

**HOUSE SUBSTITUTE FOR
SENATE BILL NO. 809**

A bill to amend 1954 PA 116, entitled
"Michigan election law,"
by amending sections 37, 51, 71, 91, 131, 161, 191, 254, 281, 302,
303, 342, 381, 383, 391, 409, 409b, 411, 413, 413a, 431, 433, 433a,
467, 467a, 467b, 467c, 624, 624a, 631, 635, 642c, 644e, 654a, 657,
667, 668a, 669, 670, 673a, 674, 677, 679, 679a, 682, 683, 690, 694,
719, 741, 743, 762, 764b, 764c, 765, 766, and 957 (MCL 168.37,
168.51, 168.71, 168.91, 168.131, 168.161, 168.191, 168.254,
168.281, 168.302, 168.303, 168.342, 168.381, 168.383, 168.391,
168.409, 168.409b, 168.411, 168.413, 168.413a, 168.431, 168.433,
168.433a, 168.467, 168.467a, 168.467b, 168.467c, 168.624, 168.624a,
168.631, 168.635, 168.642c, 168.644e, 168.654a, 168.657, 168.667,
168.668a, 168.669, 168.670, 168.673a, 168.674, 168.677, 168.679,
168.679a, 168.682, 168.683, 168.690, 168.694, 168.719, 168.741,

168.743, 168.762, 168.764b, 168.764c, 168.765, 168.766, and 168.957), section 37 as added by 2002 PA 91, sections 51, 91, 131, and 383 as amended by 1982 PA 505, sections 71, 161, 191, 281, 342, 391, 409, 411, 431, and 467 as amended by 1999 PA 218, sections 254, 303, 409b, 413, 413a, 433, 433a, 467b, 467c, 624, and 644e as amended by 2012 PA 276, section 302 as amended and section 642c as added by 2011 PA 233, section 381 as amended by 2012 PA 523, section 467a as amended by 1981 PA 4, section 624a as amended by 1988 PA 116, sections 635 and 690 as amended by 2003 PA 302, section 654a as added by 1994 PA 401, section 668a as added by 2004 PA 96, section 669 as amended by 2000 PA 207, sections 673a and 679 as amended by 1996 PA 583, sections 674, 764b, and 765 as amended by 1996 PA 207, section 677 as amended by 2012 PA 157, section 679a as amended by 2012 PA 271, section 719 as amended by 2017 PA 113, section 764c as added by 2012 PA 270, and section 766 as amended by 2005 PA 71; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 37. (1) The secretary of state shall select a uniform
 2 voting system under the provisions of this section. The secretary
 3 of state shall convene an advisory committee on the selection of
 4 the uniform voting system, whose membership represents county,
 5 city, and township election officials and other relevant
 6 organizations. In addition, the speaker and minority leader of the
 7 house of representatives and the majority and minority leaders of
 8 the senate may each appoint 1 advisory committee member.

9 (2) The secretary of state may conduct tests of a voting
 10 system in order to select the uniform voting system. The secretary

1 of state shall not consider a voting system for selection as the
2 uniform voting system unless the voting system is approved and
3 certified as provided in section 795a. At the secretary of state's
4 request, the board of state canvassers shall perform the approval
5 and certification review, as provided in section 795a, of a voting
6 system that the secretary of state wants to consider for selection
7 as the uniform voting system.

8 (3) When the uniform voting system is selected or at an
9 earlier time that the secretary of state considers advisable, the
10 secretary of state shall notify each county, city, ~~village,~~ **AND**
11 township, ~~and school district~~ about the selection or impending
12 selection of the uniform voting system. A governmental unit that is
13 notified under this subsection shall not purchase or enter into a
14 contract to purchase a voting system other than the uniform voting
15 system after receipt of the notice.

16 (4) After selection of the uniform voting system, the
17 secretary of state shall establish a schedule for acquisition and
18 implementation of the uniform voting system throughout ~~the~~ **THIS**
19 state. The secretary of state may devise a schedule that institutes
20 the uniform voting system over several election cycles. The
21 secretary of state shall widely publicize the schedule and changes
22 to the schedule. If, however, a jurisdiction has acquired a new
23 voting system within 8 years before the jurisdiction receives
24 notice from the secretary of state under subsection (3), that
25 jurisdiction ~~shall~~ **IS** not ~~be~~ required to acquire and use the
26 uniform voting system until the expiration of 10 years after the
27 date of the original purchase of the equipment.

1 (5) If, after selection of the uniform voting system, the
2 secretary of state determines that the uniform voting system no
3 longer serves the welfare of the voters or has become out of date
4 in regards to voting system technology, the secretary of state may
5 repeat the process for selecting the uniform voting system
6 authorized under this section.

7 (6) This section does not apply until money is appropriated
8 for the purpose of selecting, acquiring, and implementing the
9 uniform voting system. If federal money becomes available for the
10 purposes described in this section, the secretary of state shall,
11 and the legislature intends to, take the steps necessary to qualify
12 for and appropriate that money for the purposes described in this
13 section.

14 ~~—— (7) If an appropriation of money for the purposes described in~~
15 ~~this section is not signed into law before January 1, 2006, this~~
16 ~~section is repealed on January 1, 2006.~~

17 Sec. 51. A person ~~shall~~**IS** not ~~be~~ eligible to the office of
18 governor or lieutenant governor unless the person has attained the
19 age of 30 years and has been a registered and qualified elector in
20 this state for 4 years next preceding his or her election, as
21 provided in section 22 of article 5~~-V~~ of the state constitution of
22 1963. ~~A person who has been convicted of a violation of section~~
23 ~~12a(1) of Act No. 370 of the Public Acts of 1941, being section~~
24 ~~38.412a of the Michigan Compiled Laws, shall not be eligible to the~~
25 ~~office of governor or lieutenant governor for a period of 20 years~~
26 ~~after the conviction.~~

27 Sec. 71. ~~(1)~~A person ~~shall~~**IS** not ~~be~~ eligible to the offices

1 of secretary of state or attorney general if the person is not a
2 registered and qualified elector of this state by the date the
3 person is nominated for the office.

4 ~~—— (2) A person who has been convicted of a violation of section~~
5 ~~12a(1) of 1941 PA 370, MCL 38.412a, shall not be eligible to the~~
6 ~~offices of secretary of state or attorney general for a period of~~
7 ~~20 years after conviction.~~

8 Sec. 91. A person shall not be a United States ~~senator~~**SENATOR**
9 unless the person has attained the age of 30 years and has been a
10 citizen of the United States for 9 years, and is, when elected, an
11 inhabitant of that state for which he or she shall be chosen as
12 provided in section 3 of article ~~1~~**I** of the United States
13 constitution. ~~A person who has been convicted of a violation of~~
14 ~~section 12a(1) of Act No. 370 of the Public Acts of 1941, being~~
15 ~~section 38.412a of the Michigan Compiled Laws, shall not be~~
16 ~~eligible to the office of United States senator for a period of 20~~
17 ~~years after conviction.~~**CONSTITUTION.**

18 Sec. 131. A person shall not be a ~~representative~~
19 **REPRESENTATIVE IN CONGRESS** unless the person has attained the age
20 of 25 years and been a citizen of the United States for 7 years,
21 and is, when elected, an inhabitant of that state in which he or
22 she shall be chosen, as provided in section 2 of article ~~1~~**I** of the
23 United States constitution. ~~A person who has been convicted of a~~
24 ~~violation of section 12a(1) of Act No. 370 of the Public Acts of~~
25 ~~1941, being section 38.412a of the Michigan Compiled Laws, shall~~
26 ~~not be eligible to the office of representative in congress for a~~
27 ~~period of 20 years after conviction.~~**CONSTITUTION.**

1 Sec. 161. ~~(1)~~A person shall ~~IS~~ not be eligible to the office
2 of state senator or representative unless the person is a citizen
3 of the United States and a registered and qualified elector of the
4 district he or she represents by the filing deadline, as provided
5 in section 7 of article 4-~~IV~~ of the state constitution of 1963.

6 ~~(2) A person who has been convicted of a violation of section~~
7 ~~12a(1) of 1941 PA 370, MCL 38.412a, shall not be eligible to the~~
8 ~~office of state senator or representative for a period of 20 years~~
9 ~~after conviction.~~

10 Sec. 191. ~~(1)~~A person shall ~~IS~~ not be eligible to the office
11 of county clerk, county treasurer, register of deeds, prosecuting
12 attorney, sheriff, drain commissioner, surveyor, or coroner if the
13 person is not a registered and qualified elector of the county in
14 which election is sought by the filing deadline.

15 ~~(2) A person who has been convicted of a violation of section~~
16 ~~12a(1) of 1941 PA 370, MCL 38.412a, shall not be eligible to any of~~
17 ~~the offices enumerated in this section for a period of 20 years~~
18 ~~after conviction.~~

19 Sec. 254. (1) To obtain the printing of the name of a person
20 as a candidate for nomination by a political party for the office
21 of county road commissioner under a particular party heading upon
22 the official primary ballots, there shall ~~shall~~ **MUST** be filed with the
23 county clerk of the county nominating petitions signed by a number
24 of qualified and registered electors residing within the county as
25 determined under section 544f. Nominating petitions shall ~~shall~~ **MUST** be
26 in the form prescribed in section 544c. ~~Until December 31, 2013,~~
27 ~~the county clerk shall receive nominating petitions up to 4 p.m. of~~

1 ~~the twelfth Tuesday before the August primary in which county road~~
2 ~~commissioners are to be elected. Beginning January 1, 2014, the~~ **THE**
3 county clerk shall receive nominating petitions up to 4 p.m. of the
4 fifteenth Tuesday before the August primary in which county road
5 commissioners are to be elected.

6 (2) To obtain the printing of the name of a candidate of a
7 political party under the particular party's heading upon the
8 primary election ballots in the various voting precincts of the
9 county, there may be filed by each candidate, in lieu of filing
10 nominating petitions, a filing fee of \$100.00 to be paid to the
11 county clerk. Payment of the fee and certification of the name of
12 the candidate paying the fee ~~shall be~~ **ARE** governed by the same
13 provisions as in the case of nominating petitions. The fee ~~shall~~
14 **MUST** be deposited in the general fund of the county and ~~shall~~ **MUST**
15 be returned to all candidates who are nominated and to an equal
16 number of candidates who received the next highest number of votes
17 in the primary election. If 2 or more candidates tie in having the
18 lowest number of votes allowing a refund, the sum of \$100.00 ~~shall~~
19 **MUST** be divided among them. The deposits of all other defeated
20 candidates, as well as the deposits of candidates who withdraw or
21 are disqualified, ~~shall be~~ **ARE** forfeited and the candidates ~~shall~~
22 **MUST** be notified of the forfeitures. Deposits forfeited under this
23 section ~~shall~~ **MUST** be paid into and credited to the general fund of
24 the county.

25 Sec. 281. ~~(1)~~ A person ~~shall~~ **IS** not ~~be~~ eligible to membership
26 on the state board of education, the board of regents of the
27 ~~university~~ **UNIVERSITY** of Michigan, the board of trustees of

1 Michigan ~~state university,~~ **STATE UNIVERSITY**, or the board of
2 governors of Wayne ~~state university~~ **STATE UNIVERSITY** if the person
3 is not a registered and qualified elector of this state on the date
4 the person is nominated for the office.

