



SENATE BILL No. 367

March 1, 1995, Introduced by Senators BENNETT and HONIGMAN
and referred to the Committee on Government Operations.

A bill to amend section 726 of Act No. 116 of the Public Acts of 1954, entitled as amended
"Michigan election law,"
being section 168.726 of the Michigan Compiled Laws; and to add sections 750a, 750b, 750c, 750d, 750e, 750f, 750g, 750h, 750i, 750j, 750k, 750l, 750m, and 750n.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 726 of Act No. 116 of the Public Acts of
2 1954, being section 168.726 of the Michigan Compiled Laws, is
3 amended and sections 750a, 750b, 750c, 750d, 750e, 750f, 750g,
4 750h, 750i, 750j, 750k, 750l, 750m, and 750n are added to read as
5 follows:

6 Sec. 726. ~~No ballots~~ A BALLOT shall NOT be delivered to
7 an elector by ~~any~~ A person other than 1 of the inspectors of
8 election and only within the polling place, except as provided in

1 this act for absent ~~voters~~ VOTER ballots AND ELECTION BY MAIL
2 BALLOTS.

3 SEC. 750A. (1) THE LEGISLATIVE BODY OF A MUNICIPALITY MAY
4 DETERMINE BY RESOLUTION THAT AN ELECTION BY MAIL SHALL BE CON-
5 DUCTED IN THE MUNICIPALITY. THE RESOLUTION TO CONDUCT AN ELEC-
6 TION BY MAIL SHALL STATE THE DATE THAT IS THE FINAL DATE FOR
7 RETURN OF BALLOTS FOR THAT ELECTION BY MAIL.

8 (2) A MUNICIPALITY MAY CONDUCT AN ELECTION BY MAIL IF THE
9 ELECTION INCLUDES 1 OR MORE BALLOT QUESTION PROPOSALS, THE NOMI-
10 NATION OF A CANDIDATE FOR PUBLIC OFFICE IN THAT MUNICIPALITY, THE
11 ELECTION OR RECALL OF A PUBLIC OFFICIAL OF THAT MUNICIPALITY, OR
12 ANY COMBINATION OF THESE BALLOT ITEMS. EXCEPT AS OTHERWISE SPE-
13 CIFICALLY PROVIDED IN THIS SUBSECTION, A MUNICIPALITY SHALL NOT
14 CONDUCT AN ELECTION BY MAIL IF THE ELECTION INCLUDES THE NOMINA-
15 TION OF A CANDIDATE FOR FEDERAL, STATE, OR LOCAL OFFICE OR THE
16 ELECTION OR RECALL OF A FEDERAL, STATE, OR LOCAL PUBLIC
17 OFFICIAL. A MUNICIPALITY SHALL CONDUCT AN ELECTION BY MAIL IN
18 COMPLIANCE WITH THIS ACT. IF OTHER PROVISIONS OF THIS ACT CON-
19 FLECT WITH THIS SECTION OR SECTIONS 750B TO 750N, THIS SECTION
20 AND SECTIONS 750B TO 750N CONTROL AN ELECTION BY MAIL.

21 SEC. 750B. AS USED IN SECTIONS 750A TO 750N:

22 (A) "CLERK" MEANS THE CLERK OF A CITY, TOWNSHIP, OR
23 VILLAGE.

24 (B) "MUNICIPALITY" MEANS A CITY, TOWNSHIP, VILLAGE, OR
25 SCHOOL DISTRICT.

26 (C) "SECRETARY" MEANS THE SECRETARY OF A SCHOOL DISTRICT.

1 SEC. 750C. BEFORE THE CLOSE OF BUSINESS ON THE THIRD
2 BUSINESS DAY AFTER A RESOLUTION TO HOLD AN ELECTION BY MAIL IS
3 ADOPTED BY THE LEGISLATIVE BODY OF A MUNICIPALITY, THE APPROPRI-
4 ATE CLERK OR SECRETARY SHALL NOTIFY THE SECRETARY OF STATE IN
5 WRITING OF THE MUNICIPALITY'S DECISION TO CONDUCT AN ELECTION BY
6 MAIL.

7 SEC. 750D. (1) IN ADDITION TO THE REQUIREMENTS OF
8 SECTION 653A, THE MUNICIPALITY SHALL PUBLISH NOTICE OF AN ELEC-
9 TION BY MAIL AS PROVIDED IN THIS SECTION.

