

# HOUSE BILL No. 4353

March 1, 2011, Introduced by Rep. Hammel and referred to the Committee on Redistricting and Elections.

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.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 744. (1) An election inspector or any other person in ~~the~~  
2   A polling room, ~~or~~ in a compartment connected to ~~the~~ A polling  
3   room, or within ~~100~~ 500 feet from any entrance to the building in  
4   which ~~the~~ A polling place is located shall not persuade or endeavor  
5   to persuade a person to vote for or against any particular  
6   candidate or party ticket ~~—~~ or for or against any ballot question  
7   that is being voted on at the election. A person shall not place or  
8   distribute stickers, other than stickers provided by the election

1 officials pursuant to law, in ~~the-A~~ polling room, ~~or~~ in a  
2 compartment connected to ~~the-A~~ polling room, or within ~~100-500~~ feet  
3 from any entrance to the building in which ~~the-A~~ polling place is  
4 located.

5 (2) A person shall not solicit donations, gifts,  
6 contributions, purchase of tickets, or similar demands, or request  
7 or obtain signatures on petitions in ~~the-A~~ polling room, ~~or~~ in a  
8 compartment connected to ~~the-A~~ polling room, or within ~~100-500~~ feet  
9 from any entrance to the building in which ~~the-A~~ polling place is  
10 located.

11 (3) On election day, a person shall not post, display, or  
12 distribute in a polling place, in any hallway used by voters to  
13 enter or exit a polling place, or within ~~100-500~~ feet of an  
14 entrance to a building in which a polling place is located any  
15 material that directly or indirectly makes reference to an  
16 election, a candidate, or a ballot question. This subsection does  
17 not apply to official material that is required by law to be  
18 posted, displayed, or distributed in a polling place on election  
19 day.

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

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

24 (a) A person shall not, either directly or indirectly, give,  
25 lend, or promise valuable consideration ~~—to or for any person —~~as  
26 an inducement to influence the manner of voting by a person  
27 relative to a candidate or ballot question ~~—or as a reward for~~

1   refraining from voting.

2           (b) A person shall not, either before, on, or after an  
3   election, for the person's own benefit or on behalf of any other  
4   person, receive, agree, or contract for valuable consideration for  
5   1 or more of the following:

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

8           (ii) Refraining or agreeing to refrain, or inducing or  
9   attempting to induce another to refrain, from voting at an  
10   election.

11          (iii) Doing anything prohibited by this act.

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

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

26          (d) A person shall not, either directly or indirectly,  
27   discharge or threaten to discharge an employee of the person for

1 the purpose of influencing the employee's vote at an election.

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

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

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

25 (i) The **ELECTION** inspector, ~~of election,~~ clerk, or other  
26 election official notifies the board of election commissioners or  
27 other officers in charge of elections of his or her inability to

1 serve at the time and place specified, 3 days or more before the  
2 election.

3 (ii) The **ELECTION** inspector, ~~of election,~~ clerk, or other  
4 election official is excused from duty by the board of election  
5 commissioners or other officers in charge of elections for cause  
6 shown.

7 (h) A person shall not willfully fail to perform a duty  
8 imposed upon that person by this act ~~—~~or disobey a lawful  
9 instruction or order of the secretary of state as chief state  
10 election officer or of a board of county election commissioners,  
11 board of city election commissioners, or board of **ELECTION**  
12 inspectors. ~~of election.~~

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

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

24 (k) A person shall not, while the polls are open on an  
25 election day, solicit votes in a polling place or within ~~100~~ 500  
26 feet from an entrance to the building in which a polling place is  
27 located.

1           (l) A person shall not keep a room or building for the purpose,  
2 in whole or in part, of recording or registering bets or wagers ~~7~~  
3 or of selling pools upon the result of a political nomination,  
4 appointment, or election. A person shall not wager property, money,  
5 or thing of value, or be the custodian of money, property, or thing  
6 of value ~~7~~-staked, wagered, or pledged, upon the result of a  
7 political nomination, appointment, or election.

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

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

17           (2) A person who violates a provision of this act for which a  
18 penalty is not otherwise specifically provided in this act ~~7~~-is  
19 guilty of a misdemeanor.

20           (3) A person or a person's agent who knowingly makes,  
21 publishes, disseminates, circulates, or places before the public,  
22 or knowingly causes directly or indirectly to be made, published,  
23 disseminated, circulated, or placed before the public, in this  
24 state, either orally or in writing, an assertion, representation,  
25 or statement of fact concerning a candidate for public office at an  
26 election in this state, that is false, deceptive, scurrilous, or  
27 malicious, without the true name of the author being subscribed to

1 the assertion, representation, or statement if written, or  
2 announced if unwritten, is guilty of a misdemeanor.

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