

HOUSE BILL No. 4002

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

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

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

3 (a) A person shall not, either directly or indirectly, give,
4 lend, or promise valuable consideration, to or for ~~any~~**A** person, as
5 an inducement to influence the manner of voting by a person
6 relative to a candidate or ballot question, or as a reward for
7 refraining from voting.

8 (b) A person shall not, either before, on, or after an
9 election, for the person's own benefit or on behalf of ~~any other~~
10 **ANOTHER** person, receive, agree **TO RECEIVE**, or contract for valuable

1 consideration for 1 or more of the following:

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

4 (ii) Refraining or agreeing to refrain, or inducing or
5 attempting to induce another to refrain, from voting at an
6 election.

7 (iii) Doing anything prohibited by this act.

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

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

22 (d) A person shall not, either directly or indirectly,
23 discharge or threaten to discharge an employee of the person for
24 the purpose of influencing the employee's vote at an election.

25 (e) A priest, pastor, curate, or other officer of a religious
26 society shall not for the purpose of influencing a voter at an
27 election, impose or threaten to impose upon the voter a penalty of

1 excommunication, dismissal, or expulsion, or command or advise the
2 voter, under pain of religious disapproval.

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

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

21 (i) The inspector of election, clerk, or other election
22 official notifies the board of election commissioners or other
23 officers in charge of elections of his or her inability to serve at
24 the time and place specified, 3 days or more before the election.

25 (ii) The inspector of election, clerk, or other election
26 official is excused from duty by the board of election
27 commissioners or other officers in charge of elections for cause

1 shown.

2 (h) A person shall not willfully fail to perform a duty
3 imposed upon that person by this act, or disobey a lawful
4 instruction or order of the secretary of state as chief state
5 election officer or of a board of county election commissioners,
6 board of city election commissioners, or board of inspectors of
7 election.

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

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

19 (k) A person shall not, while the polls are open on an
20 election day, solicit votes in a polling place or within 100 feet
21 from an entrance to the building in which a polling place is
22 located.

23 (l) A person shall not keep a room or building for the purpose,
24 in whole or in part, of recording or registering bets or wagers, or
25 of selling pools, upon the result of a political nomination,
26 appointment, or election. A person shall not wager property, money,
27 or **ANY OTHER** thing of value, or be the custodian of money,

1 property, or **ANY OTHER** thing of value, staked, wagered, or pledged
2 upon the result of a political nomination, appointment, or
3 election.

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

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

13 **(O) A PERSON SHALL NOT CONTRACT FOR, PAY OR RECEIVE PAYMENT**
14 **FOR, TAKE STEPS TO MAKE OR BRING ABOUT, OR OTHERWISE UNDERTAKE TO**
15 **MAKE OR BRING ABOUT AUTOMATED TELEPHONE CALLS SUPPORTING OR**
16 **OPPOSING A CANDIDATE FOR NOMINATION FOR OR ELECTION TO PUBLIC**
17 **OFFICE.**

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

21 (3) A person or a person's agent who knowingly makes,
22 publishes, disseminates, circulates, or places before the public,
23 or knowingly causes directly or indirectly to be made, published,
24 disseminated, circulated, or placed before the public, in this
25 state, either orally or in writing, an assertion, representation,
26 or statement of fact concerning a candidate for public office at an
27 election in this state, that is false, deceptive, scurrilous, or

1 malicious, without the true name of the author being subscribed to
2 the assertion, representation, or statement if written, or
3 announced if unwritten, is guilty of a misdemeanor.

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