5 ~~—— (2) A person who has been convicted of a violation of section~~
6 ~~12a(1) of 1941 PA 370, MCL 38.412a, shall not be eligible to~~
7 ~~membership on any of the boards enumerated in this section for a~~
8 ~~period of 20 years after conviction.~~

9 Sec. 302. An individual is eligible for election as a school
10 board member if the individual is a citizen of the United States
11 and is a qualified and registered elector of the school district
12 the individual seeks to represent by the filing deadline. At least
13 1 school board member for a school district ~~shall~~ **MUST** be elected
14 at each of the school district's regular elections held as provided
15 in section 642c. Except as otherwise provided in this section or
16 section 310 or 644g, a school board member's term of office is
17 prescribed by the applicable provision of section 11a, 617, 701, or
18 703 of the revised school code, 1976 PA 451, MCL 380.11a, 380.617,
19 380.701, and 380.703, or section 34, 34a, 41, 54, or 83 of the
20 community college act of 1966, 1966 PA 331, MCL 389.34, 389.34a,
21 389.41, 389.54, and 389.83. ~~Except as provided in section 302a, if~~
22 **IF** a ballot question changing the number of school board members or
23 changing the terms of office for school board members ~~pursuant to~~
24 **UNDER** section 11a of the revised school code, 1976 PA 451, MCL
25 380.11a, is proposed and a school district needs a temporary
26 variance from the terms of office provisions in this act and the
27 revised school code, 1976 PA 451, MCL 380.1 to 380.1852, to phase

1 in or out school board members' terms of office, the school board
2 shall submit the proposed ballot question language and a proposed
3 transition plan to the secretary of state at least 30 days before
4 the school board submits the ballot question language to the school
5 district election coordinator ~~pursuant to~~ **UNDER** section 312. The
6 secretary of state shall approve or reject the proposed transition
7 plan within 10 business days of receipt of the proposed transition
8 plan. The secretary of state shall approve the proposed transition
9 plan if the plan provides only temporary relief to the school
10 district from the terms of office provisions in this act and the
11 revised school code, 1976 PA 451, MCL 380.1 to 380.1852, until such
12 time that the terms of office for school board members can be made
13 to comply with this act and the revised school code, 1976 PA 451,
14 MCL 380.1 to 380.1852. The school board shall not submit the
15 proposed ballot question language to the school district election
16 coordinator ~~pursuant to~~ **UNDER** section 312 until the proposed
17 transition plan is approved by the secretary of state. A school
18 board member's term begins on January 1 immediately following the
19 election.

20 Sec. 303. (1) ~~Until December 31, 2013, and subject to~~
21 ~~subsection (4), for an individual's name to appear on the official~~
22 ~~ballot as a candidate for school board member, the candidate shall~~
23 ~~file a nominating petition and the affidavit required by section~~
24 ~~558 with the school district filing official not later than 4 p.m.~~
25 ~~on the twelfth Tuesday before the election date. Beginning January~~
26 ~~1, 2014, and subject~~ **SUBJECT** to subsection (4), for an individual's
27 name to appear on the official ballot as a candidate for school

1 board member, the candidate shall file a nominating petition and
2 the affidavit required by section 558 with the school district
3 filing official not later than 4 p.m. on the fifteenth Tuesday
4 before the election date. The nominating petition must be signed by
5 the following number of electors of the school district:

6 (a) If the population of the school district is less than
7 10,000 according to the most recent federal census, a minimum of 6
8 and a maximum of 20.

9 (b) If the population of the school district is 10,000 or more
10 according to the most recent federal census, a minimum of 40 and a
11 maximum of 100.

12 (2) The nominating petition ~~shall~~**MUST** be substantially in the
13 form prescribed in section 544c, except that the petition ~~shall~~
14 **MUST** be nonpartisan and ~~shall~~**MUST** include the following opening
15 paragraph:

16 We, the undersigned, registered and qualified voters
17 of _____
18 and residents of the _____, the
19 (legal name of school district)
20 county of _____, state of Michigan,
21 (city or township)

22 nominate
23 (name of candidate)
24 _____,
25 (street address) (city or township)

26 a registered and qualified elector of the district as a member
27 of the board of education of the school district for a term

1 of _____ years, expiring _____, to be voted for at the
 2 election to be held on the _____ day of _____, _____.
 3 (month) (year)

4 (3) A school elector shall not sign petitions for more
 5 candidates than are to be elected.

6 (4) Instead of filing nominating petitions, a candidate for
 7 school board member may pay a nonrefundable filing fee of \$100.00
 8 to the school district filing official. If this fee is paid by the
 9 due date for a nominating petition, the payment has the same effect
 10 under this section as the filing of a nominating petition.

11 (5) A nominating petition filed under this chapter is subject
 12 to the examination and investigation process prescribed in section
 13 552 as to its sufficiency and the validity and genuineness of the
 14 signatures on the nominating petition, and to the other procedures
 15 prescribed in that section relevant to a petition filed under this
 16 chapter.

17 (6) After a nominating petition is filed or filing fee is paid
 18 for a candidate for school board member, the candidate is not
 19 permitted to withdraw unless a written withdrawal notice, signed by
 20 the candidate, is filed with the school district filing official
 21 not later than 4 p.m. of the third day after the last day for
 22 filing the nominating petition. If the school district filing
 23 official is not a county clerk, the school district filing official
 24 shall notify the county clerk of the candidates' names and
 25 addresses not later than 3 days after the last day for filing a
 26 withdrawal notice.

27 Sec. 342. ~~(1)~~ A person ~~shall~~ **IS** not ~~be~~ eligible to a township

1 office unless the person is a registered and qualified elector of
2 the township in which election is sought by the filing deadline. A
3 person ~~shall~~ **IS** not ~~be~~ eligible for membership on the board of
4 review unless, in addition to the qualifications for eligibility to
5 a township office, the person is a landowner and taxpayer in the
6 township.

7 ~~—— (2) A person who has been convicted of a violation of section~~
8 ~~12a(1) of 1941 PA 370, MCL 38.412a, shall not be eligible for~~
9 ~~election or appointment to an elective or appointive township~~
10 ~~office for a period of 20 years after conviction.~~

11 Sec. 381. (1) Except as provided in this section and sections
12 383, 641, 642, 642a, and 644g, the qualifications, nomination,
13 election, appointment, term of office, and removal from office of a
14 village officer ~~shall~~ **MUST** be as determined by the charter
15 provisions governing the village.

16 (2) If the membership of the village council of a village
17 governed by the general law village act, 1895 PA 3, MCL 61.1 to
18 74.25, is reduced to less than a quorum of 4 and a special election
19 for the purpose of filling all vacancies in the office of trustee
20 is called under section 13 of chapter II of the general law village
21 act, 1895 PA 3, MCL 62.13, temporary appointments of trustees ~~shall~~
22 **MUST** be made as provided in this subsection. The board of county
23 election commissioners of the county in which the largest portion
24 of the population of the village is situated shall make temporary
25 appointment of the number of trustees required to constitute a
26 quorum for the transaction of business by the village council. A
27 trustee appointed under this subsection shall hold the office only

1 until the trustee's successor is elected and qualified. A trustee
2 who is temporarily appointed under this subsection shall not vote
3 on the appointment of himself or herself to an elective or
4 appointive village office.

5 (3) Notwithstanding another provision of law or charter to the
6 contrary, an appointment to an elective or appointive village
7 office made by a quorum constituted by temporary appointments under
8 this subsection expires upon the election and qualification of
9 trustees under the special election called to fill the vacancies in
10 the office of trustee.

11 (4) Filing for a village office ~~shall~~ **MUST** be with the
12 township clerk if the township is conducting the election or if the
13 village is located in more than 1 township with the township in
14 which the largest number of the registered electors of the village
15 reside. ~~Until December 31, 2013, nominating petitions for village~~
16 ~~offices shall be filed with the appropriate township clerk by 4~~
17 ~~p.m. on the twelfth Tuesday before the general November election.~~
18 ~~Beginning January 1, 2014, nominating~~ **NOMINATING** petitions for
19 village offices ~~shall~~ **MUST** be filed with the appropriate township
20 clerk by 4 p.m. on the fifteenth Tuesday before the general
21 November election. After a nominating petition is filed for a
22 candidate for a village office, the candidate is not permitted to
23 withdraw unless a written withdrawal notice, signed by the
24 candidate, is filed with the appropriate township clerk not later
25 than 4 p.m. of the third day after the last day for filing the
26 nominating petition.

27 Sec. 383. The governor shall remove all village officers

1 chosen by the electors of a village ~~when~~**IF** the governor is
2 satisfied from sufficient evidence submitted to the governor that
3 the officer ~~has been~~**IS** guilty of official misconduct, wilful
4 neglect of duty, extortion, or habitual drunkenness, or has been
5 convicted of being drunk, or ~~whenever~~**IF** it appears by a certified
6 copy of the judgment of a court of record of this state that a
7 village officer, after the officer's election or appointment, has
8 been convicted of a felony. The governor shall not take action upon
9 any charges made to the governor against a village officer until
10 the charges have been exhibited to the governor in writing,
11 verified by the affidavit of the party making them, that the party
12 believes the charges to be true. A village officer ~~shall~~**MUST** not
13 be removed for misconduct or neglect until charges of misconduct or
14 neglect have been exhibited to the governor as provided in this
15 section and a copy of the charges served on the officer and an
16 opportunity given the officer of being heard in his or her defense.
17 The service of the charges upon the person or persons complained
18 against ~~shall~~**MUST** be made by personal service to the officer of a
19 copy of the charges, together with all affidavits or exhibits which
20 may be attached to the original petition, if the officer can be
21 found, ~~+~~and if not, by leaving a copy of the charges at the last
22 known place of residence of the officer with a person of suitable
23 age, if a person of suitable age can be found, ~~+~~and if not, by
24 posting the copy of the charges in a conspicuous place at the
25 officer's last known place of residence. An officer who has been
26 removed from office ~~pursuant to~~**UNDER** this section ~~shall~~**IS** not be
27 eligible for election or appointment to any office for a period of

1 3 years from the date of the removal from office. ~~A person who has~~
2 ~~been convicted of a violation of section 12a(1) of Act No. 370 of~~
3 ~~the Public Acts of 1941, being section 38.412a of the Michigan~~
4 ~~Compiled Laws, shall not be eligible for election or appointment to~~
5 ~~an elective or appointive village office for a period of 20 years~~
6 ~~after conviction.~~

7 Sec. 391. ~~(1)~~ A person shall ~~IS~~ not be eligible to the office
8 of justice of the supreme court unless the person is a registered
9 and qualified elector of this state by the filing deadline or the
10 date the person files the affidavit of candidacy, is licensed to
11 practice law in this state, and at the time of election or
12 appointment is less than 70 years of age.

13 ~~(2) A person who has been convicted of a violation of section~~
14 ~~12a(1) of 1941 PA 370, MCL 38.412a, shall not be eligible for~~
15 ~~election or appointment to the office of justice of the supreme~~
16 ~~court for a period of 20 years after conviction.~~

17 Sec. 409. ~~(1)~~ A person shall ~~IS~~ not be eligible for the office
18 of judge of the court of appeals unless the person is a registered
19 and qualified elector of the appellate court district in which
20 election is sought by the filing deadline or the date the person
21 files the affidavit of candidacy, is licensed to practice law in
22 this state, and, at the time of election or appointment, is less
23 than 70 years of age.

24 ~~(2) A person who has been convicted of a violation of section~~
25 ~~12a(1) of 1941 PA 370, MCL 38.412a, shall not be eligible for~~
26 ~~election or appointment to the office of judge of the court of~~
27 ~~appeals for a period of 20 years after conviction.~~

1 Sec. 409b. (1) To obtain the printing of the name of a
2 qualified person other than an incumbent judge of the court of
3 appeals as a candidate for nomination for the office of judge of
4 the court of appeals upon the official nonpartisan primary ballots,
5 there ~~shall~~**MUST** be filed with the secretary of state nominating
6 petitions containing the signatures, addresses, and dates of
7 signing of a number of qualified and registered electors residing
8 in the appellate court district as determined under section 544f.
9 The provisions of sections 544a and 544b apply. ~~Until December 31,~~
10 ~~2013, the secretary of state shall receive nominating petitions up~~
11 ~~to 4 p.m. on the fourteenth Tuesday before the primary. Beginning~~
12 ~~January 1, 2014, the~~**THE** secretary of state shall receive
13 nominating petitions up to 4 p.m. on the fifteenth Tuesday before
14 the primary.

15 (2) Nominating petitions filed under this section are valid
16 only if they clearly indicate for which of the following offices
17 the candidate is filing, consistent with subsection (8):

18 (a) An unspecified existing judgeship for which the incumbent
19 judge is seeking election.

20 (b) An unspecified existing judgeship for which the incumbent
21 judge is not seeking election.

22 (c) A new judgeship.

23 (3) Nominating petitions specifying a new or existing court of
24 appeals judgeship may not be used to qualify a candidate for
25 another judicial office of the same court in the same judicial
26 district. A person who files nominating petitions for election to
27 more than 1 court of appeals judgeship ~~shall have~~**HAS** not more than

1 3 days following the close of filing to withdraw from all but 1
2 filing.

