

# HOUSE BILL NO. 6427

November 12, 2020, Introduced by Reps. Bolden, Coleman and Steven Johnson and referred to the Committee on Government Operations.

A bill to amend 1954 PA 116, entitled  
"Michigan election law,"  
by amending sections 498, 518, 539, 653a, 798, and 826 (MCL  
168.498, 168.518, 168.539, 168.653a, 168.798, and 168.826), section  
498 as amended by 2018 PA 603, section 653a as amended by 2005 PA  
71, section 798 as amended by 1992 PA 8, and section 826 as amended  
by 2013 PA 51.

## **THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

**1**           Sec. 498. (1) In a township or city in which the clerk does

1 not maintain regular daily office hours, the township board or the  
2 legislative body of the city may require that the clerk of the  
3 township or city shall be at the clerk's office or other designated  
4 place for the purpose of receiving applications for registration on  
5 the days that the board or legislative body designates.

6 (2) ~~The~~ **Before January 1, 2022, the** clerk of each township or  
7 city shall give public notice of the days and hours that the clerk  
8 will be at the clerk's office or other designated place for the  
9 purpose of receiving registrations before an election or primary  
10 election by publication of the notice in a newspaper published or  
11 of general circulation in the township or city and, if considered  
12 advisable by the township or city clerk, by posting written or  
13 printed notices in at least 2 of the most conspicuous places in  
14 each election precinct. **Beginning January 1, 2022, the clerk of**  
15 **each township or city shall give public notice of the days and**  
16 **hours that the clerk will be at the clerk's office or other**  
17 **designated place for the purpose of receiving registrations before**  
18 **an election or primary election by posting the notice as set forth**  
19 **in the local government public notice act, and, if considered**  
20 **advisable by the township or city clerk, by posting written or**  
21 **printed notices in at least 2 of the most conspicuous places in**  
22 **each election precinct.** The publication or posting must be made not  
23 less than 30 days before election day. The notice of registration  
24 must include the offices to be filled that will appear on the  
25 ballot. If the notice of registration is for an election that  
26 includes a ballot proposal, a caption or brief description of the  
27 ballot proposal along with the location where an elector can obtain  
28 the full text of the ballot proposal must be stated in the notice.

29 (3) A county clerk may enter into an agreement with the clerk

1 of 1 or more townships or cities in the county or the clerks of 1  
 2 or more cities or townships in a county may enter into an agreement  
 3 to jointly ~~publish~~**provide** the notice required in subsection (2).  
 4 ~~The~~**Before January 1, 2022, the** notice must be published in a  
 5 newspaper of general circulation in the cities and townships listed  
 6 in the notice. **Beginning January 1, 2022, the notice must be posted**  
 7 **as set forth in the local government public notice act.**

8 Sec. 518. (1) ~~Whenever~~**If** a new township ~~shall be~~**is**  
 9 organized, the ~~persons~~**individuals** designated to act as inspectors  
 10 for the first election to be held ~~therein shall~~**in the township**  
 11 constitute a board of registration for the purpose of making the  
 12 first registration of qualified electors ~~therein. Said~~**in the**  
 13 **township. The** board ~~shall be~~**is** authorized to procure the necessary  
 14 books or files and forms to conduct ~~such the~~ registration in  
 15 accordance with ~~the provisions of this act. Subsequent to~~**After** the  
 16 election, the records ~~shall must~~ be delivered to the ~~persons~~  
 17 **individual** elected to the office of **township** clerk. ~~of the~~  
 18 ~~township. At least 10 days' public notice shall be given of the~~  
 19 ~~time and place for holding the registration. Such notice shall be~~  
 20 ~~given by posting written or printed notices in at least 5 of the~~  
 21 ~~most conspicuous places in said township, city or village, or by~~  
 22 ~~publication in a newspaper of general circulation therein. Whenever~~  
 23 **If** a new city is incorporated from the territory of a township, the  
 24 registration records of the portion of the township incorporated as  
 25 a city ~~shall~~ constitute the registration records of the newly  
 26 incorporated city. Township registration records ~~shall must~~ be  
 27 available and used in connection with the election on the adoption  
 28 of the charter of any new city or village and for the first  
 29 election of ~~such the~~ city's or village's officers.

