

HOUSE BILL NO. 4966

June 03, 2021, Introduced by Reps. Eisen, Griffin, Reilly, Outman, Maddock, Carra, Borton, Rendon, Markkanen and Wozniak and referred to the Committee on Elections and Ethics.

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 201, 581, 811, 822, 842, and 847 (MCL 168.201, 168.581, 168.811, 168.822, 168.842, and 168.847), section 811 as amended by 2018 PA 603, section 822 as amended by 2018 PA 614, section 842 as amended by 2018 PA 382, and section 847 as amended by 2012 PA 271, and by adding section 841a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 201. The board of county canvassers shall determine which

1 candidates for the offices named in section 191 ~~of this act~~
 2 received the greatest number of votes and shall declare ~~such those~~
 3 candidates to be ~~duly~~ elected. The ~~said~~ board **of county canvassers**
 4 shall ~~forthwith~~ **immediately** make and subscribe on its statement of
 5 returns a certificate of ~~such~~ determination and deliver ~~same that~~
 6 **certificate** to the county clerk within ~~14~~ **21** days following the
 7 date of the election.

8 Sec. 581. **(1)** The returns of ~~said a~~ primary election shall
 9 **must** be canvassed and the results declared in the same manner and
 10 within the same time after the primary election and by the same
 11 officers as provided for general elections. ~~, except that in the~~
 12 ~~ease of~~ **For** a primary election for the nomination of a candidate
 13 for the office of United States ~~senator, or~~ **Senator**, governor, or
 14 for the nomination of candidates for district offices in districts
 15 comprising more than 1 county, the county clerk of each county
 16 affected shall transmit to the secretary of state, within ~~14~~ **21**
 17 days after the primary election, a certified statement of the
 18 number of votes received by each ~~person~~ **individual** for nomination
 19 as a candidate of any political party for any of the ~~said~~ offices.

20 **(2)** The secretary of state shall call a meeting of the board
 21 of state canvassers at his **or her** office not later than ~~20~~ **22** days
 22 after the primary election. ~~, which date he~~ **The secretary of state**
 23 shall ~~forthwith~~ **immediately** certify **the date of the meeting** to the
 24 ~~chairman~~ **chairperson** and secretary of the state central committee
 25 of each political party ~~, for~~ the purpose of canvassing the returns
 26 and declaring the results of the primary election for the
 27 nomination of the candidates for ~~such those~~ offices.

28 **(3)** The ~~said~~ board **of state canvassers** shall proceed in the
 29 same manner in canvassing the returns and in certifying, recording

1 and determining results of a primary election for the nomination of
 2 candidates for United States ~~senator~~**Senator** and governor as is
 3 done in canvassing the returns in the case of the election of state
 4 officials.

5 (4) In canvassing the returns of a primary election for the
 6 nomination of candidates for the offices of ~~representative~~
 7 **Representative** in ~~congress~~**Congress**, state senator, and
 8 representatives in the legislature, in districts composed of more
 9 than 1 county, ~~said the~~ **board of state canvassers** shall proceed in
 10 ~~like the same~~ manner as is done in canvassing the returns ~~in case~~
 11 ~~of~~**for** the election of ~~representatives~~**Representatives** in
 12 ~~congress~~**Congress**.

13 Sec. 811. (1) All election returns, including poll lists,
 14 statements, tally sheets, absent voters' return envelopes bearing
 15 the statement required by section 761, absent voters' records
 16 required by section 760, and other returns made by the inspectors
 17 of election of the several precincts must be carefully preserved
 18 and may be destroyed after the expiration of 2 years following the
 19 **date of the** primary or election at which the same were used.

20 (2) All applications executed under section 523, all voter
 21 registration applications executed by applicants under section
 22 497(3) and (4), and all absent voters' applications must be
 23 carefully preserved and may be destroyed after the expiration of 6
 24 years following the **date of the** primary or election at which those
 25 applications were executed.

26 (3) All ballots used at any primary or election may be
 27 destroyed after ~~30~~**180** days following the final determination of
 28 the board of canvassers with respect to the primary or election
 29 unless a petition for recount has been filed and not completed or

1 unless ~~their~~**the** destruction **of the ballots** is stayed by an order
2 of a court.

