

HOUSE BILL No. 4239

February 18, 2003, Introduced by Reps. Rivet, Kooiman, Lipsey, Dennis, Minore, Kolb, Brown, Adamini, Murphy, Bieda, Accavitti, Wojno, Elkins, Gillard, Phillips and LaSata and referred to the Committee on Local Government and Urban Policy.

A bill to amend 1954 PA 116, entitled
"Michigan election law,"
by amending section 726 (MCL 168.726) and by adding sections 38,
726a, and 726b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 38. (1) After the effective date of the amendatory act
2 that added this section and before January 1, 2008, in
3 preparation for the authorization under section 726a to conduct
4 elections by mail, the secretary of state shall conduct an
5 election by mail pilot project in compliance with this section.

6 (2) In cooperation with local governmental units and in
7 accordance with all of the following criteria, the secretary of
8 state shall select either 6 or 8 local governmental units in
9 which to hold pilot project elections by mail:

10 (a) The jurisdictions shall have a substantial variance in

1 the sizes of their populations.

2 (b) The jurisdictions shall be evenly divided between
3 jurisdictions whose electors at the 2000 presidential election
4 cast the majority of their votes for the candidate receiving the
5 highest number of popular votes and the candidate receiving the
6 second highest number.

7 (c) Each jurisdiction shall be anticipating an election at
8 which an elector's only choice on the ballot is a single,
9 contested office or a single ballot question.

10 (3) With the assistance of the election officials for each
11 local governmental unit selected under subsection (2), the
12 secretary of state shall conduct an election by mail in each of
13 those jurisdictions. A local election official shall cooperate
14 with the secretary of state in the conduct of a pilot project
15 election by mail.

16 (4) A pilot project election by mail shall be conducted in
17 compliance with section 726b. During the pilot project, an
18 election shall be held as an election by mail only for an
19 election at which an elector's only choice on the ballot is a
20 single, contested office or a single ballot question. If, after
21 a local governmental unit is selected under subsection (2), the
22 secretary of state determines that the election described in
23 subsection (2)(c) is unlikely to occur, the secretary of state
24 shall select a replacement local governmental unit in accordance
25 with the criteria in subsection (2).

26 (5) Before January 15, 2008, the secretary of state shall
27 submit a report on the election by mail pilot project to the

1 standing committees of the senate and the house of
2 representatives with primary responsibility for election issues.
3 The secretary of state shall include all of the following in the
4 report:

5 (a) The cost of each election by mail with a comparison to
6 the cost of a substantially similar election held in the same
7 local governmental unit.

8 (b) The level of voter participation in each election by mail
9 with a comparison to the level of voter participation in a
10 substantially similar election held in the same local
11 governmental unit.

12 (c) Other information the secretary of state considers
13 relevant.

14 (6) As used in this section, "local governmental unit" means
15 a city, village, or township for which an accurate count of the
16 votes cast in the 2000 presidential election exists in local or
17 state records.

18 Sec. 726. ~~No ballots~~ A ballot shall not be delivered to
19 an elector by ~~any~~ a person other than ~~1 of the inspectors of~~
20 an election **inspector** and only within the polling place, except
21 as provided in this act for an absent ~~voters' ballots~~ voter or
22 an election by mail ballot.

23 Sec. 726a. (1) After December 31, 2007, a local
24 governmental unit's or school district's governing body may
25 decide that an election to be held in that local governmental
26 unit or school district be held as an election by mail. If an
27 election is held in only 1 local governmental unit or school

1 district and, at least 63 days before the date of the election,
2 the local governmental unit's clerk or school district's
3 secretary of the school board receives notice of the governing
4 body's decision that an election be held as an election by mail,
5 the clerk or secretary shall conduct that election as an election
6 by mail in compliance with section 726b. If an election is held
7 in more than 1 local governmental unit or school district and, at
8 least 63 days before the date of an election, the governing body
9 of every local governmental unit or school district in which the
10 election is to be held notifies its clerk or secretary of the
11 school board of the governing body's decision that the election
12 be held as an election by mail, the election shall be conducted
13 as an election by mail in compliance with section 726b.

14 (2) The secretary of state shall cooperate with each local
15 governmental unit or school district that conducts an election by
16 mail as authorized under subsection (1). To the extent possible,
17 the secretary of state shall advise and assist a local
18 governmental unit or school district in conducting an election by
19 mail.

20 (3) After December 31, 2007, at his or her discretion, the
21 secretary of state may conduct 1 or more of the following
22 elections as an election by mail in compliance with section
23 726b:

24 (a) An August primary held under section 534.

25 (b) A general November election.

26 (c) An election in which a candidate for state or federal
27 office or for the office of supreme court justice or judge of the

1 court of appeals is nominated or elected.

2 (d) A statewide special election.

3 (4) An elector may obtain a replacement ballot for an
4 election by mail ballot that is not received or is lost,
5 destroyed, or spoiled. The elector shall submit to the election
6 official responsible for issuing the election by mail ballot a
7 statement with the elector's signature certifying that the ballot
8 was not received or was lost, destroyed, or spoiled. An election
9 official who receives such a certified statement before 8 p.m. of
10 the election date shall issue the elector another ballot and make
11 and maintain a record of that act. If a replacement ballot is
12 issued more than 4 days before the election date, an election
13 official may mail the replacement ballot. If an elector returns
14 a spoiled ballot, the election official shall write the word
15 "spoiled" on the face of the ballot and proceed as provided in
16 this act for spoiled ballots.

17 Sec. 726b. (1) An election official conducting an election
18 by mail shall conduct the election in compliance with this
19 section. The election official conducting an election by mail
20 shall designate 1 or more locations to which an elector may
21 return the elector's election by mail ballot on the election
22 date. Each location designated under this subsection shall be
23 open to receive ballots from 7 a.m. to 8 p.m. on the election
24 date.

25 (2) An elector who wants to vote in an election by mail shall
26 comply with the instructions supplied with the official ballot,
27 returning the election by mail ballot through the United States

1 mail or another public postal service, express mail service,
2 parcel post service, or common carrier or, on the election date,
3 to a location designated under subsection (1).

4 (3) A ballot arriving at the address on the ballot return
5 envelope or at a location designated under subsection (1) after 8
6 p.m. on the election date shall not be counted. If, for an
7 election by mail, an elector applies for, receives, and returns
8 an absent voter ballot in compliance with this act, the election
9 official conducting an election by mail shall consider that
10 absent voter ballot to be valid for the election by mail.

11 (4) Not before 21 days or after 14 days before the election,
12 an election official conducting an election by mail shall send by
13 nonforwardable mail to each elector who, 30 or more days before
14 the election, was registered to vote in that jurisdiction all of
15 the following:

16 (a) An official ballot.

17 (b) A preaddressed, return envelope.

18 (c) A secrecy envelope or sleeve.

19 (d) Instructions for voting in the election by mail. To the
20 extent applicable, the instructions for an election by mail shall
21 conform to the instructions and warnings prescribed by this act
22 for an absent voter ballot.

23 (5) If the secretary of state conducts an election by mail as
24 authorized in section 726a, the secretary of state may determine
25 that it is prudent to begin mailing the material listed in
26 subsection (4) on a date before 21 days before the election.

27 (6) To the extent not in conflict with this section, an

1 election by mail shall be conducted in the manner provided for
2 other elections under this act. An election official shall not
3 count an election by mail ballot unless the ballot is returned in
4 an election by mail return envelope that is signed by the elector
5 whose signature is verified as a qualified and registered voter
6 as provided in this act.