1           ~~(2) Whenever~~ **If** any territory of a township is annexed to a  
 2 city, the clerk of the township from which the territory was  
 3 detached shall, not less than 5 days ~~prior to~~ **before** the effective  
 4 date of the annexation, forward to the clerk of the city to which  
 5 the territory was annexed all of the current registration records  
 6 of the registered electors residing in the annexed territory. ~~Such~~  
 7 **The** records ~~shall thereafter be~~ **become** a part of the registration  
 8 records of ~~such the~~ city and the electors whose registration  
 9 records were ~~so transferred shall be~~ **are** registered electors of  
 10 ~~such the~~ city.

11           ~~(3) All such transfers of registration shall~~ **must** be  
 12 accompanied by a statement signed by the township clerk certifying  
 13 that all of the current registrations of persons residing within  
 14 the annexed or incorporated area according to his **or her** records  
 15 are included. ~~therein.~~

16           Sec. 539. If, upon the expiration of the time for filing  
 17 petitions in any primary for city or county, it appears that there  
 18 is no opposition to any candidate for any office upon any ticket,  
 19 then the city or county clerk, as ~~the case may be,~~ **applicable,**  
 20 shall certify to the board of election commissioners the names of  
 21 all ~~persons~~ **individuals** whose petitions have been properly filed  
 22 and the office for which ~~such the~~ petitions were filed, and ~~such~~  
 23 ~~persons shall~~ **the individuals must** be declared by ~~such the~~ board of  
 24 election commissioners nominees for the respective offices, and  
 25 ~~such the~~ county clerk shall forthwith notify the several clerks of  
 26 the townships and cities interested, if any, and give notice that  
 27 the primary will not be held as contemplated, giving the reasons  
 28 ~~therefor, and a~~ **for not holding the primary. Before January 1,**  
 29 **2022, a** public notice ~~shall~~ **must** be given of ~~such the~~ determination

by a brief notice published by ~~such-the~~ clerk in a newspaper  
 circulated in ~~such-the~~ county. **Beginning January 1, 2022, public  
 notice of the determination must be posted by the clerk as set  
 forth in the local government public notice act.**

Sec. 653a. (1) On receipt of the notice from the county clerk  
 pursuant to section 652, the clerk of each city and township shall  
 give notice of the time and place at which the election is to be  
 held, the offices to be filled, and the proposals to be submitted  
 to the voters. ~~The~~ **Before January 1, 2022, the** notice ~~shall-must~~ be  
 published in a newspaper published, or of general circulation, in  
 the city or township. **Beginning January 1, 2022, the notice must be  
 posted as set forth in the local government public notice act.** A  
 caption or brief description of the proposal or proposals along  
 with the location where an elector can obtain the full text of the  
 proposal or proposals ~~shall-must~~ be included in the notice. The  
 publication ~~shall-or~~ **posting must** be made not less than 7 days  
 before the election. The notice ~~shall-must~~ be in substantially the  
 following form:

#### ELECTION NOTICE

To the qualified electors of the city or township

\_\_\_\_\_ notice is hereby given that a

\_\_\_\_\_

(indicate whether regular, special, or primary)

election will be held in \_\_\_\_\_

on \_\_\_\_\_ from 7 a.m. to 8 p.m. for the purpose of

(date)

nominating or electing candidates for the following offices:

\_\_\_\_\_

(list of offices)

and to vote on the following proposals:

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(list all proposals to be submitted to voters)

List of polling place locations: \_\_\_\_\_.

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(clerk)

(2) A county clerk may enter into an agreement with the clerk of 1 or more townships or cities in the county or the clerks of 1 or more cities or townships in a county may enter into an agreement to jointly publish **or post** the notice in subsection (1). ~~The~~ **Before January 1, 2022, the** notice ~~shall~~ **must** be published in a newspaper of general circulation in the cities and townships listed in the notice. **Beginning January 1, 2022, the notice must be posted as set forth in the local government public notice act.** If certain offices or proposals are to be voted on in less than all of the precincts, the notice ~~shall~~ **must** specify the townships or cities that shall vote on only those offices or proposals.

