

HOUSE BILL No. 4027

January 22, 2009, Introduced by Rep. Hammel and referred to the Committee on Ethics and Elections.

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 744 and 931 (MCL 168.744 and 168.931), section 744 as amended by 1995 PA 261 and section 931 as amended by 1996 PA 583.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 744. (1) An election inspector or any other person in ~~the~~
 2 **A** polling room, ~~or~~ in a compartment connected to ~~the~~ **A** polling
 3 room, or within ~~100~~ **500** feet from any entrance to the building in
 4 which ~~the~~ **A** polling place is located shall not persuade or endeavor
 5 to persuade a person to vote for or against any particular
 6 candidate or party ticket ~~,~~ or for or against any ballot question
 7 that is being voted on at the election. A person shall not place or
 8 distribute stickers, other than stickers provided by the election

1 officials pursuant to law, in ~~the~~^A polling room, ~~or~~ in a
2 compartment connected to ~~the~~^A polling room, or within ~~100~~⁵⁰⁰ feet
3 from any entrance to the building in which ~~the~~^A polling place is
4 located.

5 (2) A person shall not solicit donations, gifts,
6 contributions, purchase of tickets, or similar demands, or request
7 or obtain signatures on petitions in ~~the~~^A polling room, ~~or~~ in a
8 compartment connected to ~~the~~^A polling room, or within ~~100~~⁵⁰⁰ feet
9 from any entrance to the building in which ~~the~~^A polling place is
10 located.

11 (3) On election day, a person shall not post, display, or
12 distribute in a polling place, in any hallway used by voters to
13 enter or exit a polling place, or within ~~100~~⁵⁰⁰ feet of an
14 entrance to a building in which a polling place is located any
15 material that directly or indirectly makes reference to an
16 election, a candidate, or a ballot question. This subsection does
17 not apply to official material that is required by law to be
18 posted, displayed, or distributed in a polling place on election
19 day.

20 (4) A person who violates this section is guilty of a
21 misdemeanor.

22 Sec. 931. (1) A person who violates 1 or more of the following
23 subdivisions is guilty of a misdemeanor:

24 (a) A person shall not, either directly or indirectly, give,
25 lend, or promise valuable consideration ~~to~~ or for any person ~~as~~
26 an inducement to influence the manner of voting by a person
27 relative to a candidate or ballot question ~~or~~ as a reward for

1 refraining from voting.

2 (b) A person shall not, either before, on, or after an
3 election, for the person's own benefit or on behalf of any other
4 person, receive, agree, or contract for valuable consideration for
5 1 or more of the following:

6 (i) Voting or agreeing to vote, or inducing or attempting to
7 induce another to vote, at an election.

8 (ii) Refraining or agreeing to refrain, or inducing or
9 attempting to induce another to refrain, from voting at an
10 election.

11 (iii) Doing anything prohibited by this act.

12 (iv) Both distributing absent voter ballot applications to
13 voters and receiving signed applications from voters for delivery
14 to the appropriate clerk or assistant of the clerk. This
15 subparagraph does not apply to an authorized election official.

16 (c) A person shall not solicit any valuable consideration from
17 a candidate for nomination for, or election to, an office described
18 in this act. This subdivision does not apply to requests for
19 contributions of money by or to an authorized representative of the
20 political party committee of the organization to which the
21 candidate belongs. This subdivision does not apply to a regular
22 business transaction between a candidate and any other person that
23 is not intended for, or connected with, the securing of votes or
24 the influencing of voters in connection with the nomination or
25 election.

26 (d) A person shall not, either directly or indirectly,
27 discharge or threaten to discharge an employee of the person for

1 the purpose of influencing the employee's vote at an election.

2 (e) A priest, pastor, curate, or other officer of a religious
3 society shall not, for the purpose of influencing a voter at an
4 election, impose or threaten to impose upon the voter a penalty of
5 excommunication, dismissal, or expulsion ~~or~~ command or advise the
6 voter ~~under~~ pain of religious disapproval.

7 (f) A person shall not hire a motor vehicle or other
8 conveyance or cause the same to be done, for conveying voters,
9 other than voters physically unable to walk, to an election.