10 (2) THE MUNICIPALITY SHALL PUBLISH NOTICE OF AN ELECTION BY
11 MAIL AT LEAST TWICE IN A NEWSPAPER PUBLISHED, OR OF GENERAL CIR-
12 CULATION, IN THE MUNICIPALITY CONDUCTING THE ELECTION BY MAIL.
13 THE FIRST NOTICE OF THE ELECTION BY MAIL SHALL BE PUBLISHED NOT
14 LESS THAN 21 DAYS BEFORE THE FINAL DATE FOR RETURN OF ELECTION BY
15 MAIL BALLOTS AND THE SECOND NOT MORE THAN 14 DAYS BEFORE THE
16 FINAL DATE FOR RETURN OF ELECTION BY MAIL BALLOTS.

17 (3) THE MUNICIPALITY SHALL INCLUDE ALL OF THE FOLLOWING IN
18 THE NOTICE OF AN ELECTION BY MAIL:

19 (A) THE NAME OF THE MUNICIPALITY THAT WILL CONDUCT THE ELEC-
20 TION BY MAIL.

21 (B) THAT THE ELECTION IS BEING CONDUCTED AS AN ELECTION BY
22 MAIL.

23 (C) A BRIEF EXPLANATION OF THE BALLOT QUESTION PROPOSALS
24 THAT WILL APPEAR ON THE ELECTION BY MAIL BALLOT, IF ANY.

25 (D) IF APPLICABLE, ALL OF THE FOLLOWING:

26 (i) THE NAME OF THE CANDIDATE OR PUBLIC OFFICIAL.

1 (ii) THE PUBLIC OFFICE IN THAT MUNICIPALITY.

2 (iii) A BRIEF DESCRIPTION OF WHETHER THE CANDIDATE OR PUBLIC
3 OFFICIAL IS SEEKING NOMINATION OR ELECTION TO THE PUBLIC OFFICE
4 OR A RECALL OF THAT PUBLIC OFFICIAL IS BEING SOUGHT.

5 (E) THE DATE THAT THE MUNICIPALITY WILL MAIL THE ELECTION BY
6 MAIL BALLOTS TO THE REGISTERED ELECTORS OF THE MUNICIPALITY.

7 (F) THE FINAL DATE AND TIME FOR THE REGISTERED ELECTOR TO
8 RETURN ELECTION BY MAIL BALLOTS TO THE MUNICIPALITY.

9 (G) INSTRUCTIONS ON HOW A REGISTERED ELECTOR WHO DOES NOT
10 RECEIVE AN ELECTION BY MAIL BALLOT MAY OBTAIN AN ELECTION BY MAIL
11 BALLOT FROM THE MUNICIPALITY.

12 SEC. 750E. (1) THE APPROPRIATE CLERK OR SECRETARY SHALL
13 CONDUCT THE ELECTION BY MAIL.

14 (2) THE CLERK OR SECRETARY CONDUCTING THE ELECTION BY MAIL
15 SHALL DELIVER AN OFFICIAL ELECTION BY MAIL BALLOT WITH A RETURN
16 IDENTIFICATION ENVELOPE TO EACH REGISTERED ELECTOR IN THE MUNICI-
17 PALITY NOT MORE THAN 20 AND NOT LESS THAN 14 DAYS BEFORE THE
18 FINAL DATE FOR RETURN OF THE ELECTION BY MAIL BALLOT. HOWEVER,
19 AN ELECTOR WHO IS ENTITLED TO VOTE BY ABSENT VOTER BALLOT UNDER
20 THIS ACT MAY APPLY FOR AN ELECTION BY MAIL BALLOT AT ANY TIME
21 AFTER THE ADOPTION OF THE RESOLUTION TO HOLD THE ELECTION BY
22 MAIL, AND THE APPROPRIATE CLERK OR SECRETARY SHALL MAIL THE ELEC-
23 TION BY MAIL BALLOT TO THAT ELECTOR AS SOON AS THAT BALLOT IS
24 AVAILABLE.