3 (4) In a primary and general election for 2 or more judgeships
4 where more than 1 of the categories in subsection (2) could be
5 selected, a candidate shall apply to the bureau of elections for a
6 written statement of office designation to correspond to the
7 judgeship sought by the candidate. The office designation provided
8 by the secretary of state ~~shall~~ **MUST** be included in the heading of
9 all nominating petitions. Nominating petitions containing an
10 improper office designation are invalid.

11 (5) The secretary of state shall issue an office designation
12 of incumbent position for any judgeship for which the incumbent
13 judge is eligible to seek reelection. If an incumbent judge does
14 not file an affidavit of candidacy by the deadline, the secretary
15 of state shall notify all candidates for that office that a
16 nonincumbent position exists. All nominating petitions circulated
17 for the nonincumbent position subsequent to the deadline ~~shall~~ **MUST**
18 bear an office designation of nonincumbent position. All signatures
19 collected before the affidavit of candidacy filing deadline may be
20 filed with the nonincumbent nominating petitions.

21 (6) An incumbent judge of the court of appeals may become a
22 candidate in the primary election for the office of which he or she
23 is the incumbent by filing with the secretary of state an affidavit
24 of candidacy not less than 134 days before the date of the primary
25 election. However, ~~before December 31, 2013, if an incumbent judge~~
26 ~~of the court of appeals was appointed to fill a vacancy and the~~
27 ~~judge entered upon the duties of office less than 137 days before~~

1 ~~the date of the primary election but before the fourteenth Tuesday~~
2 ~~before the primary election, the incumbent judge may file the~~
3 ~~affidavit of candidacy not more than 3 days after entering upon the~~
4 ~~duties of office. Beginning January 1, 2014, if an incumbent judge~~
5 of the court of appeals was appointed to fill a vacancy and the
6 judge entered upon the duties of the office less than 137 days
7 before the date of the primary election but before the fifteenth
8 Tuesday before the primary election, the incumbent judge may file
9 the affidavit of candidacy not more than 3 days after entering upon
10 the duties of office. The affidavit of candidacy ~~shall~~**MUST** contain
11 statements that the affiant is an incumbent judge of the court of
12 appeals, is domiciled within the district, will not attain the age
13 of 70 by the date of election, and is a candidate for election to
14 the office of judge of the court of appeals.

15 (7) In the primary and general November election for 2 or more
16 judgeships of the court of appeals in a judicial district, each of
17 the following categories of candidates ~~shall~~**MUST** be listed
18 separately on the ballot, consistent with subsection (8):

19 (a) The names of candidates for the judgeship or judgeships
20 for which the incumbent is seeking election.

21 (b) The names of candidates for the judgeship or judgeships
22 for which the incumbent is not seeking election.

23 (c) The names of candidates for a newly created judgeship or
24 judgeships.

25 (8) If the death or disqualification of an incumbent judge
26 triggers the application of section 409d(2), then for the purposes
27 of subsections (2) and (7), that judgeship ~~shall~~**MUST** be regarded

1 as a judgeship for which the incumbent judge is not seeking
2 election. The application of this subsection includes, but is not
3 limited to, circumstances in which the governor appoints an
4 individual to fill the vacancy and that individual seeks to qualify
5 as a nominee under section 409d(2).

6 Sec. 411. ~~(1)~~A person ~~shall~~**IS** not ~~be~~eligible to the office
7 of judge of the circuit court unless the person is a registered and
8 qualified elector of the judicial circuit in which election is
9 sought by the filing deadline or the date the person files the
10 affidavit of candidacy, as provided in section 11 of article VI of
11 the state constitution of 1963, is licensed to practice law in this
12 state, and, at the time of election, is less than 70 years of age.

13 ~~—— (2) A person who has been convicted of a violation of section~~
14 ~~12a(1) of 1941 PA 370, MCL 38.412a, shall not be eligible for~~
15 ~~election or appointment to the office of judge of the circuit court~~
16 ~~for a period of 20 years after conviction.~~

17 Sec. 413. (1) To obtain the printing of the name of a person
18 as a candidate for nomination for the office of judge of the
19 circuit court upon the official nonpartisan primary ballots, there
20 ~~shall~~**MUST** be filed with the secretary of state nominating
21 petitions containing the signatures, addresses, and dates of
22 signing of a number of qualified and registered electors residing
23 in the judicial circuit as determined under section 544f or by the
24 filing of an affidavit according to section 413a. ~~Until December~~
25 ~~31, 2013, the secretary of state shall receive the nominating~~
26 ~~petitions up to 4 p.m. of the fourteenth Tuesday before the~~
27 ~~primary. Beginning January 1, 2014, the~~**THE** secretary of state

1 shall receive the nominating petitions up to 4 p.m. of the
2 fifteenth Tuesday before the primary. The provisions of sections
3 544a and 544b apply.

4 (2) If a candidate for nomination for the office of judge of
5 the circuit court receives incorrect or inaccurate written
6 information from the secretary of state or the bureau of elections
7 concerning the number of nominating petition signatures required
8 under section 544f and that incorrect or inaccurate written
9 information is published or distributed by the secretary of state
10 or the bureau of elections, the candidate may bring an action in a
11 court of competent jurisdiction for equitable relief. A court may
12 grant equitable relief to a candidate under this subsection if all
13 of the following occur:

14 (a) The candidate brings the action for equitable relief
15 within 6 days after the candidate is notified by the secretary of
16 state or the bureau of elections that the candidate's nominating
17 petition contains insufficient signatures.

18 (b) The candidate files an affidavit certifying that he or she
19 contacted and received from the secretary of state or the bureau of
20 elections incorrect or inaccurate written information concerning
21 the number of nominating petition signatures required under section
22 544f.

23 (c) The secretary of state or the bureau of elections
24 published or distributed the incorrect or inaccurate written
25 information concerning the number of nominating petition signatures
26 required under section 544f before the filing deadline under
27 subsection (1).

1 (d) The secretary of state or bureau of elections did not
2 inform the candidate at least 14 days before the filing deadline
3 under subsection (1) that incorrect or inaccurate written
4 information concerning the number of nominating petition signatures
5 required under section 544f had been published or distributed.

6 (3) If a court grants equitable relief to a candidate under
7 subsection (2), the candidate ~~shall~~**MUST** be given the opportunity
8 to obtain additional nominating petition signatures to meet the
9 requirements under section 544f. The additional nominating petition
10 signatures obtained by a candidate ~~shall~~**MUST** be filed with the
11 secretary of state no later than 4 p.m. on the fifth business day
12 after the date that the court order granting equitable relief is
13 filed.

14 (4) The nominating petition signatures filed ~~pursuant to~~**UNDER**
15 this section are subject to challenge as provided in section 552.

16 Sec. 413a. (1) Any incumbent circuit court judge may become a
17 candidate in the primary election for the office of which he or she
18 is an incumbent by filing with the secretary of state an affidavit
19 of candidacy not less than 134 days ~~prior to~~**BEFORE** the date of the
20 primary election. However, ~~until December 31, 2013, if an incumbent~~
21 ~~judge of the circuit court was appointed to fill a vacancy and the~~
22 ~~judge entered upon the duties of office less than 137 days before~~
23 ~~the date of the primary election but before the fourteenth Tuesday~~
24 ~~before the primary election, the incumbent judge may file the~~
25 ~~affidavit of candidacy not more than 3 days after entering upon the~~
26 ~~duties of office. Beginning January 1, 2014, if an incumbent judge~~
27 of the circuit court was appointed to fill a vacancy and the judge

1 entered upon the duties of office less than 137 days before the
2 date of the primary election but before the fifteenth Tuesday
3 before the primary election, the incumbent judge may file the
4 affidavit of candidacy not more than 3 days after entering upon the
5 duties of office.

6 (2) The affidavit of candidacy ~~shall~~**MUST** contain statements
7 that the affiant is an incumbent circuit court judge for the
8 circuit in which election is sought, that he or she is domiciled
9 within the circuit, and that he or she will not attain the age of
10 70 by the date of election, and ~~shall~~**MUST** contain a declaration
11 that he or she is a candidate for election to the office of circuit
12 court judge.

13 Sec. 431. ~~(1)~~A person ~~shall~~**IS** not ~~be~~ eligible to the office
14 of judge of probate unless the person is a registered and qualified
15 elector of the county in which election is sought by the filing
16 deadline or the date the person files the affidavit of candidacy,
17 as provided in section 16 of article VI of the state constitution
18 of 1963, is licensed to practice law in this state except as
19 provided in section 7 of the schedule and temporary provisions of
20 the state constitution of 1963, and, at the time of election, is
21 less than 70 years of age.

22 ~~———— (2) A person who has been convicted of a violation of section~~
23 ~~12a(1) of 1941 PA 370, MCL 38.412a, shall not be eligible for~~
24 ~~election or appointment to the office of judge of probate for a~~
25 ~~period of 20 years after conviction.~~

26 Sec. 433. (1) Except as otherwise provided in this subsection,
27 to obtain the printing of the name of a person as a candidate for

1 nomination for the office of judge of probate upon the official
2 nonpartisan primary ballots, there ~~shall~~ **MUST** be filed with the
3 county clerk of each county nominating petitions containing the
4 signatures, addresses, and dates of signing of a number of
5 qualified and registered electors residing in the county as
6 determined under section 544f or by the filing of an affidavit
7 according to section 433a. In the case of a probate court district,
8 to obtain the printing of the name of a person as a candidate for
9 nomination for the office of judge of probate upon the official
10 nonpartisan primary ballots, there ~~shall~~ **MUST** be filed with the
11 secretary of state nominating petitions containing the signatures,
12 addresses, and dates of signing of a number of qualified and
13 registered electors residing in the probate court district as
14 determined under section 544f or by the filing of an affidavit
15 according to section 433a. ~~Until December 31, 2013, the county~~
16 ~~clerk or, in the case of a probate court district, the secretary of~~
17 ~~state shall receive nominating petitions up to 4 p.m. on the~~
18 ~~fourteenth Tuesday before the August primary. Beginning January 1,~~
19 ~~2014, the~~ **THE** county clerk or, in the case of a probate court
20 district, the secretary of state shall receive nominating petitions
21 up to 4 p.m. on the fifteenth Tuesday before the August primary.
22 The provisions of sections 544a and 544b apply.

23 (2) Nominating petitions filed under this section are valid
24 only if they clearly indicate for which of the following offices
25 the candidate is filing, consistent with section 435a(2):

26 (a) An unspecified existing judgeship for which the incumbent
27 judge is seeking election.

1 (b) An unspecified existing judgeship for which the incumbent
2 judge is not seeking election.

3 (c) A new judgeship.

4 (3) A person who files nominating petitions for election to
5 more than 1 probate judgeship ~~shall have~~ **HAS** not more than 3 days
6 following the close of filing to withdraw from all but 1 filing.

7 (4) In a primary and general election for 2 or more judgeships
8 where more than 1 of the categories in subsection (2) could be
9 selected, a candidate shall apply to the bureau of elections for a
10 written statement of office designation to correspond to the
11 judgeship sought by the candidate. The office designation provided
12 by the secretary of state ~~shall~~ **MUST** be included in the heading of
13 all nominating petitions. Nominating petitions containing an
14 improper office designation are invalid.

15 (5) The secretary of state shall issue an office designation
16 of incumbent position for any judgeship for which the incumbent
17 judge is eligible to seek reelection. If an incumbent judge does
18 not file an affidavit of candidacy by the deadline, the secretary
19 of state shall notify all candidates for that office that a
20 nonincumbent position exists. All nominating petitions circulated
21 for the nonincumbent position after the deadline ~~shall~~ **MUST** bear an
22 office designation of nonincumbent position. All signatures
23 collected before the affidavit of candidacy filing deadline may be
24 filed with the nonincumbent nominating petitions.