10 (g) In a city, township, village, or school district that has
11 a board of election commissioners authorized to appoint **ELECTION**
12 inspectors, ~~of election,~~ an **ELECTION** inspector, ~~of election,~~ a
13 clerk, or other election official who accepts an appointment as an
14 **ELECTION** inspector ~~of election~~ shall not fail to report at the
15 polling place designated on election morning at the time specified
16 by the board of election commissioners, unless excused as provided
17 in this subdivision. A person who violates this subdivision is
18 guilty of a misdemeanor ~~or~~ punishable by a fine of not more than
19 \$10.00 or imprisonment for not more than 10 days, or both. An
20 **ELECTION** inspector, ~~of election,~~ clerk, or other election official
21 who accepts an appointment as an **ELECTION** inspector ~~of election~~ is
22 excused for failing to report at the polling place on election day
23 and is not subject to a fine or imprisonment under this subdivision
24 if 1 or more of the following requirements are met:

25 (i) The **ELECTION** inspector, ~~of election,~~ clerk, or other
26 election official notifies the board of election commissioners or
27 other officers in charge of elections of his or her inability to

1 serve at the time and place specified, 3 days or more before the
2 election.

3 (ii) The **ELECTION** inspector, ~~of election,~~ clerk, or other
4 election official is excused from duty by the board of election
5 commissioners or other officers in charge of elections for cause
6 shown.

7 (h) A person shall not willfully fail to perform a duty
8 imposed upon that person by this act ~~,~~ or disobey a lawful
9 instruction or order of the secretary of state as chief state
10 election officer or of a board of county election commissioners,
11 board of city election commissioners, or board of **ELECTION**
12 inspectors. ~~of election.~~

13 (i) A delegate or member of a convention shall not solicit a
14 candidate for nomination before the convention for money, reward,
15 position, place, preferment, or other valuable consideration in
16 return for support by the delegate or member in the convention. A
17 candidate or other person shall not promise or give to a delegate
18 money, reward, position, place, preferment, or other valuable
19 consideration in return for support by or vote of the delegate in
20 the convention.

21 (j) A person elected to the office of delegate to a convention
22 shall not accept or receive any money or other valuable
23 consideration for his or her vote as a delegate.

24 (k) A person shall not, while the polls are open on an
25 election day, solicit votes in a polling place or within ~~100~~ 500
26 feet from an entrance to the building in which a polling place is
27 located.

1 (l) A person shall not keep a room or building for the purpose,
2 in whole or in part, of recording or registering bets or wagers ~~τ~~
3 or of selling pools upon the result of a political nomination,
4 appointment, or election. A person shall not wager property, money,
5 or thing of value, or be the custodian of money, property, or thing
6 of value ~~τ~~—staked, wagered, or pledged, upon the result of a
7 political nomination, appointment, or election.

8 (m) A person shall not participate in a meeting or a portion
9 of a meeting of more than 2 persons, other than the person's
10 immediate family, at which an absent voter ballot is voted.

11 (n) A person, other than an authorized election official,
12 shall not, either directly or indirectly, give, lend, or promise
13 any valuable consideration to or for a person to induce that person
14 to both distribute absent voter ballot applications to voters and
15 receive signed absent voter ballot applications from voters for
16 delivery to the appropriate clerk.

17 (2) A person who violates a provision of this act for which a
18 penalty is not otherwise specifically provided in this act ~~τ~~—is
19 guilty of a misdemeanor.

20 (3) A person or a person's agent who knowingly makes,
21 publishes, disseminates, circulates, or places before the public,
22 or knowingly causes directly or indirectly to be made, published,
23 disseminated, circulated, or placed before the public, in this
24 state, either orally or in writing, an assertion, representation,
25 or statement of fact concerning a candidate for public office at an
26 election in this state, that is false, deceptive, scurrilous, or
27 malicious, without the true name of the author being subscribed to

1 the assertion, representation, or statement if written, or
2 announced if unwritten, is guilty of a misdemeanor.

3 (4) As used in this section, "valuable consideration"
4 includes, but is not limited to, money, property, a gift, a prize
5 or chance for a prize, a fee, a loan, an office, a position, an
6 appointment, or employment.