

SENATE BILL No. 1436

September 14, 2006, Introduced by Senator HAMMERSTROM and referred to the Committee on Government Operations.

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 744 and 931 (MCL 168.744 and 168.931), section 744 as amended by 1995 PA 261 and section 931 as amended by 1996 PA 583, and by adding section 736b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 736B. (1) EXCEPT AS PROVIDED IN SECTION 736A, ON THE DAY
2 OF AN ELECTION, ONLY THE FOLLOWING PERSONS SHALL BE ALLOWED TO
3 ENTER AN ELECTION PRECINCT POLLING PLACE:

4 (A) A QUALIFIED ELECTOR VOTING AT THE ELECTION PRECINCT
5 POLLING PLACE.

6 (B) AN ELECTION OFFICIAL.

7 (C) A CHALLENGER WHO IS APPROVED UNDER SECTION 731.

1 (2) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A
2 MISDEMEANOR.

3 Sec. 744. (1) An election inspector or any other person in
4 ~~the A polling room, or in a compartment connected to the A~~
5 ~~polling room, or within 100 feet from any entrance to the building~~
6 ~~in which the polling place is located~~ **IN A CAMPAIGN-FREE ZONE**
7 shall not persuade or endeavor to persuade a person to vote for or
8 against any particular candidate or party ticket — or for or
9 against any ballot question that is being voted on at the election.
10 A person shall not place or distribute stickers, other than
11 stickers provided by the election officials pursuant to law, in
12 ~~the A polling room, or in a compartment connected to the A~~
13 ~~polling room, or within 100 feet from any entrance to the building~~
14 ~~in which the polling place is located~~ **IN A CAMPAIGN-FREE ZONE.**

15 (2) A person shall not solicit donations, gifts,
16 contributions, purchase of tickets, or similar demands, ~~or~~
17 request or obtain signatures on petitions, **DISTRIBUTE ANYTHING OF**
18 **VALUE, OR DISTRACT A VOTER** in ~~the A polling room, or in a~~
19 ~~compartment connected to the A polling room, or within 100 feet~~
20 ~~from any entrance to the building in which the polling place is~~
21 ~~located~~ **IN A CAMPAIGN-FREE ZONE.**

22 (3) On election day, a person shall not post, display, or
23 distribute in a polling place, in any hallway used by voters to
24 enter or exit a polling place, or ~~within 100 feet of an entrance~~
25 ~~to a building in which a polling place is located~~ **IN A CAMPAIGN-**
26 **FREE ZONE** any material that directly or indirectly makes reference
27 to an election, a candidate, or a ballot question. This subsection

1 does not apply to official material that is required by law to be
2 posted, displayed, or distributed in a polling place on election
3 day.

4 (4) A person who violates this section is guilty of a
5 misdemeanor.

6 (5) AN ORGANIZATION SHALL NOT REQUIRE, SOLICIT, INDUCE, OR
7 INTIMIDATE A PERSON TO VIOLATE SUBSECTION (1), (2), OR (3). AN
8 ORGANIZATION THAT VIOLATES THIS SUBSECTION IS SUBJECT TO A CIVIL
9 FINE OF NOT MORE THAN \$1,000.00 FOR EACH VIOLATION.

10 (6) AS USED IN THIS SECTION, "CAMPAIGN-FREE ZONE" MEANS THE
11 AREA WITHIN 100 FEET OF AN ENTRANCE TO A BUILDING IN WHICH A
12 POLLING PLACE IS LOCATED.

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

15 (a) A person shall not, either directly or indirectly, give,
16 lend, or promise valuable consideration — to or for any person —
17 as an inducement to influence the manner of voting by a person
18 relative to a candidate or ballot question — or as a reward for
19 refraining from voting.

20 (b) A person shall not, either before, on, or after an
21 election, for the person's own benefit or on behalf of any other
22 person, receive, agree, or contract for valuable consideration for
23 1 or more of the following:

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

26 (ii) Refraining or agreeing to refrain, or inducing or
27 attempting to induce another to refrain, from voting at an

1 election.

2 (iii) Doing anything prohibited by this act.

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

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

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

20 (e) A priest, pastor, curate, or other officer of a religious
21 society shall not, for the purpose of influencing a voter at an
22 election, impose or threaten to impose upon the voter a penalty of
23 excommunication, dismissal, or expulsion ~~—~~ or command or advise
24 the voter ~~—~~ under pain of religious disapproval.

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

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

17 (i) The **ELECTION** inspector, ~~of election,~~ clerk, or other
18 election official notifies the board of election commissioners or
19 other officers in charge of elections of his or her inability to
20 serve at the time and place specified, 3 days or more before the
21 election.

22 (ii) The **ELECTION** inspector, ~~of election,~~ clerk, or other
23 election official is excused from duty by the board of election
24 commissioners or other officers in charge of elections for cause
25 shown.

26 (h) A person shall not willfully fail to perform a duty
27 imposed upon that person by this act ~~—,~~ or disobey a lawful

1 instruction or order of the secretary of state as chief state
2 election officer or of a board of county election commissioners,
3 board of city election commissioners, or board of **ELECTION**
4 inspectors. ~~of election.~~

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

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

16 (k) A person shall not, while the polls are open on an
17 election day, solicit votes in a polling place or ~~within 100 feet~~
18 ~~from an entrance to the building in which a polling place is~~
19 ~~located~~ **IN A CAMPAIGN-FREE ZONE.**

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

27 (m) A person shall not participate in a meeting or a portion

1 of a meeting of more than 2 persons, other than the person's
2 immediate family, at which an absent voter ballot is voted.

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

9 (O) **A PERSON SHALL NOT IMPERSONATE IN ANY WAY AN ELECTION**
10 **OFFICIAL.**

11 (2) A person who violates a provision of this act for which a
12 penalty is not otherwise specifically provided in this act ~~—~~ is
13 guilty of a misdemeanor.

14 (3) A person or a person's agent who knowingly makes,
15 publishes, disseminates, circulates, or places before the public,
16 or knowingly causes directly or indirectly to be made, published,
17 disseminated, circulated, or placed before the public, in this
18 state, either orally or in writing, an assertion, representation,
19 or statement of fact concerning a candidate for public office at an
20 election in this state, that is false, deceptive, scurrilous, or
21 malicious, without the true name of the author being subscribed to
22 the assertion, representation, or statement if written, or
23 announced if unwritten, is guilty of a misdemeanor.

24 (4) As used in this section: ~~—~~ "valuable

25 (A) **"CAMPAIGN-FREE ZONE" MEANS THE AREA WITHIN 100 FEET OF AN**
26 **ENTRANCE TO A BUILDING IN WHICH A POLLING PLACE IS LOCATED.**

27 (B) **"VALUABLE** consideration" includes, but is not limited to,

- 1 money, property, a gift, a prize or chance for a prize, a fee, a
- 2 loan, an office, a position, an appointment, or employment.