25 (6) If a candidate for nomination for the office of judge of
26 probate receives incorrect or inaccurate written information from
27 the county clerk or, in the case of a probate court district, the

1 secretary of state concerning the number of nominating petition
2 signatures required under section 544f and that incorrect or
3 inaccurate written information is published or distributed by the
4 county clerk or, in the case of a probate court district, the
5 secretary of state, the candidate may bring an action in a court of
6 competent jurisdiction for equitable relief. A court may grant
7 equitable relief to a candidate under this subsection if all of the
8 following occur:

9 (a) The candidate brings the action for equitable relief
10 within 6 days after the candidate is notified by the county clerk
11 or, in the case of a probate court district, the secretary of state
12 that the candidate's nominating petition contains insufficient
13 signatures.

14 (b) The candidate files an affidavit certifying that he or she
15 contacted and received from the county clerk or, in the case of a
16 probate court district, the secretary of state incorrect or
17 inaccurate written information concerning the number of nominating
18 petition signatures required under section 544f.

19 (c) The county clerk or, in the case of a probate court
20 district, the secretary of state published or distributed the
21 incorrect or inaccurate written information concerning the number
22 of nominating petition signatures required under section 544f
23 before the filing deadline under subsection (1).

24 (d) The county clerk or, in the case of a probate court
25 district, the secretary of state did not inform the candidate at
26 least 14 days before the filing deadline under subsection (1) that
27 incorrect or inaccurate written information concerning the number

1 of nominating petition signatures required under section 544f had
2 been published or distributed.

3 (7) If a court grants equitable relief to a candidate under
4 subsection (6), the candidate ~~shall~~**MUST** be given the opportunity
5 to obtain additional nominating petition signatures to meet the
6 requirements under section 544f. The additional nominating petition
7 signatures obtained by a candidate ~~shall~~**MUST** be filed with the
8 county clerk or, in the case of a probate court district, the
9 secretary of state no later than 4 p.m. on the fifth business day
10 after the date that the court order granting equitable relief is
11 filed.

12 (8) The nominating petition signatures filed ~~pursuant to~~**UNDER**
13 this section are subject to challenge as provided in section 552.

14 Sec. 433a. (1) Any incumbent probate court judge may become a
15 candidate in the primary election for the office of which he or she
16 is an incumbent by filing with the county clerk, or in case of a
17 probate district with the secretary of state, an affidavit of
18 candidacy not less than 134 days before the date of the primary
19 election. However, ~~until December 31, 2013, if an incumbent judge~~
20 ~~of probate was appointed to fill a vacancy and the judge entered~~
21 ~~upon the duties of office less than 137 days before the date of the~~
22 ~~primary election but before the fourteenth Tuesday before the~~
23 ~~primary election, the incumbent judge may file the affidavit of~~
24 ~~candidacy not more than 3 days after entering upon the duties of~~
25 ~~office. Beginning January 1, 2014, if an incumbent judge of probate~~
26 was appointed to fill a vacancy and the judge entered upon the
27 duties of office less than 137 days before the date of the primary

1 election but before the fifteenth Tuesday before the primary
 2 election, the incumbent judge may file the affidavit of candidacy
 3 not more than 3 days after entering upon the duties of office.

4 (2) The affidavit of candidacy ~~shall~~**MUST** contain statements
 5 that the affiant is an incumbent probate court judge of the county
 6 or district of which election is sought, that he or she is
 7 domiciled within the county or district, and that he or she will
 8 not attain the age of 70 years by the date of election, and ~~shall~~
 9 **MUST** contain a declaration that he or she is a candidate for
 10 election to the office of probate court judge.

11 Sec. 467. ~~(1)~~A person ~~shall~~**IS** not ~~be~~ eligible for the office
 12 of judge of the district court unless the person is a registered
 13 and qualified elector of the judicial district and election
 14 division in which election is sought by the filing deadline or the
 15 date the person files the affidavit of candidacy, is licensed to
 16 practice law in this state, and, at the time of election or
 17 appointment, is less than 70 years of age.

18 ~~—— (2) A person who has been convicted of a violation of section~~
 19 ~~12a(1) of 1941 PA 370, MCL 38.412a, shall not be eligible for~~
 20 ~~election or appointment to the office of judge of the district~~
 21 ~~court for a period of 20 years after conviction.~~

22 Sec. 467a. ~~Except as provided in section 467n, a~~**A** general
 23 nonpartisan primary election ~~shall~~**MUST** be held in every district
 24 and election division of this state on the Tuesday ~~succeeding~~**AFTER**
 25 the first Monday in August ~~prior to~~**BEFORE** the general election at
 26 which judges of the district court are elected, at which time the
 27 qualified and registered electors may vote for nonpartisan

1 candidates for judge of the district court. If upon the expiration
2 of the time for filing petitions of candidacy for the primary
3 election of the judge of the district court in any district or
4 election division, it appears that there are not to exceed twice
5 the number of candidates as there are persons to be elected, the
6 secretary of state shall certify to the county board of election
7 commissioners the name of those candidates for district court judge
8 whose petitions or affidavits of candidacy have been properly filed
9 and those candidates ~~shall be~~ **ARE** the nominees for the judge of the
10 district court and ~~shall~~ **MUST** be so certified. As to that office,
11 there ~~shall~~ **MUST** not be a primary election and this office ~~shall~~
12 **MUST** be omitted from the judicial primary ballot.

13 Sec. 467b. (1) To obtain the printing of the name of a person
14 as a candidate for nomination for the office of judge of the
15 district court upon the official nonpartisan primary ballots, there
16 ~~shall~~ **MUST** be filed with the secretary of state nominating
17 petitions containing the signatures, addresses, and dates of
18 signing of a number of qualified and registered electors residing
19 in the judicial district or division as determined under section
20 544f. An incumbent district court judge may also become a candidate
21 by the filing of an affidavit in lieu of petitions according to
22 section 467c. ~~Until December 31, 2013, the secretary of state shall~~
23 ~~receive nominating petitions up to 4 p.m. on the fourteenth Tuesday~~
24 ~~before the primary. Beginning January 1, 2014, the~~ **THE** secretary of
25 state shall receive nominating petitions up to 4 p.m. on the
26 fifteenth Tuesday before the primary. The provisions of sections
27 544a and 544b apply.

1 (2) Nominating petitions filed under this section are valid
2 only if they clearly indicate for which of the following offices
3 the candidate is filing, consistent with section 467c(4):

4 (a) An unspecified existing judgeship for which the incumbent
5 judge is seeking election.

6 (b) An unspecified existing judgeship for which the incumbent
7 judge is not seeking election.

8 (c) A new judgeship.

9 (3) A person who files nominating petitions for election to
10 more than 1 district judgeship ~~shall have~~ **HAS** not more than 3 days
11 following the close of filing to withdraw from all but 1 filing.

12 (4) In a primary and general election for 2 or more judgeships
13 where more than 1 of the categories in subsection (2) could be
14 selected, a candidate shall apply to the bureau of elections for a
15 written statement of office designation to correspond to the
16 judgeship sought by the candidate. The office designation provided
17 by the secretary of state ~~shall~~ **MUST** be included in the heading of
18 all nominating petitions. Nominating petitions containing an
19 improper office designation are invalid.

20 (5) The secretary of state shall issue an office designation
21 of incumbent position for any judgeship for which the incumbent
22 judge is eligible to seek reelection. If an incumbent judge does
23 not file an affidavit of candidacy by the deadline, the secretary
24 of state shall notify all candidates for that office that a
25 nonincumbent position exists. All nominating petitions circulated
26 for the nonincumbent position after the deadline ~~shall~~ **MUST** bear an
27 office designation of nonincumbent position. All signatures

1 collected before the affidavit of candidacy filing deadline may be
2 filed with the nonincumbent nominating petitions.

3 (6) If a candidate for nomination for the office of judge of
4 the district court receives incorrect or inaccurate written
5 information from the secretary of state or the bureau of elections
6 concerning the number of nominating petition signatures required
7 under section 544f and that incorrect or inaccurate written
8 information is published or distributed by the secretary of state
9 or the bureau of elections, the candidate may bring an action in a
10 court of competent jurisdiction for equitable relief. A court may
11 grant equitable relief to a candidate under this subsection if all
12 of the following occur:

13 (a) The candidate brings the action for equitable relief
14 within 6 days after the candidate is notified by the secretary of
15 state or the bureau of elections that the candidate's nominating
16 petition contains insufficient signatures.

17 (b) The candidate files an affidavit certifying that he or she
18 contacted and received from the secretary of state or the bureau of
19 elections incorrect or inaccurate written information concerning
20 the number of nominating petition signatures required under section
21 544f.

22 (c) The secretary of state or the bureau of elections
23 published or distributed the incorrect or inaccurate written
24 information concerning the number of nominating petition signatures
25 required under section 544f before the filing deadline under
26 subsection (1).

27 (d) The secretary of state or bureau of elections did not

1 inform the candidate at least 14 days before the filing deadline
2 under subsection (1) that incorrect or inaccurate written
3 information concerning the number of nominating petition signatures
4 required under section 544f had been published or distributed.

5 (7) If a court grants equitable relief to a candidate under
6 subsection (6), the candidate ~~shall~~**MUST** be given the opportunity
7 to obtain additional nominating petition signatures to meet the
8 requirements under section 544f. The additional nominating petition
9 signatures obtained by a candidate ~~shall~~**MUST** be filed with the
10 secretary of state no later than 4 p.m. on the fifth business day
11 after the date that the court order granting equitable relief is
12 filed.

13 (8) The nominating petition signatures filed ~~pursuant to~~**UNDER**
14 this section are subject to challenge as provided in section 552.

15 Sec. 467c. (1) An incumbent district court judge may become a
16 candidate in the primary election for the office of which he or she
17 is an incumbent by filing with the secretary of state an affidavit
18 of candidacy in lieu of nominating petitions not less than 134 days
19 ~~prior to~~**BEFORE** the date of the primary election. However, ~~until~~
20 ~~December 31, 2013, if an incumbent district court judge was~~
21 ~~appointed to fill a vacancy and the judge entered upon the duties~~
22 ~~of office less than 137 days before the date of the primary~~
23 ~~election but before the fourteenth Tuesday before the primary~~
24 ~~election, the incumbent judge may file the affidavit of candidacy~~
25 ~~not more than 3 days after entering upon the duties of office.~~
26 ~~Beginning January 1, 2014, if an incumbent district court judge was~~
27 ~~appointed to fill a vacancy and the judge entered upon the duties~~

1 of the office less than 137 days before the date of the primary
2 election but before the fifteenth Tuesday before the primary
3 election, the incumbent judge may file the affidavit of candidacy
4 not more than 3 days after entering upon the duties of office. The
5 affidavit of candidacy ~~shall~~**MUST** contain statements that the
6 affiant is an incumbent district court judge for the district or
7 election division in which election is sought, that he or she is
8 domiciled within the district or election division, and that he or
9 she will not attain the age of 70 by the date of election, and a
10 declaration that the affiant is a candidate for election to the
11 office of district court judge.

12 (2) There ~~shall~~**MUST** be printed upon the ballot under the name
13 of each incumbent district judge who is a candidate for nomination
14 or election to the same office the designation of that office.

15 (3) In the primary and general election for 2 or more
16 judgeships of the district court, each of the following categories
17 of candidates ~~shall~~**MUST** be listed separately on the ballot,
18 consistent with subsection (4):

19 (a) The names of candidates for the judgeship or judgeships
20 for which the incumbent is seeking election.

21 (b) The names of candidates for an existing judgeship or
22 judgeships for which the incumbent is not seeking election.

23 (c) The names of candidates for a newly created judgeship or
24 judgeships.

25 (4) If the death or disqualification of an incumbent judge
26 triggers the application of section 467e(2), then for the purposes
27 of subsection (3) and section 467b(2), that judgeship ~~shall~~**MUST** be

1 regarded as a judgeship for which the incumbent judge is not
2 seeking election. The application of this subsection includes, but
3 is not limited to, circumstances in which the governor appoints an
4 individual to fill the vacancy and that individual seeks to qualify
5 as a nominee under section 467e(2).

6 Sec. 624. (1) A person holding a public office in this state
7 or a municipal subdivision of this state may become a candidate for
8 delegate to the county or district conventions.

