2) does not apply to an elector who displays a**
 27 **photograph of his or her marked election ballot or marked absent**
 28 **voter ballot if displayed more than 100 feet from an entrance to a**
 29 **building in which a polling place is located as provided in**

1 sections 736h and 763.

2 Sec. 763. Notwithstanding any other provision of this act to
3 the contrary, an absent voter may do any or all of the following:

4 (a) Use a camera, including, but not limited to, a cellular
5 telephone camera, to take a photograph of his or her marked absent
6 voter ballot.

7 (b) Use a camera, including, but not limited to, a cellular
8 telephone camera, to take a photograph of himself or herself with
9 his or her marked absent voter ballot.

10 (c) Display a photograph of his or her marked absent voter
11 ballot if displayed more than 100 feet from an entrance to a
12 building in which a polling place is located.

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