3 Sec. 822. (1) The board of county canvassers shall then
4 proceed without delay to canvass the returns of votes cast for all
5 candidates for offices voted for and all questions voted on at the
6 election, according to the precinct returns filed with the probate
7 judge or presiding probate judge by the several city and township
8 clerks, or ~~in case of~~**for** local elections according to the precinct
9 returns filed with the county clerk, and must conclude the canvass
10 at the earliest possible time and in every case no later than the
11 ~~fourteenth~~**twenty-first** day after the election.

12 (2) If the board of county canvassers fails to certify the
13 results of any election for any officer or proposition by the
14 ~~fourteenth~~**twenty-first** day after the election as provided, the
15 board of county canvassers shall immediately deliver to the
16 secretary of the board of state canvassers all records and other
17 information pertaining to the election. The board of state
18 canvassers shall meet immediately and make the necessary
19 determinations and certify the results within the 10 days
20 immediately following the receipt of the records from the board of
21 county canvassers. The cost of the canvass must be borne by the
22 county involved.

23 **Sec. 841a. If, before the board of state canvassers completes**
24 **the canvass and announces their determination of an election, a**
25 **member of a board of county canvassers affirms in a signed**
26 **affidavit to the board of state canvassers that his or her vote on**
27 **certification was made under duress, that member of the board of**
28 **county canvassers may rescind his or her vote on certification. If**
29 **the change in vote by that member of the board of county canvassers**

1 **would reverse the certification of the county election results, the**
2 **certification of those county election results must be rescinded.**

3 Sec. 842. (1) The board of state canvassers, for the purpose
4 of canvassing the returns and ascertaining and determining the
5 result of an election, shall meet at the office of the secretary of
6 state on or before the ~~twentieth~~**twenty-second** day after the
7 election. The secretary of state shall appoint the day of the
8 meeting and shall notify the other members of the board. The board
9 has **the** power to adjourn from time to time to await the receipt or
10 correction of returns, or for other necessary purposes, but shall
11 complete the canvass and announce their determination not later
12 than the fortieth day after the election. The board may at the time
13 of its meeting, or an adjournment of its meeting, canvass the
14 returns for any office for which the complete returns have been
15 received.

16 (2) If the unofficial election returns show that the election
17 of electors of President and Vice President of the United States is
18 determined by a vote differential between the first place and
19 second place candidates for President and Vice President of the
20 United States of less than 25,000 votes, the secretary of state
21 shall direct the boards of county canvassers to canvass returns for
22 electors of President and Vice President of the United States on an
23 expedited schedule. The secretary of state may direct the boards of
24 county canvassers to complete the statements for electors of
25 President and Vice President of the United States required by
26 section 824 and certify the statements as required by section 828
27 to the secretary of state by the seventh day after the election or
28 by a date before the ~~fourteenth~~**twenty-first** day after the
29 election.

1 (3) The secretary of state may appoint the day for the board
2 of state canvassers to conduct the expedited canvass of the returns
3 for electors of President and Vice President of the United States
4 and determine the results of that election. The day appointed for
5 the expedited canvass must be as soon as practicable after receipt
6 of the returns from the boards of county canvassers, but no later
7 than the ~~twentieth~~**twenty-second** day after the election.

8 Sec. 847. **(1)** The secretary of state may authorize the release
9 of all ~~ballots,~~ ballot boxes, voting machines, and equipment after
10 30 days following certification of an election by the board of
11 state canvassers in a precinct other than a precinct in which 1 or
12 more of the following occur:

13 (a) A petition for recount has been filed with the board of
14 state canvassers.

15 (b) A petition has been filed ~~pursuant to~~**under** section 879.

16 (c) A court of competent jurisdiction has issued an order
17 restraining interference with ~~ballots,~~ ballot boxes, voting
18 machines, and equipment.

19 **(2) All ballots used at a primary or election must be retained**
20 **and may only be destroyed after 180 days following the final**
21 **determination of the board of canvassers with respect to the**
22 **primary or election unless a petition for recount has been filed**
23 **and not completed or unless the destruction of the ballots is**
24 **stayed by an order of a court.**