9 (2) A candidate for delegate to the county or district
10 conventions of a political party shall be a qualified and
11 registered elector residing within, as well as having his or her
12 actual bona fide residence within, the election precinct for which
13 he or she desires to become a candidate on the filing deadline.
14 ~~Until December 31, 2013, a candidate shall file an affidavit of~~
15 ~~identity as prescribed in section 558(1) with the county clerk of~~
16 ~~the county or the clerk of the city or township in which the~~
17 ~~candidate resides. Beginning January 1, 2014, a~~ **A** candidate shall
18 **MUST** file an affidavit of identity as prescribed in section 558(1)
19 with the county clerk of the county in which the candidate resides.
20 ~~Until December 31, 2013, a clerk shall receive affidavits of~~
21 ~~identity under this section up to 4 p.m. on the twelfth Tuesday~~
22 ~~before the time designated for holding a primary election in the~~
23 ~~county. Beginning January 1, 2014, a~~ **A** county clerk shall receive
24 affidavits of identity under this section up to 4 p.m. on the
25 thirteenth Tuesday before the time designated for holding a primary
26 election in the county. ~~Until December 31, 2013, within 4 days~~
27 ~~after the last day for filing affidavits of identity under this~~

1 ~~section, the city or township clerk shall forward to the county~~
2 ~~clerk the affidavit of identity of each candidate who has qualified~~
3 ~~for a position on the primary ballot.~~ All duly elected and
4 certified delegates shall be seated at the county or district
5 county conventions. A person violating this section is guilty of a
6 misdemeanor.

7 (3) If a written complaint is made to the county clerk with
8 respect to the registration or bona fide residence, or both, of a
9 candidate, the county clerk shall check with the township or city
10 clerk of the township or city in which the candidate is registered
11 or residing, or both. The township or city clerk shall report back
12 to the county clerk within 48 hours as to the registration or bona
13 fide residence, or both, of the candidate. If the township or city
14 clerk's report shows that the candidate is not a registered elector
15 or a bona fide resident of the election precinct of the township or
16 city for which the petition shows the candidate is a resident, the
17 county clerk shall remove the name of the candidate from the
18 ballot. A complaint received by the county clerk after the ballots
19 have been released for printing and before the primary election
20 ~~shall~~ **MUST** not be acted upon.

21 Sec. 624a. (1) A precinct delegate may resign his or her
22 office upon written notice to the chairperson of the county
23 committee and the county clerk of the county or district in which
24 the delegate resides.

25 (2) A person who has filed petitions for precinct delegate may
26 withdraw his or her name from the ballot by filing a statement of
27 withdrawal with the county clerk within 72 hours after 4 p.m. of

1 the last day to file for the office of precinct delegate.

2 (3) A person elected to fill a delegate vacancy or elected as
3 a precinct delegate is not qualified to participate in a convention
4 if, at the time of the convention, that person does not reside in
5 the precinct from which he or she was elected. A delegate is not
6 disqualified if the delegate no longer resides in the precinct as a
7 result of a division or rearrangement of the precinct under section
8 ~~656, 660~~ or 661.

9 (4) If a written complaint is made to the county clerk
10 regarding a delegate's qualification to hold the office, the county
11 clerk shall check with the township or city clerk of the township
12 or city in which the delegate indicated on the nominating petition
13 as his or her place of residence. The township or city clerk shall
14 report back to the county clerk within 48 hours as to the complaint
15 made under this subsection. If the township or city clerk's report
16 shows that the delegate is not qualified to hold the office, the
17 county clerk shall certify to the chairperson of the county
18 committee of the political party the name of the delegate of that
19 political party who is no longer qualified to hold the office of
20 delegate under this subsection.

21 Sec. 631. ~~Whenever~~ **IF** a special election ~~shall be~~ **IS** called to
22 fill a vacancy in any office, the candidates for which are
23 regularly nominated in accordance with the provisions of this act
24 relating to primary nominations, a special primary for all
25 political parties ~~shall~~ **MUST** be held in the county, district, or
26 city in which the vacancy occurs on ~~such~~ **A** day as may, **SUBJECT TO**
27 **SECTION 641 (3)**, be fixed by the official or legislative body

1 calling the special election, but not less than ~~20~~**45** days ~~prior to~~
 2 **BEFORE** the date of ~~such~~**THE** special election. ~~, and the authorities~~
 3 **THE OFFICIAL OR LEGISLATIVE BODY** calling ~~any such~~**A** special primary
 4 shall, in the call ~~therefor~~**FOR THE SPECIAL PRIMARY**, fix the time
 5 within which candidates may file nominating petitions.

6 Sec. 635. A special election for the submission of a
 7 proposition ~~may~~**MUST** be held on a regular election date.

8 Sec. 642c. ~~Beginning January 1, 2012, a~~**A** school district
 9 shall hold its regular election for the office of school board
 10 member at the general November election.

11 Sec. 644e. Except as provided in section 642, an officer
 12 required to be elected at the odd year general election ~~shall~~**MUST**
 13 be nominated at the odd year primary election. ~~Until December 31,~~
 14 ~~2013, if a charter provides for nomination by caucus or by filing a~~
 15 ~~petition or affidavit directly for the general election, the~~
 16 ~~candidate filing deadline or certification deadline shall be 4 p.m.~~
 17 ~~on the twelfth Tuesday before the odd year general election.~~
 18 ~~Beginning January 1, 2014, if~~**IF** a charter provides for nomination
 19 by caucus or by filing a petition or affidavit directly for the
 20 general election, the candidate filing deadline or certification
 21 deadline ~~shall be~~**IS** 4 p.m. on the fifteenth Tuesday before the odd
 22 year general election. ~~Until December 31, 2013, if a charter~~
 23 ~~provides for the election at the primary of a candidate who~~
 24 ~~receives more than 50% of the votes cast for that office, the~~
 25 ~~candidate filing deadline or certification deadline shall be 4 p.m.~~
 26 ~~on the twelfth Tuesday before the primary. Beginning January 1,~~
 27 ~~2014, if~~**IF** a charter provides for the election at the primary of a

1 candidate who receives more than 50% of the votes cast for that
 2 office, the candidate filing deadline or certification deadline
 3 shall be ~~IS~~ 4 p.m. on the fifteenth Tuesday before the primary.

4 Sec. 654a. (1) ~~Except as otherwise provided in this section,~~
 5 ~~an~~ **AN** election precinct under this act shall ~~shall~~ **MUST** be composed as
 6 nearly as practicable of compact and contiguous territory and shall
 7 **MUST** have clearly defined and clearly observable boundaries. ~~An~~
 8 ~~election precinct in existence on the effective date of the~~
 9 ~~amendatory act that added this section that does not comply with~~
 10 ~~this section shall be divided, consolidated, or reestablished to~~
 11 ~~comply with this section not later than 210 days before the primary~~
 12 ~~next preceding the 1996 general November election.~~

13 (2) As used in this section, "clearly observable boundaries"
 14 includes 1 or more of the following:

15 (a) A named road or street.

16 (b) A road or highway that is part of the federal, state
 17 primary, or state secondary road system.

18 (c) A river, stream, or drainage feature that is 40 feet or
 19 more in width.

20 (d) A natural or constructed permanent physical feature that
 21 is shown on an official county, city, or township map issued by the
 22 department of transportation or a United States ~~geological survey~~
 23 **GEOLOGICAL SURVEY** topographical map.

24 (e) An apartment building, a dormitory, or other permanent
 25 multiple-unit housing structure.

26 (f) Any line or demarcation that meets the requirements of and
 27 is recognized by the United States ~~bureau of the census.~~ **CENSUS**

1 **BUREAU.**

2 Sec. 657. ~~When any~~ **IF A** city, ward, **OR** township ~~or village~~ has
3 ~~been~~ **IS** divided into 2 or more election precincts, the election
4 commission, or other officials charged with the performance of ~~such~~
5 **THAT** duty by the charter of any city ~~or village~~, ~~as the case may~~
6 ~~be,~~ may by resolution divide any precinct ~~thereof~~ **OF THE CITY,**
7 **WARD, OR TOWNSHIP** into 2 or more precincts, attach a portion of any
8 precinct to an adjoining precinct, or may ~~again~~ rearrange the city,
9 ward, **OR** township ~~or village~~ into election precincts as ~~said~~ **THE**
10 election commission or other officials charged with the performance
11 of ~~such~~ **THAT** duty by the charter of any city ~~or village~~, may ~~deem~~
12 **CONSIDER** necessary and convenient for conducting primaries or
13 elections in ~~said~~ **THE** city, ward, **OR** township ~~or village~~, in the
14 same manner and under the same restrictions as provided in ~~sections~~
15 ~~656 and~~ **SECTION** 661. ~~of this act.~~

16 Sec. 667. At any federal, state, district or county primary or
17 election, the various boards of county election commissioners shall
18 furnish, at the expense of their respective counties, **ALL OF** the
19 following:

20 (a) ~~The several boards of election commissioners shall furnish~~
21 ~~suitable~~ **SUITABLE** forms **AS PRESCRIBED BY THE SECRETARY OF STATE** for
22 use by the precinct **ELECTION** inspectors ~~of election~~ in making
23 returns of any ~~such~~ primary or election to the boards of county
24 canvassers. ~~The names of all qualified candidates shall be printed~~
25 ~~thereon in their proper office divisions and after each name there~~
26 ~~shall be provided spaces in which to write the number of votes~~
27 ~~received by that particular candidate in any given precinct in~~

1 ~~words and figures. Said prescribed forms shall also have printed~~
 2 ~~thereon the title or caption or other designation identifying any~~
 3 ~~amendment or question to be voted on, together with spaces similar~~
 4 ~~to those provided after the names of candidates for recording the~~
 5 ~~affirmative and negative votes cast for each such amendment or~~
 6 ~~question. Said **THE** statement of returns form shall **MUST** also~~
 7 ~~contain a certificate to be subscribed by each member of the~~
 8 ~~precinct election board in the following form:~~ **ON A FORM PRESCRIBED**
 9 **BY THE SECRETARY OF STATE.**

10 ~~_____ STATE OF MICHIGAN _____)~~
 11 ~~_____)ss~~
 12 ~~_____ County of _____)~~
 13 ~~_____ Ward (or township) _____ Precinct _____~~
 14 ~~_____ CERTIFICATE OF BOARD OF PRECINCT ELECTION INSPECTORS FOR~~
 15 ~~_____ RETURNS AND FOR SEALING BALLOTS AND BOXES~~

16 ~~_____ WE DO HEREBY CERTIFY That the foregoing is a correct statement~~
 17 ~~of returns of the votes cast in the precinct indicated above, at~~
 18 ~~the (primary or election) held on _____, the _____ day of~~
 19 ~~_____, 19____, for the several candidates and for the~~
 20 ~~(amendments or propositions) herein shown.~~

21 ~~_____ WE DO HEREBY FURTHER CERTIFY That all ballots cast at the~~
 22 ~~(primary or election) held in the above designated precinct of the~~
 23 ~~(city, ward, township or village) of _____, State of Michigan,~~
 24 ~~on the _____ day of _____, in the year 19____, have been~~
 25 ~~securely tied in packages or rolls and sealed in such manner as to~~
 26 ~~render it impossible to open such packages or rolls or remove any~~
 27 ~~of the contents thereof without breaking the said seals; that there~~

1 was endorsed on each of said packages or rolls a statement showing
2 the number and kind of ballots included in each such package or
3 roll; that all of said packages or rolls, so endorsed, together
4 with one tally sheet, were placed in the proper ballot box or
5 boxes; that the slots in the ballot boxes were closed, that the
6 ballot boxes were securely sealed with the official metal seals
7 furnished for that purpose; that such seals were affixed in such
8 manner as to render it impossible to open such ballot boxes without
9 breaking such seals.

10 ~~IN WITNESS WHEREOF, We have hereunto set our hands this~~
11 ~~day of~~, A.D., 19.....