25 SEC. 750F. (1) A REGISTERED ELECTOR OF THE MUNICIPALITY MAY
26 OBTAIN A REPLACEMENT ELECTION BY MAIL BALLOT IF THE ORIGINAL
27 ELECTION BY MAIL BALLOT IS DESTROYED, SPOILED, LOST, OR NOT

1 RECEIVED BY THE ELECTOR. A REGISTERED ELECTOR SEEKING A
2 REPLACEMENT ELECTION BY MAIL BALLOT SHALL SIGN A SWORN STATEMENT
3 THAT THE ELECTION BY MAIL BALLOT WAS DESTROYED, SPOILED, LOST, OR
4 NOT RECEIVED AND SHALL PRESENT THE STATEMENT TO THE CLERK OR SEC-
5 RETARY BEFORE 8 P.M. ON THE FINAL DATE FOR RETURN OF ELECTION BY
6 MAIL BALLOTS. UPON RECEIPT OF THE SWORN STATEMENT, THE CLERK OR
7 SECRETARY SHALL ISSUE A REPLACEMENT BALLOT TO THE ELECTOR.

8 (2) THE CLERK OR SECRETARY SHALL MAINTAIN A RECORD OF EACH
9 REPLACEMENT ELECTION BY MAIL BALLOT ISSUED. IF THE CLERK OR SEC-
10 RETARY DETERMINES THAT AN ELECTOR TO WHOM A REPLACEMENT ELECTION
11 BY MAIL BALLOT HAS BEEN ISSUED HAS RETURNED MORE THAN 1 BALLOT,
12 ANY ELECTION BY MAIL BALLOT CAST BY THAT ELECTOR SHALL NOT BE
13 COUNTED.

14 SEC. 750G. (1) IF A REGISTERED ELECTOR OF THE MUNICIPALITY
15 WISHES TO VOTE IN AN ELECTION BY MAIL, THE ELECTOR SHALL MARK THE
16 BALLOT AND SIGN THE RETURN IDENTIFICATION ENVELOPE IN COMPLIANCE
17 WITH THE INSTRUCTIONS PROVIDED WITH THE ELECTION BY MAIL BALLOT.
18 THE INSTRUCTIONS SHALL INCLUDE A STATEMENT OF THE REQUIREMENTS OF
19 SECTION 750K.

20 (2) EXCEPT AS PROVIDED IN SUBSECTION (3), A REGISTERED ELEC-
21 TOR OF THE MUNICIPALITY SHALL RETURN AN ELECTION BY MAIL BALLOT
22 TO THE CLERK OR SECRETARY CONDUCTING THE ELECTION BY EITHER OF
23 THE FOLLOWING METHODS:

24 (A) PLACING THE NECESSARY POSTAGE UPON THE RETURN IDENTIFI-
25 CATION ENVELOPE AND DEPOSITING THE ENVELOPE IN THE UNITED STATES
26 MAIL OR WITH ANOTHER PUBLIC OR PRIVATE MAIL DELIVERY SERVICE.

1 (B) DELIVERING THE ELECTION BY MAIL BALLOT TO THE OFFICE OF
2 THE CLERK OR SECRETARY, TO THE CLERK OR SECRETARY, TO A PLACE
3 DESIGNATED BY THE CLERK OR SECRETARY, OR TO AN AUTHORIZED ASSIST-
4 ANT OF THE CLERK OR SECRETARY.

5 (3) A PARENT, CHILD, BROTHER, SISTER, SPOUSE, FATHER-IN-LAW,
6 MOTHER-IN-LAW, BROTHER-IN-LAW, OR SISTER-IN-LAW OF THE ELECTOR,
7 OR A PERSON RESIDING IN THE ELECTOR'S HOUSEHOLD, MAY MAIL OR
8 DELIVER AN ELECTION BY MAIL BALLOT FOR THE ELECTOR IN THE MANNER
9 PRESCRIBED IN SUBSECTION (2).

10 (4) AN ELECTION BY MAIL BALLOT ACCEPTED BY THE CLERK OR SEC-
11 RETARY SHALL NOT BE REJECTED SOLELY BECAUSE OF THE METHOD OF
12 RETURN.

13 SEC. 750H. (1) EXCEPT AS PROVIDED IN SECTION 750G, A PERSON
14 WHO RETURNS, SOLICITS TO RETURN, OR AGREES TO RETURN AN ELECTION
15 BY MAIL BALLOT TO THE CLERK OR SECRETARY, OR WHO HAS POSSESSION
16 OF AN ELECTION BY MAIL BALLOT MAILED OR DELIVERED TO ANOTHER
17 PERSON, WHETHER THE ELECTION BY MAIL BALLOT HAS BEEN VOTED OR
18 NOT, IS GUILTY OF A MISDEMEANOR.