Sec. 798. (1) Before beginning the count of ballots, the board of election commissioners shall test the electronic tabulating equipment to determine if the electronic tabulating equipment will accurately count the votes cast for all offices and on all questions. ~~Public~~ **Before January 1, 2022, public** notice of the time and place of the test ~~shall~~ **must** be given at least 48 hours before the test by publication in a newspaper published in the county, city, village, township, or school district where the electronic tabulating equipment is used. ~~If~~ **Before January 1, 2022, if** a newspaper is not published in that county, city, village, township, or school district, the notice ~~shall~~ **must** be given by publication in a newspaper of general circulation in that county, city,

1 village, township, or school district. **Beginning January 1, 2022,**  
 2 **public notice of the time and place of the test must be posted at**  
 3 **least 48 hours before the test as set forth in the local government**  
 4 **public notice act.** The test ~~shall~~**must** be conducted in the manner  
 5 prescribed by rules promulgated by the secretary of state ~~pursuant~~  
 6 ~~to~~**under** the administrative procedures act of 1969, ~~Act No. 306 of~~  
 7 ~~the Public Acts of 1969, being sections 24.201 to 24.328 of the~~  
 8 ~~Michigan Compiled Laws. 1969 PA 306, MCL 24.201 to 24.328.~~ In the  
 9 test, a different number of valid votes ~~shall~~**must** be assigned to  
 10 each candidate for an office, and for and against each question. If  
 11 an error is detected, the board of election commissioners shall  
 12 determine the cause of the error and correct the error. The board  
 13 of election commissioners shall make an errorless count and shall  
 14 certify the errorless count before the count is started. The  
 15 electronic tabulating equipment that can be used for a purpose  
 16 other than examining and counting votes ~~shall~~**must** pass the same  
 17 test at the conclusion of the count before the election returns are  
 18 approved as official.

19 (2) On completion of the test and count, the programs, test  
 20 materials, and ballots arranged by precincts ~~shall~~**must** be sealed  
 21 and retained as provided by this subsection and rules promulgated  
 22 by the secretary of state ~~pursuant to Act No. 306 of the Public~~  
 23 ~~Acts of 1969. under the administrative procedures act of 1969, 1969~~  
 24 **PA 306, MCL 24.201 to 24.328.** If the electronic tabulating  
 25 equipment that is tested and certified to by the board of election  
 26 commissioners will be used to count votes at the precinct, a memory  
 27 device containing the tested programs, if any, ~~shall~~**must** be sealed  
 28 into the electronic tabulating equipment. Upon completion and  
 29 certification of the count of votes, the memory device containing

1 the program and the vote totals ~~shall~~**must** remain sealed in the  
 2 electronic tabulating equipment or, if removed from the electronic  
 3 tabulating equipment, ~~shall~~**must** remain sealed in a container  
 4 approved by the secretary of state, delivered to the clerk, and  
 5 retained in the manner provided for other voted ballots.

6 Sec. 826. (1) The board of county canvassers shall determine  
 7 and declare the result of the election for county and local  
 8 officers, and for all county and local ballot questions. If a state  
 9 senatorial or representative district is located solely within 1  
 10 county, the board of county canvassers shall determine and declare  
 11 the result of the election for that office. Upon making the  
 12 determination under this subsection, the board of county canvassers  
 13 shall prepare a certificate of determination and deliver the  
 14 properly certified certificate of determination to the county  
 15 clerk. If the determination relates to a state senatorial or  
 16 representative district located solely within 1 county, the board  
 17 of county canvassers shall also deliver the properly certified  
 18 certificate of determination to the board of state canvassers.

19 (2) Upon receipt of a properly certified certificate of  
 20 determination from a board of county canvassers under subsection  
 21 (1), the county clerk shall file the certificate in his or her  
 22 office. ~~The~~**Before January 1, 2022, the** county clerk may have a  
 23 statement of the total county or district votes cast for the  
 24 various candidates and the total vote cast for and against the  
 25 various ballot questions at the election ~~to be~~ published in at  
 26 least 1 newspaper printed or circulated in that county. **Beginning**  
 27 **January 1, 2022, public notice of a statement of the total county**  
 28 **or district votes cast for the various candidates and the total**  
 29 **vote cast for and against the various ballot questions at the**



1    **election may be posted by the county clerk as set forth in the**  
2    **local government public notice act.** The county clerk shall  
3    immediately execute and deliver to the persons declared elected ~~—~~a  
4    properly certified certificate of election.

5            Enacting section 1. This amendatory act does not take effect  
6    unless Senate Bill No.\_\_\_\_ or House Bill No. 6440 (request no.  
7    02449'19) of the 100th Legislature is enacted into law.