12 _____

13 _____

14 _____

15 _____ Members of the Board of Election Inspectors

16 (b) ~~The several county boards of election commissioners shall,~~
17 ~~at the expense of their respective counties, furnish suitable tally~~
18 ~~sheets or combined tally and return sheets to be used by the~~
19 ~~inspectors of election in counting the votes for all candidates and~~
20 ~~for amendments or propositions submitted on ballots prepared by~~
21 ~~said commissioners and shall deliver the same to the inspectors of~~
22 ~~election, as provided in this act in the case of ballots;~~**SUITABLE**
23 **WRITE-IN SHEETS TO BE USED BY THE ELECTION INSPECTORS IN RECORDING**
24 **THE NAMES OF ALL WRITE-IN CANDIDATES.**

25 (c) ~~The various boards of county election commissioners shall~~
26 ~~furnish self-addressed~~**SELF-ADDRESSED** substantial paper envelopes
27 with gummed flaps to be used by the various boards of precinct

1 election inspectors for sealing the statements of returns, the
2 ~~tally books or combined tally and return sheets,~~ **WRITE-IN SHEETS,**
3 poll lists, and a certificate of election inspectors. †

4 ~~—— (d) The several boards of county election commissioners shall~~
5 ~~furnish a sufficient number of substantial paper wrappers for use~~
6 ~~in wrapping the packages or rolls of each kind of ballots cast at~~
7 ~~any state or county primary or election. Such wrappers shall have~~
8 ~~printed thereon a form for recording the date of the election, the~~
9 ~~city, ward or township and precinct, the number and kind of ballots~~
10 ~~contained in such package or roll and a statement to be signed by~~
11 ~~the chairman certifying that such ballots have been wrapped, tied~~
12 ~~and sealed in the required manner. The board of election~~
13 ~~commissioners of any city or township may supply a bag type~~
14 ~~container to be used in lieu of the paper wrappers. The minimum~~
15 ~~specifications of such bag type containers shall be established by~~
16 ~~the secretary of state. If such bag type containers are to be used~~
17 ~~in any city or township, the clerk thereof shall notify the county~~
18 ~~clerk and thereafter paper wrappers shall not be furnished to such~~
19 ~~city or township. Each specific type of bag type container shall be~~
20 ~~approved by the secretary of state before being used. Such bag~~
21 ~~shall have securely attached thereto a tag on which can be written~~
22 ~~the same information as is required to be placed on the paper~~
23 ~~wrappers and such bag shall contain a device whereby it can be~~
24 ~~sealed with a metal seal. Hereafter any references in law to the~~
25 ~~wrapping and sealing of paper ballots by precinct inspectors shall~~
26 ~~be deemed to include placing of ballots in bag type containers and~~
27 ~~sealing of such bags in precincts using bag type containers in lieu~~

1 ~~of paper wrappers; and~~

2 ~~—— (c) The board of election commissioners of each county shall~~
3 ~~provide, at the expense of the county, for each state, district or~~
4 ~~county election in said county, as many black or blue lead pencils~~
5 ~~as may be necessary to supply each election precinct with at least~~
6 ~~3 of such pencils for each booth erected in such precinct. The~~
7 ~~pencils provided for each precinct shall be enclosed with the~~
8 ~~official ballots when delivered to the city or township clerk as by~~
9 ~~law provided. The inspectors of election shall attach such pencils~~
10 ~~with strings, or in other suitable manner, to the shelf of the~~
11 ~~booth. The board of election commissioners of each county shall~~
12 ~~issue a warrant in payment for said pencils, and said warrant shall~~
13 ~~be paid by the county treasurer out of the general fund of the~~
14 ~~county.~~

15 Sec. 668a. (1) The secretary of state shall furnish to each
16 county clerk at state expense for each precinct 2 voter information
17 displays that contain in not less than 18-point type the following
18 information:

19 (a) The hours that the polls will be open.

20 (b) Voting instructions.

21 (c) Information on an individual's right to obtain a
22 provisional ballot and instructions on how to vote a provisional
23 ballot.

24 (d) Information on the identification requirements that apply
25 to voters who register by mail.

26 (e) Instructions on how to contact the appropriate election
27 official about alleged voting rights violations.

1 (f) Information on the federal and state laws that prohibit
2 fraud and misrepresentation.

3 (g) Information on how to challenge another voter as
4 unqualified to vote.

5 (h) Other information that the secretary of state considers
6 necessary.

7 (2) Upon receipt of the voter information displays under
8 subsection (1), each county clerk shall provide to each city ~~, OR~~
9 township ~~, or village~~ clerk, as designated by the secretary of
10 state, 2 voter information displays for each precinct in the
11 county.

12 (3) The city ~~, OR~~ township ~~, or village~~ clerk shall provide to
13 each precinct 2 voter information displays and an instruction
14 ballot for display at each precinct.

15 (4) Before the polls open on election day, the board of
16 election inspectors in each precinct shall post in conspicuous
17 places in the polling place the voter information displays and
18 instruction ballot required under this section.

19 (5) If requested by an elector, the city ~~, OR~~ township ~~, or~~
20 ~~village~~ clerk shall have available a means to provide the
21 information contained in the voter information displays in an
22 alternative format, as prescribed by the secretary of state.

23 Sec. 669. For a federal, state, district, or county primary or
24 election, a city ~~, OR~~ township ~~, or village~~ board of election
25 commissioners shall provide, at the expense of the respective city
26 ~~, OR~~ township, ~~or village~~, each of the following:

27 ~~—— (a) For each election precinct, a ballot box with lock and key~~

1 ~~approved under section 24j. Each ballot box shall have an opening~~
 2 ~~through the inside lid of the proper size to admit a single ballot~~
 3 ~~into the box. Each ballot box shall be provided with a second cover~~
 4 ~~or a metal or wooden device for closing the opening to prevent~~
 5 ~~access without unlocking the ballot box and breaking the seal. The~~
 6 ~~city, township, or village clerk shall provide and keep adequate~~
 7 ~~ballot boxes for each precinct.~~

8 (A) ~~(b)~~ For each election precinct, ~~if another ballot~~
 9 ~~container in addition to a ballot box is utilized in the precinct,~~
 10 a ballot container approved under section 24j **TO BE UTILIZED IN THE**
 11 **PRECINCT.**

12 (B) ~~(c)~~ For each polling place, a United States flag and any
 13 additional items needed to display the flag. The flag ~~shall~~ **MUST**
 14 measure not less than 3 feet wide and 5 feet long. The election
 15 inspectors shall ensure that the flag is displayed at or in each
 16 polling place during an election.

17 Sec. 670. For all local primaries and elections, the election
 18 commissioners of the various cities ~~,~~ **AND** townships ~~and villages~~
 19 shall furnish, at the expense of their respective cities ~~,~~ **villages**
 20 and townships all ballots, forms, stationery, and supplies required
 21 for the proper conduct of ~~such~~ primaries and elections. These
 22 supplies ~~shall~~ **MUST** conform generally with the supplies furnished
 23 for general primaries and elections.

24 Sec. 673a. Not later than May 15 of each year, the county
 25 chair of a major political party may submit to the city ~~,~~ **OR**
 26 township ~~,~~ **or village** clerks in that county a list of individuals
 27 who are interested in serving as an election inspector in that

1 county. The county chair may designate in the list the city ~~OR~~
2 township ~~or village~~ in which each individual on the list wishes
3 to serve.

4 Sec. 674. (1) Notwithstanding any other provision of law to
5 the contrary and subject to this section, the city and township
6 board of election commissioners, ~~and the village board of election~~
7 ~~commissioners for village elections only,~~ at least 21 days but not
8 more than 40 days before each election, but in no case less than 5
9 days before the date set for holding schools of instruction, shall
10 appoint for each election precinct at least 3 election inspectors
11 and as many more as in its opinion is required for the efficient,
12 speedy, and proper conduct of the election. The board of election
13 commissioners may appoint as election inspector an individual on
14 the list submitted by a major political party under section 673a
15 who is qualified to serve under section 677. An appointment of an
16 election inspector under this section is void if a properly
17 completed application for that election inspector is not on file in
18 the clerk's office as prescribed in section 677.

19 (2) The board of election commissioners shall designate 1
20 appointed election inspector as chairperson. The board of election
21 commissioners shall appoint at least 1 election inspector from each
22 major political party and shall appoint an equal number, as nearly
23 as possible, of election inspectors in each election precinct from
24 each major political party. The board of election commissioners may
25 appoint election inspectors in an election precinct from minor
26 political parties. Not later than 2 business days following the
27 appointment of election inspectors under subsection (1) for

1 elections in which a federal or state office appears, the board of
2 election commissioners shall notify by certified mail, personal
3 service, or electronic transmission capable of determining date of
4 receipt the county chair of each major political party of the names
5 and political party affiliations of appointed election inspectors
6 and the precincts to which those inspectors were appointed. A board
7 of election commissioners shall not appoint a person as an election
8 inspector if that person declares a political party preference for
9 1 political party but is a known active advocate of another
10 political party. As used in this section, "a known active advocate"
11 means a person who meets 1 or more of the following:

12 (a) Is a delegate to the convention or an officer of that
13 other party.

14 (b) Is affiliated with that party through an elected or
15 appointed government position.

16 (c) Has made documented public statements specifically
17 supporting by name the other political party or its candidates in
18 the same calendar year as the election for which the appointment is
19 being made. As used in this subdivision, "documented public
20 statements" means statements reported by the news media or written
21 statements with a clear and unambiguous attribution to the
22 applicant.

23 (3) The county chair of a major political party may challenge
24 the appointment of an election inspector based upon the
25 qualifications of the election inspector, the legitimacy of the
26 election inspector's political party affiliation, or whether there
27 is a properly completed declaration of political party affiliation

1 in the application for that election inspector on file in the
2 clerk's office. The challenge ~~shall~~**MUST** be in writing,
3 specifically identify the reason for the challenge, and include any
4 available documentation supporting the challenge. The county chair
5 of the political party shall file a challenge under this subsection
6 with the board of election commissioners not later than 4 business
7 days following receipt of the board of election commissioners'
8 notice of appointed election inspectors under subsection (2).

9 (4) Upon receipt of a challenge under subsection (3), the
10 board of election commissioners shall determine whether the
11 appointee has the necessary qualifications by reviewing the
12 application or any other official records, such as voter
13 registration records, or whether the applicant has a properly
14 completed certification of political party affiliation in the
15 application. If the challenge alleges that the appointee is a known
16 active advocate of a political party other than the one on the
17 appointee's application, the board of election commissioners
18 immediately shall provide the appointee with a copy of the
19 challenge by certified mail, personal service, or electronic
20 transmission capable of determining date of receipt. The appointee
21 may respond to the challenge within 2 business days after receiving
22 a copy of the challenge. A response ~~shall~~**MUST** be by affidavit
23 addressing the specific reasons for the challenge. Failure to
24 respond ~~shall result~~**RESULTS** in revocation of the appointment.
25 Within 2 business days after receiving the challenge or a response
26 from the appointee, whichever is later, the board of election
27 commissioners shall make a final determination and notify the

1 appointee and the county chair of the political party of the
2 determination.

3 (5) If a vacancy occurs in the office of chairperson or in the
4 office of election inspector before election day, the chairperson
5 of the board of election commissioners shall designate some other
6 properly qualified applicant or election inspector as chairperson
7 or some other qualified applicant as election inspector, as
8 applicable, subject to this section. If a vacancy occurs in the
9 office of chairperson on election day, the remaining election
10 inspectors shall designate 1 of the inspectors as chairperson.

11 Sec. 677. (1) Except as otherwise provided in subsection (4),
12 a precinct election inspector ~~shall~~**MUST** be a qualified and
13 registered elector of this state, ~~shall~~**MUST** have a good
14 reputation, and ~~shall~~**MUST** have sufficient education and clerical
15 ability to perform the duties of the office. A person ~~shall~~**MUST**
16 not be appointed to a board of election inspectors unless the
17 person has filed an application with a city ~~,~~**OR** township ~~,~~~~or~~
18 ~~village~~-clerk in that county where the individual wishes to serve
19 as election inspector.

20 (2) The application ~~shall~~**MUST** be in his or her own
21 handwriting and ~~shall~~**MUST** contain the applicant's name, home
22 address, ward and precinct registration if any, date of birth,
23 political party affiliation, education, employment, and other
24 experience qualifications. The application ~~shall~~**MUST** provide a
25 certification that the applicant is not a member or a known active
26 advocate, as that term is defined in section 674, of a political
27 party other than the one entered on the application. The form of

1 the application under this section ~~shall~~**MUST** be approved by the
2 state director of elections. The clerk shall maintain a file of
3 applications filed under this section and make the applications
4 available for public inspection at the clerk's office during normal
5 business hours.

