



HOUSE BILL No. 4964

July 15, 1993, Introduced by Reps. Dobronski, Harrison, Parks, Freeman, Wallace, Stallworth, Richard A. Young, Byrum, Rivers and Pitoniak and referred to the Committee on Local Government.

A bill to amend sections 764 and 769a of Act No. 116 of the Public Acts of 1954, entitled as amended "Michigan election law," section 769a as added by Act No. 140 of the Public Acts of 1980, being sections 168.764 and 168.769a of the Michigan Compiled Laws; and to add section 769b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 764 and 769a of Act No. 116 of the
2 Public Acts of 1954, section 769a as added by Act No. 140 of the
3 Public Acts of 1980, being sections 168.764 and 168.769a of the
4 Michigan Compiled Laws, are amended and section 769b is added to
5 read as follows:

6 Sec. 764. (1) ~~The~~ A city, township, or village clerk ~~—~~
7 ~~as the case may be,~~ WHO DISTRIBUTES ABSENT VOTER BALLOTS TO
8 ELECTORS shall ~~also~~ enclose with ~~each ballot or set of~~ THE

1 ABSENT VOTER ballots sent to each absent voter a copy of section
2 758 ~~of this act~~ and separate printed instructions ~~to be fur-~~
3 ~~nished by said clerks~~ containing LANGUAGE IN SUBSTANTIALLY the
4 following FORM: ~~"Upon~~ UPON receipt of the ~~ballot or~~ ENCLOSED
5 ABSENT VOTER ballots, ~~herewith enclosed, you will~~ mark ~~the~~
6 ~~same in accordance with~~ EACH BALLOT PURSUANT TO THE instructions
7 ~~thereon~~ ON THE BALLOT. Then fold each ~~such~~ ballot so that
8 the face of the ballot is not exposed and so that the numbered
9 corner is visible. Place the ballot or ballots in the ENCLOSED
10 envelope ~~enclosed herewith~~ and securely seal the ~~same~~
11 ENVELOPE. Execute and sign the statement printed upon the back
12 of the envelope. If this statement is not completed and signed,
13 your ballot will not be counted. Place the necessary postage
14 upon the envelope and deposit the ~~same~~ ENVELOPE in the post
15 office or in some government receptacle provided for the deposit
16 of mail, ~~matter,~~ or deliver the ~~same~~ ENVELOPE personally to
17 ~~said~~ YOUR CITY, VILLAGE, OR TOWNSHIP clerk OR AN AUTHORIZED
18 ASSISTANT OF THE CLERK before the ~~opening~~ CLOSE of the polls on
19 election day. ~~Absent voter's ballots to~~ IF YOU MAIL OR HAVE A
20 PERSON OTHER THAN YOURSELF DELIVER THE ENVELOPE CONTAINING YOUR
21 ABSENT VOTER BALLOTS TO THE CLERK OR AUTHORIZED ASSISTANT OF THE
22 CLERK, TO be valid, THE ENVELOPE CONTAINING YOUR ABSENT VOTER
23 BALLOTS must be mailed or delivered ~~by some person other than~~
24 ~~the absentee voter~~ so that ~~they~~ THE BALLOTS will reach ~~the~~
25 ~~clerk of the~~ YOUR city, township, or village ~~in which your pre-~~
26 ~~cinct is located~~ CLERK in time to be deposited by ~~him~~ THE
27 CLERK with the proper ~~election~~ board OF ELECTION INSPECTORS

1 before the ~~closing~~ CLOSE of the polls on ~~primary or~~ election
 2 day. ~~Ballots delivered by the absentee voter personally~~ IF YOU
 3 PERSONALLY DELIVER THE ENVELOPE CONTAINING YOUR ABSENT VOTER BAL-
 4 LOTS TO YOUR CITY, VILLAGE, OR TOWNSHIP CLERK OR AN AUTHORIZED
 5 ASSISTANT OF THE CLERK, TO BE VALID, THE BALLOTS must be deliv-
 6 ered to the clerk ~~prior to~~ OR AUTHORIZED ASSISTANT BEFORE the
 7 ~~opening~~ CLOSE of the polls on election day. ~~"Any person~~
 8 ~~voting absent voter's ballots~~