19 (2) A PERSON, OTHER THAN A PERSON LEGALLY INVOLVED IN THE
20 COUNTING OF BALLOTS, WHO HAS POSSESSION OF AN ELECTION BY MAIL
21 BALLOT MAILED OR DELIVERED TO ANOTHER PERSON AND WHO OPENS THE
22 ENVELOPE CONTAINING THE BALLOT, OR MAKES ANY MARKING ON, ALTERS
23 IN ANY WAY, OR SUBSTITUTES ANOTHER BALLOT FOR THE ELECTION BY
24 MAIL BALLOT, IS GUILTY OF A FELONY.

25 SEC. 750I. (1) THE CLERK OR SECRETARY SHALL VERIFY A
26 RETURNED ELECTION BY MAIL BALLOT BY A COMPARISON OF THE SIGNATURE

1 ON THE RETURN IDENTIFICATION ENVELOPE WITH THE SIGNATURE OF THE
2 ELECTOR ON THE REGISTRATION RECORDS.

3 (2) FOLLOWING VERIFICATION OF THE SIGNATURE ON THE RETURN
4 IDENTIFICATION ENVELOPE, THE CLERK OR SECRETARY SHALL SECURE THE
5 ELECTION BY MAIL BALLOTS IN THE SAME MANNER THAT ABSENT VOTER
6 BALLOTS ARE SECURED BEFORE COUNTING.

7 SEC. 750J. A COUNTING BOARD APPOINTED IN THE MANNER PRO-
8 VIDED IN SECTION 792A SHALL COUNT THE ELECTION BY MAIL BALLOTS.
9 THE COUNTING BOARD SHALL COUNT THE BALLOTS IN COMPLIANCE WITH
10 SECTIONS 750K AND 792A. THE FINAL DATE FOR RETURN OF ELECTION BY
11 MAIL BALLOTS IS CONSIDERED THE DAY OF THE ELECTION FOR AN ELEC-
12 TION BY MAIL.

13 SEC. 750K. THE COUNTING BOARD SHALL NOT COUNT AN ELECTION
14 BY MAIL BALLOT IF 1 OR MORE OF THE FOLLOWING ARE TRUE:

15 (A) THE BALLOT IS NOT RETURNED IN THE RETURN IDENTIFICATION
16 ENVELOPE.

17 (B) THE ENVELOPE IS NOT SIGNED BY THE ELECTOR TO WHOM THE
18 ELECTION BY MAIL BALLOT WAS ISSUED.

19 (C) THE ELECTOR'S SIGNATURE IS NOT VERIFIED AS PROVIDED IN
20 SECTION 750I.

21 (D) THE BALLOT IS NOT RECEIVED BY THE CLERK OR SECRETARY BY
22 8 P.M. ON THE FINAL DATE FOR RETURN OF THE ELECTION BY MAIL
23 BALLOT.

24 SEC. 750L. THE LEGISLATIVE BODY OF THE MUNICIPALITY CON-
25 DUCTING AN ELECTION BY MAIL SHALL DETERMINE BY RESOLUTION IF
26 RETURN IDENTIFICATION ENVELOPES SHALL BE POSTAGE PREPAID AND IF
27 COUNTING SHALL BE DONE BY PRECINCTS OR DISTRICTS.

1 SEC. 750M. IN ADDITION TO OTHER REPORTS REQUIRED BY THIS
2 ACT, THE CLERK OR SECRETARY CONDUCTING THE ELECTION BY MAIL SHALL
3 FURNISH TO THE SECRETARY OF STATE A REPORT ON THE ELECTION BY
4 MAIL ON A FORM PRESCRIBED AND FURNISHED BY THE SECRETARY OF
5 STATE.

6 SEC. 750N. AN ELECTION BY MAIL BALLOT RETURNED AS UNDELIV-
7 ERABLE BY THE POST OFFICE MAY BE CONSIDERED RELIABLE INFORMATION
8 THAT THE ELECTOR HAS MOVED AWAY FROM THE MUNICIPALITY. A CLERK
9 MAY CANCEL THAT ELECTOR'S REGISTRATION AS PROVIDED IN
10 SECTION 513.