6 (3) A person ~~shall~~**MUST** not be knowingly appointed or
7 permitted to act as a precinct election inspector if the person or
8 any member of his or her immediate family is a candidate for
9 nomination or election to any office at the election or who has
10 been convicted of a felony or election crime. A person ~~shall~~**MUST**
11 not be permitted to act as an election inspector if he or she has
12 failed to attend a school of instruction or failed to take an
13 examination as provided in section 683. This section does not
14 prohibit the candidate for or delegate to a political party
15 convention from acting as an election inspector in a precinct other
16 than the precinct in which he or she resides. An election ~~shall~~
17 **MUST** not be invalidated merely because of the violation of the
18 provisions of this section.

19 (4) Except as otherwise provided in this subsection and
20 subject to subsection (5), a person who is 16 or 17 years of age
21 may be appointed to a board of election inspectors. Before a person
22 may be appointed under this subsection, the first 3 members of the
23 board required to be appointed under section 672 must meet the
24 requirements of subsections (1) to (3). A person who is appointed
25 under this subsection must meet the requirements of subsections (1)
26 to (3) other than being a qualified and registered elector of this
27 state. A person who is appointed under this subsection is not

1 eligible to be designated as chairperson of the board under section
2 674.

3 (5) If a person seeking appointment to a board of election
4 inspectors under subsection (4) is attending a K-12 school and if
5 an election falls on a school day, the person shall provide to the
6 clerk, along with the application filed under subsections (1) and
7 (2), a written document from his or her school specifically
8 acknowledging that person's application for appointment to the
9 board of election inspectors and specifically excusing that person
10 from school on the date of service, if the appointment is made.

11 Sec. 679. (1) The legislative body of a city ~~, OR~~ township, ~~or~~
12 ~~village,~~ by resolution, may provide that for an election in a
13 precinct of the city ~~, OR~~ township, ~~or village,~~ there shall be an
14 additional board of election inspectors, known as the counting
15 board. The counting board ~~shall~~ **MUST** consist of 3 or more election
16 inspectors. Sections 673a and 674 apply to the appointment of
17 election inspectors to counting boards under this section. The
18 counting board shall count the ballots cast in the precinct at an
19 election and make a statement of returns of that count. The
20 provisions of this chapter relative to the appointment,
21 qualifications, privileges, powers, duties, and oaths of office of
22 election inspectors ~~shall~~ apply to the members of a counting board,
23 to the extent that they apply to the counting of the votes cast at
24 and the making of the statement of returns of an election.

25 (2) In a precinct for which a counting board has been
26 provided, the duties of the election inspectors who have conducted
27 the election during the day ~~shall~~ cease on the closing of the polls

1 and, upon the closing of the polls, the counting board ~~shall assume~~
2 **ASSUMES** charge and control of the place of voting, the ballot
3 boxes, the ballots, and all other equipment of the polling place
4 and shall proceed with the counting of votes. The counting board
5 shall perform all duties required by this act to be performed after
6 the closing of the polls at an election by the board of election
7 inspectors in a precinct that does not have a counting board, as
8 provided in this section.

9 (3) Section 662 applies to the designation and prescribing of
10 the place or places in which the counting board performs its duties
11 under this section.

12 Sec. 679a. (1) The election commission of a city ~~,—OR~~ township
13 ~~,—or village~~ shall, by resolution, provide that at an election at
14 which the ballots are counted and certified at the precinct, 1 or
15 more additional boards of election inspectors be appointed to serve
16 as receiving boards. For a precinct having receiving boards, the
17 board of election commissioners shall appoint a receiving board
18 consisting of 2 or more election inspectors, with an equal number
19 from each major political party, and shall appoint an equal number
20 of election inspectors from each major political party.

21 (2) Not less than 2 election inspectors in a precinct,
22 representing each of the major political parties, shall deliver to
23 the receiving board for that precinct a sealed ballot container
24 containing the voted ballots, and, in a separate sealed envelope,
25 the poll book and statement of returns. The poll book and statement
26 of returns may be enclosed in a single sealed envelope.

27 (3) The receiving board shall open the sealed envelope and

1 review the poll book and statement of returns to determine both of
2 the following:

3 (a) That the ballot container is properly sealed and the seal
4 number is properly recorded in the poll book and the statement of
5 returns. If the ballot container is not properly sealed or there is
6 a discrepancy with the seal number recorded in the poll book or the
7 statement of returns, the election inspectors who delivered the
8 ballot container and the receiving board shall together take the
9 necessary steps to correct the discrepancy. The election inspectors
10 and the receiving board shall note the discrepancy and the
11 corrective action in the remarks section of the poll book and all
12 shall sign the notation.

13 (b) That the number of individuals voting recorded in the poll
14 book equals the number of ballots issued to electors, as shown by
15 the statement of returns. If the number of individuals voting as
16 shown by the poll book does not equal the number of ballots counted
17 as shown by the statement of returns, and if an explanation of the
18 discrepancy has not been noted in the poll book, the receiving
19 board shall ask the election inspectors about the discrepancy, note
20 the explanation in the poll book, and all shall sign the notation.

21 (4) If the poll book or statement of returns has been
22 erroneously sealed in the ballot container, the election inspectors
23 may open the ballot container and remove the poll book or statement
24 of returns. The elections inspectors and receiving board shall note
25 the corrective action in the remarks section of the poll book and
26 all shall sign the notation before placing the poll book or
27 statement of returns in a separate sealed envelope. If the

1 statement of returns was sealed in the ballot container and the
2 poll book was sealed in an envelope, the poll book ~~shall~~**MUST** be
3 removed from the sealed envelope for the notation of corrective
4 action to be recorded before placing the poll book and statement of
5 returns in a sealed envelope. The receiving board shall notify the
6 clerk of the board of canvassers responsible for canvassing all or
7 a portion of the election of the corrective action taken.

8 (5) When the receiving board has completed the review under
9 subsection (3), the receiving board shall place the poll book and
10 statement of returns in the appropriate envelope, sealed with a red
11 paper seal and initialed by the receiving board. If permitted by
12 the clerk of the board of canvassers, the poll books and statement
13 of returns from more than 1 precinct may be included and delivered
14 in a single envelope.

15 Sec. 682. Any person employed as an inspector of election, or
16 in any other official capacity at any election, primary election,
17 or on any board of canvassers or board of registration, shall,
18 except as ~~herein~~ otherwise specifically provided, receive ~~such~~
19 reasonable compensation as ~~may be~~ allowed by the township board of
20 any township, board of ~~supervisors~~**COMMISSIONERS** of any county, or
21 the legislative body of any city, ~~or village,~~ as ~~the case may~~
22 ~~be~~**APPLICABLE**.

23 Sec. 683. Each county clerk ~~prior to~~**BEFORE** each primary and
24 election shall, by some reliable means, notify the clerk of each
25 township and city in the county of a training school for election
26 inspectors to be held at a place designated by the county clerk
27 within 20 days ~~prior to~~**BEFORE** each primary, general, and special

1 election. The township and city clerks shall notify each election
 2 inspector appointed to serve at that election of the time and place
 3 of ~~such~~**THE** training school. At ~~such~~**THE** meeting, the county clerk
 4 shall instruct and demonstrate the manner in which the duties of
 5 election inspectors are required by law to be performed. It ~~shall~~
 6 ~~be~~**IS** the duty of the inspectors, so notified, to attend ~~such~~**THE**
 7 meeting unless excused by the county clerk for good cause.
 8 Compensation may be paid **TO** them ~~therefor~~ by their respective
 9 municipalities at ~~such~~**A** rate as ~~may be~~ determined by the governing
 10 bodies. ~~No~~**AN ELECTION** inspector ~~of election~~ shall **NOT** serve in any
 11 election unless he ~~shall have~~**OR SHE HAS** within the last preceding
 12 2 years either attended an election school or ~~shall have~~**HAS** passed
 13 satisfactorily an examination given by the election commission of
 14 the city ~~,~~**OR** township ~~or village~~ in which appointed. The
 15 examination ~~shall be~~**IS** subject to the approval of the secretary of
 16 state. This section ~~shall~~**DOES** not prevent the appointment of an
 17 **ELECTION** inspector ~~of election~~ to fill a vacancy. This section
 18 ~~shall~~**DOES** not prohibit any city or any township having a
 19 population of 10,000 or more from conducting its own training
 20 school for election inspectors of that city or township. ~~in which~~
 21 ~~case~~**IF A CITY OR TOWNSHIP CONDUCTS ITS OWN TRAINING SCHOOL,**
 22 election inspectors who ~~have attended such~~**ATTEND A CITY OR**
 23 **TOWNSHIP TRAINING** school ~~shall~~**ARE** not ~~be~~ required to attend the
 24 county training school.

25 Sec. 690. The township ~~,~~**OR** city ~~,~~ ~~or village~~ board of
 26 election commissioners for each jurisdiction conducting the
 27 election shall have the ballots required for a regular or special

1 township, village, city, school, or community college election, or
 2 official primary election for the nomination of candidates for
 3 township, city, ward, or community college offices, to be printed
 4 and delivered to the election commission's township ~~, village,~~ or
 5 city clerk at least ~~10~~**45** days before the election. The duties
 6 imposed upon county boards of election commissioners and upon
 7 county, township, and city clerks relative to the printing,
 8 counting, packaging, sealing, and delivery of official ballots are
 9 imposed upon the township and municipal boards of election
 10 commissioners and the township ~~, village,~~ or city clerks relative
 11 to the printing, counting, packaging, sealing, and delivery of
 12 official ballots for use in each precinct of the township ~~,~~
 13 ~~village,~~ or city at a municipal, township, village, school, or
 14 community college election.

15 Sec. 694. ~~All the provisions of sections~~ **SECTIONS** 691, 692,
 16 693, and 695 ~~of this act shall also~~ apply to all city, village, and
 17 township elections held in this state under ~~the provisions of this~~
 18 act, except that the notice ~~herein~~ required to be given by a
 19 candidate shall, in case of a city, village, or township office, be
 20 given by him **OR HER** to the proper city ~~, village~~ or township board
 21 of election commissioners within 2 days after his **OR HER** name ~~has~~
 22 ~~been so~~ **IS** certified as nominated by 2 or more political parties
 23 for the same office.

24 Sec. 719. The election commission of each city ~~,~~ **AND** township
 25 ~~, and village~~ shall perform those duties relative to the
 26 preparation, printing, and delivery of ballots as are required by
 27 law of the boards of county election commissioners. ~~Like~~ **THE** duties

1 and privileges ~~as are~~ enjoined and granted by this act upon and to
 2 the various committees of the different political organizations are
 3 hereby prescribed for city ~~, village,~~ or township committees in
 4 matters pertaining to any city ~~, village,~~ or township election,
 5 except that it is not necessary for a city ~~, OR~~ township ~~, or~~
 6 ~~village~~ committee of a political party or organization to furnish a
 7 heading for the ballots other than to designate the name of the
 8 party or political organization ~~which~~ **THAT** they represent. In
 9 cities ~~, villages,~~ and townships, the names of candidates for city
 10 ~~, OR~~ township ~~, or village~~ offices must be given by the committees
 11 of the various political organizations to the board of election
 12 commissioners of the city ~~, village,~~ or township not less than 18
 13 days before each election, but it is not necessary for any party
 14 committee to give to the board of election commissioners the name
 15 of any candidate nominated at an official primary election. The
 16 proof of the ballot must be open to public inspection at the office
 17 of the township ~~, OR~~ city ~~, or village~~ clerk not less than 15 days
 18 before the election.

19 Sec. 741. The board of inspectors of election shall preserve
 20 the unused ballots, together with the ballots ~~which~~ **THAT** have been
 21 spoiled by the electors and in place of which other ballots have
 22 been issued, and return them to the city ~~, OR~~ township ~~or village~~
 23 clerk, or other officer provided by a city ~~or village~~ charter, with
 24 a statement of the number of ballots voted, and the ~~said~~ clerk
 25 shall give to the **ELECTION** inspectors ~~of election~~ a receipt
 26 ~~therefor, which receipt shall~~ **THAT MUST** be filed with the ~~chairman~~
 27 **CHAIRPERSON** of the board.