9 (2) AN ABSENT VOTER shall mark, fold, and dispose of ~~such~~
 10 ABSENT VOTER ballots ~~in accordance with these~~ PURSUANT TO THE
 11 instructions IN SUBSECTION (1). THE ABSENT VOTER BALLOT OF AN
 12 ABSENT VOTER WHO DOES NOT COMPLY WITH THE INSTRUCTIONS IN SUBSEC-
 13 TION (1) IS CONSIDERED TO BE CHALLENGED AND SHALL BE MARKED AND
 14 PROCESSED AS PROVIDED IN SECTION 745.

15 Sec. 769a. (1) ~~In~~ THE BOARD OF ELECTION COMMISSIONERS OF
 16 a city or township ~~using~~ THAT USES voting machines ~~the city or~~
 17 ~~township election commission~~ OR AN ELECTRONIC VOTING SYSTEM may
 18 provide that ~~an absent~~ A voter who appears at the clerk's
 19 office at any time during the 13 days ~~preceding a primary or~~
 20 BEFORE AN election but not later than 4 p.m. of the day
 21 ~~preceding~~ BEFORE the election may ~~vote~~ CAST HIS OR HER BALLOT
 22 DIRECTLY on ~~a~~ THE voting machine OR ELECTRONIC TABULATING
 23 EQUIPMENT. ~~(2) In~~ IF a city or township ~~which~~ permits the
 24 use of voting machines OR AN ELECTRONIC VOTING SYSTEM by
 25 ~~absentee~~ voters as provided in THIS subsection, ~~(+)~~ at least
 26 1 voting machine OR ELECTRONIC TABULATING EQUIPMENT shall be

1 arranged for ~~absent~~ voters, ~~— The machine~~ WHICH shall be
2 LOCATED in the city or township hall.

3 ~~(3) Only 1 ballot format shall appear on a voting machine.~~

4 (2) ~~(4)~~ The city or township BOARD OF election
5 ~~commission~~ COMMISSIONERS shall appoint 2 OR MORE election
6 inspectors OR EMPLOYEES OF THE CITY OR TOWNSHIP who shall be in
7 the office of the clerk during the time that the VOTING machine
8 OR ELECTRONIC TABULATING EQUIPMENT is present and the office is
9 open to allow ~~absentee~~ voters to use it. The inspectors shall
10 be of different political parties.

11 (3) ~~(5)~~ When not in use by a voter, the voting machine OR
12 ELECTRONIC TABULATING EQUIPMENT shall be ~~locked by a key~~
13 SECURED to prevent OPERATION AND voting. ~~on that machine. The~~
14 ~~key shall be in the custody of the clerk or the clerk's desig-~~
15 ~~nated representative.~~ (6) When the office of the clerk is
16 closed, the voting machine OR ELECTRONIC TABULATING EQUIPMENT
17 shall be LOCKED AND sealed by a numbered seal in a manner that
18 will prevent voting ~~on the machine~~ AND THE ADDING OR REMOVING
19 OF BALLOTS AND VOTES. The number of the seal shall be recorded
20 and the record signed by the clerk or the clerk's designated
21 representative. When the office is reopened the clerk or the
22 clerk's designated representative shall examine the seal and
23 record that the number is the same as the number shown on the
24 record of sealing the VOTING machine OR ELECTRONIC TABULATING
25 EQUIPMENT. The record shall be maintained in the clerk's office
26 with other election records.

1 (4) ~~(7)~~ The VOTING machine OR ELECTRONIC TABULATING
2 EQUIPMENT shall at all times be sealed with a metal numbered seal
3 in a manner that will prevent the votes cast on the VOTING
4 machine OR ELECTRONIC TABULATING EQUIPMENT to be ~~read~~ REVEALED
5 OR THE CLERK SHALL PROVIDE A SUITABLE METHOD FOR RENDERING THE
6 EQUIPMENT INOPERABLE IF VOTES ARE REVEALED BEFORE THE TIME PER-
7 MITTED BY THIS ACT. ~~This seal will remain on the machine until~~
8 ~~the recording of the votes.~~ A record of ~~the~~ A seal number
9 shall be maintained by the clerk.

10 (5) ~~(8)~~ A poll list shall be maintained by the
11 ~~inspectors~~ BOARD of election INSPECTORS in the same manner that
12 a poll list is maintained in a precinct UNDER SECTION 735.

13 (6) ~~(9)~~ On election day, the votes cast on the VOTING
14 machine OR ELECTRONIC TABULATING EQUIPMENT shall be recorded AND
15 CERTIFIED by a counting board ESTABLISHED FOR THAT PURPOSE.
16 After the recording of the votes, the VOTING machine, ELECTRONIC
17 TABULATING EQUIPMENT, BALLOTS, AND ALL RELATED MATERIALS shall be
18 ~~resealed so that the counters cannot be read without breaking~~
19 ~~the seal and the seal number shall be recorded~~ LOCKED, SEALED,
20 SECURED, AND DELIVERED IN THE SAME MANNER AS PROVIDED IN THIS ACT
21 FOR USE OF THE EQUIPMENT IN A VOTING PRECINCT.

22 (7) ~~(+0)~~ The city or township clerk, ~~shall,~~ at least 20
23 days before the election, SHALL notify the county committee of
24 each political party ~~having~~ THAT HAS candidates on the ballot
25 of the hours that the office will be open and the VOTING machine
26 OR ELECTRONIC TABULATING EQUIPMENT available for voting. A
27 political party or ~~a~~ AN ORGANIZATION OR committee authorized

1 under ~~the provisions of~~ section 731 may appoint 1 challenger to
2 be present during these hours.

3 SEC. 769B. (1) IN ANY ELECTION, A QUALIFIED AND REGISTERED
4 ELECTOR OF A TOWNSHIP, CITY, OR VILLAGE MAY VOTE EARLY BY APPEAR-
5 ING IN PERSON AT THE OFFICE OF THE TOWNSHIP, CITY, OR VILLAGE
6 CLERK OR OTHER LOCATION DESIGNATED BY THE CLERK AND COMPLETING AN
7 APPLICATION FOR AN ABSENT VOTER BALLOT. UPON RECEIVING A PROP-
8 ERLY COMPLETED APPLICATION, THE TOWNSHIP, CITY, OR VILLAGE CLERK
9 OR AN AUTHORIZED ASSISTANT OF THE CLERK SHALL PERSONALLY AND
10 IMMEDIATELY ISSUE THE ELECTOR AN ABSENT VOTER BALLOT, IF
11 AVAILABLE. THE VOTED BALLOT SHALL BE RETURNED TO THE CLERK OR AN
12 AUTHORIZED ASSISTANT OF THE CLERK BEFORE THE CLOSE OF THE POLLS
13 ON ELECTION DAY.

14 (2) THE BALLOT OF AN EARLY VOTER ISSUED PURSUANT TO THIS
15 SECTION SHALL BE ISSUED, CAST, RECORDED, COUNTED, REJECTED, CHAL-
16 LENGED, AND SECURED IN THE SAME MANNER AS IF THE BALLOT WERE CAST
17 BY AN ABSENT VOTER UNDER THIS ACT.

18 (3) BEFORE THE EXPIRATION OF 1 YEAR FOLLOWING THE FIRST GEN-
19 ERAL NOVEMBER ELECTION WHERE EARLY VOTING OCCURS PURSUANT TO THIS
20 SECTION, THE SECRETARY OF STATE SHALL PREPARE AND DELIVER A
21 REPORT TO THE LEGISLATURE DETAILING CITIZEN PARTICIPATION IN
22 EARLY VOTING AND DESCRIBING ANY NEED TO AMEND THE PROVISIONS OF
23 THIS ACT PROVIDING FOR EARLY VOTING.