1 Sec. 743. ~~No~~**AN** elector to whom an official ballot has been
 2 delivered ~~shall be~~**IS NOT** permitted to ~~pass without~~**LEAVE** the
 3 polling place without either voting ~~such~~**THE** ballot or returning it
 4 **THE BALLOT** to the inspector from whom he **OR SHE** received it; and
 5 ~~any elector who shall attempt~~**THE BALLOT. AN ELECTOR WHO ATTEMPTS**
 6 to ~~pass without~~**LEAVE** the polling place with a ballot ~~or election~~
 7 pencil in his **OR HER** possession, and ~~shall refuse~~**REFUSES** to
 8 deliver the ~~same~~**BALLOT** upon request, ~~shall~~**MUST** be at once
 9 arrested on demand of any member of the board of **ELECTION**
 10 inspectors.

11 Sec. 762. If from any precinct the ~~said~~ township, ~~village~~ or
 12 city clerk ~~shall~~**DOES** not receive any application for absent voter
 13 ballots, ~~he~~**THE CLERK** shall deliver the packages of absent voter
 14 ballots intact to the ~~chairman~~**CHAIRPERSON** or some member of the
 15 board of **ELECTION** inspectors ~~of election of said~~**THE** precinct
 16 before the opening of the polls on election day.

17 Sec. 764b. (1) An absent voter ballot ~~shall~~**MUST** be delivered
 18 to the clerk only as authorized in the instructions for an absent
 19 voter provided in section 764a.

20 (2) The clerk of a city, ~~or~~ township, ~~or village~~ may accept
 21 delivery of absent voter ballots at any location in the city, ~~or~~
 22 township. ~~or village.~~

23 (3) The clerk of a city, ~~or~~ township, ~~or village~~ may appoint
 24 the number of assistants necessary to accept delivery of absent
 25 voter ballots at any location in the city, ~~or~~ township. ~~or~~
 26 ~~village.~~ An appointment as assistant to accept delivery of absent
 27 voter ballots ~~shall~~**MUST** be for 1 election only. An assistant

1 appointed to receive ballots at a location other than the office of
2 the clerk ~~shall~~**MUST** be furnished credentials of authority by the
3 clerk. If an absent voter's ballot is received by an assistant at
4 any location other than the clerk's office the assistant, upon
5 request, shall exhibit the credentials to the absent voter before
6 the assistant accepts an absent voter ballot. An assistant, before
7 entering upon the discharge of duties, shall take and subscribe to
8 the oath of office as provided in section 1 of article XI of the
9 state constitution of 1963. An assistant shall perform only the
10 duties assigned by the clerk. A person ~~shall~~**MUST** not be appointed
11 as an assistant to accept delivery of absent voter ballots who is a
12 candidate or a member of the immediate family of a candidate whose
13 name appears on the ballot at that election.

14 (4) A clerk who receives a request from an absent voter under
15 section 764a for assistance in returning his or her absent voter
16 ballot shall make arrangements to collect the ballot from the voter
17 either personally or by sending an authorized assistant, if all of
18 the following conditions are satisfied:

19 (a) The clerk's office issued the absent voter ballot to that
20 absent voter.

21 (b) Upon the clerk's request, the absent voter states that he
22 or she is unable to return the absent voter ballot by the other
23 means specified in instructions (a), (b), or (c) of Step 5 under
24 section 764a.

25 (c) The absent voter telephones the appropriate clerk for
26 assistance on or before 5 p.m. on the Friday immediately ~~preceding~~
27 **BEFORE** the election.

1 (d) The absent voter ~~is requesting~~ **REQUESTS** the clerk to pick
2 up the absent voter ballot within the jurisdictional limits of the
3 city ~~, OR~~ township ~~, or village~~ in which the absent voter is
4 registered.

5 (5) Notwithstanding subsection (4), a clerk who receives a
6 request from an absent voter under section 764a for assistance in
7 returning his or her absent voter ballot may make arrangements to
8 collect the ballot from the voter either personally or by sending
9 an authorized assistant, if all of the following conditions are
10 satisfied:

11 (a) The clerk's office issued the absent voter ballot to that
12 absent voter.

13 (b) Upon the clerk's request, the absent voter states that he
14 or she is unable to return the absent voter ballot by the other
15 means specified in instructions (a), (b), or (c) of Step 5 under
16 section 764a.

17 (6) The clerk shall maintain a list open to the public that
18 contains the names and addresses of all authorized assistants
19 appointed under this section who are available to collect absent
20 voter ballots on or before election day in that city or township.

21 (7) An absent voter ballot received by the clerk before the
22 close of the polls on election day ~~shall~~ **MUST** not be invalidated
23 solely because the delivery to the clerk was not in compliance with
24 section 764a or this section, however the ballot ~~shall~~ **MUST** be
25 considered challenged and ~~shall~~ **MUST** be marked and processed as
26 provided in section 745.

27 Sec. 764c. If a city ~~, OR~~ township ~~, or village~~ has access to

1 the ballot tracker program provided by ~~the~~ **THIS** state, the clerk of
2 that city ~~, OR~~ township ~~, or village~~ shall utilize the ballot
3 tracker program and allow voters to track their absent voter
4 ballots online.

5 Sec. 765. (1) A clerk who receives an absent voter ballot
6 return envelope containing the marked ballots of an absent voter
7 shall not open that envelope before delivering the envelope to the
8 board of election inspectors as provided in this section. The city
9 ~~, village,~~ or township clerk shall safely keep in his or her office
10 until election day any absent voter ballot return envelopes
11 received by the clerk before election day containing the marked
12 ballots of an absent voter.

13 (2) Before the opening of the polls on election day or as soon
14 after the opening of the polls as possible, the clerk shall deliver
15 the absent voter ballot return envelopes to the chairperson or
16 other member of the board of election inspectors in the absent
17 voter's precinct, together with the signed absent voter ballot
18 applications received by the clerk from any voters of that precinct
19 and the clerk's list or record kept relative to those absent
20 voters. However, if higher numbered ballots are used ~~pursuant to~~
21 **UNDER** section 717, the clerk shall retain the applications and
22 lists in his or her office and shall keep the applications and
23 lists open to public inspection at all reasonable hours.

24 (3) The city ~~, village,~~ or township clerk, or authorized
25 designee of the clerk, shall call for and receive absent voter
26 ballots from the post office at which the city ~~, village,~~ or
27 township clerk regularly receives mail addressed to the city ~~,~~

1 ~~village,~~ or township clerk on election day in sufficient time to
2 deliver any envelopes containing absent voter ballots to the board
3 of election inspectors before the close of the polls.

4 (4) If a marked absent voter ballot is received by the clerk
5 after the close of the polls, the clerk shall plainly mark the
6 envelope with the time and date of receipt and shall file the
7 envelope in his or her office. Except as otherwise provided in
8 section 759b, the clerk shall not deliver an absent voter ballot to
9 a voter after the opening of the polls on election day.

10 (5) On or before 8 a.m. on election day, the clerk shall post
11 in the clerk's office or otherwise make public the number of absent
12 voter ballots the clerk distributed to absent voters and the number
13 of absent voter ballot return envelopes containing the marked
14 ballots of absent voters received by the clerk before election day
15 and delivered to the board of election inspectors or the absent
16 voter counting boards pursuant to this act. On or before 9 p.m. on
17 election day, the clerk shall post in the clerk's office or
18 otherwise make public the number of absent voter ballot return
19 envelopes containing the marked ballots of absent voters received
20 by the clerk on election day and delivered to the board of election
21 inspectors ~~pursuant to~~ **UNDER** subsection (3), along with the total
22 number of absent voter ballot return envelopes containing the
23 marked ballots of absent voters received by the clerk both before
24 and on election day and delivered to the board of election
25 inspectors or the absent voter counting boards ~~pursuant to~~ **UNDER**
26 this act. As soon as possible after all precincts in the city ~~,~~ **OR**
27 township ~~,~~ ~~or village~~ are processed, the clerk shall post in the

1 clerk's office or otherwise make public the number of absent voter
 2 ballot return envelopes containing the marked ballots of absent
 3 voters received by the election inspectors at the precincts on
 4 election day, along with the total number of absent voter ballot
 5 return envelopes containing the marked ballots of absent voters
 6 received in the city ~~, OR~~ township ~~, or village~~ for that election.
 7 This subsection applies only to elections in which a federal or
 8 state office appears on the ballot.

9 Sec. 766. (1) Upon receipt from the city ~~, OR~~ township ~~or~~
 10 ~~village~~ clerk of any envelope containing the marked ballot or
 11 ballots of an absent voter, the board of inspectors of election
 12 shall verify the legality of ~~such~~ **THE** vote by ~~an examination of a~~
 13 **DOING BOTH OF THE FOLLOWING:**

14 **(A) EXAMINING THE** digitized signature for the absent voter
 15 included in the qualified voter file under section 509q or the
 16 registration record as provided in subsection (2) to see that the
 17 person has not voted in person, that he **OR SHE** is a registered
 18 voter, and that the signature on the statement agrees with the
 19 signature on the registration record. ~~; and by an examination of~~

20 **(B) EXAMINING** the statement of ~~such~~ **THE** voter to see that it
 21 is properly executed.

22 (2) The qualified voter file ~~shall~~ **MUST** be used to determine
 23 the genuineness of a signature on an envelope containing an absent
 24 voter ballot. Signature comparisons ~~shall~~ **MUST** be made with the
 25 digitized signature in the qualified voter file. If the qualified
 26 voter file does not contain a digitized signature of an elector, or
 27 is not accessible to the clerk, the city or township clerk shall

1 compare the signature appearing on an envelope containing an absent
2 voter ballot to the signature contained on the master card.

3 Sec. 957. **(1)** A person circulating a **RECALL** petition shall be
4 ~~a qualified and registered elector in the electoral district of the~~
5 ~~official sought to be recalled and shall attach thereto his~~
6 ~~certificate stating that he is a qualified and registered elector~~
7 ~~in the electoral district of the official sought to be recalled and~~
8 ~~shall state the city or the township wherein he resides and his~~
9 ~~post-office address; further, that~~ **STATE IN THE CERTIFICATE OF**
10 **CIRCULATOR HIS OR HER RESIDENCE ADDRESS AND THAT HE OR SHE IS 18**
11 **YEARS OF AGE OR OLDER AND A UNITED STATES CITIZEN. IN ADDITION, THE**
12 **CERTIFICATE OF CIRCULATOR MUST INDICATE ALL OF THE FOLLOWING:**

13 **(A) THAT** signatures appearing upon the **RECALL** petition were
14 not obtained through fraud, deceit, or misrepresentation and that
15 he **OR SHE** has neither caused nor permitted a person to sign the
16 **RECALL** petition more than once and has no knowledge of a person
17 signing the **RECALL** petition more than once. ~~; that~~

18 **(B) THAT** all signatures to the **RECALL** petition were affixed in
19 his **OR HER** presence. ~~; and that~~

20 **(C) THAT,** to the best of his **OR HER** knowledge, information,
21 and belief, the signers of the **RECALL** petition are qualified and
22 registered electors and the signatures appearing ~~thereon~~ **ON THE**
23 **RECALL PETITION** are the genuine signatures of the persons ~~of whom~~
24 ~~they purport to be.~~ **SIGNING THE RECALL PETITION.**

25 **(2)** A person who knowingly makes a false statement in the
26 certificate ~~hereby required~~ **OF CIRCULATOR** is guilty of a
27 misdemeanor.

Senate Bill No. 809 as amended April 10, 2018

1 Enacting section 1. Sections 15, 121, 149, 221 to 241, 302a,
2 416a to 416d, 426a to 426n, 467n, 467p, 613c, 647, 655, 656, 669a,
3 704, 705, 717a, 739, 761a, 802, 804, and 947 of the Michigan
4 election law, 1954 PA 116, MCL 168.15, 168.121, 168.149, 168.221 to
5 168.241, 168.302a, 168.416a to 168.416d, 168.426a to 168.426n,
6 168.467n, 168.467p, 168.613c, 168.647, 168.655, 168.656, 168.669a,
7 168.704, 168.705, 168.717a, 168.739, 168.761a, 168.802, 168.804,
8 and 168.947, are repealed.

9 [Enacting section 2. This amendatory act takes effect December 31,
10 2018.]