

HOUSE BILL No. 5331

January 31, 2012, Introduced by Reps. Haveman, Heise, Lyons, Hughes, McMillin and Wayne Schmidt and referred to the Committee on Redistricting and Elections.

A bill to amend 1954 PA 116, entitled
"Michigan election law,"
by amending sections 809 and 821 (MCL 168.809 and 168.821), section 809 as amended by 1995 PA 261 and section 821 as amended by 2003 PA 302, and by adding section 806b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 806B. THE BOARD OF ELECTION INSPECTORS MAY TRANSMIT THE
2 STATEMENT OF RETURNS TO THE COUNTY CLERK, OR TO THEIR RESPECTIVE
3 CITY OR TOWNSHIP CLERKS WHO SHALL TRANSMIT THE STATEMENT OF RETURNS
4 TO THE COUNTY CLERK, AFTER THE POLLS CLOSE ON ELECTION NIGHT BY
5 TELEPHONE OR OTHER ELECTRONIC MEANS. THE COUNTY CLERK SHALL
6 TABULATE THE ELECTION RESULTS AS THEY ARE RECEIVED BY TELEPHONE OR
7 OTHER ELECTRONIC MEANS AND MAKE THOSE RESULTS AVAILABLE TO THE
8 PUBLIC. AS USED IN THIS SECTION AND SECTION 809, "OTHER ELECTRONIC

1 MEANS" INCLUDES, BUT IS NOT LIMITED TO, ANY OF THE FOLLOWING:

2 (A) ELECTRONIC MAIL.

3 (B) FACSIMILE.

4 (C) MODEM.

5 Sec. 809. (1) The board of election inspectors shall seal 1 of
6 the statement of returns and 1 of the tally sheets or the combined
7 tally return sheet with a red state election seal in an envelope
8 and shall address the envelope to the board of county canvassers,
9 in care of the judge of probate OR HIS OR HER DESIGNEE. The BOARD
10 OF ELECTION INSPECTORS SHALL ALSO SEAL 1 POLL BOOK AND 1 TALLY
11 SHEET WITH A RED STATE ELECTION SEAL IN AN ENVELOPE AND SHALL
12 ADDRESS THAT ENVELOPE TO THE COUNTY CLERK. TWO MEMBERS OF THE board
13 of election inspectors, 1 FROM EACH MAJOR POLITICAL PARTY, shall
14 deliver the sealed envelope-ENVELOPES AND THE BALLOT CONTAINERS to
15 A RECEIVING BOARD AT THE OFFICE OF the clerk of the township or
16 city IMMEDIATELY AFTER CLOSING THE PRECINCT ON ELECTION NIGHT. Upon
17 THE POLL BOOK AND STATEMENT OF RETURNS MAY BE ENCLOSED IN A SINGLE
18 SEALED ENVELOPE WHEN DELIVERED TO THE RECEIVING BOARDS.

19 (2) IF THE BOARD OF ELECTION INSPECTORS TRANSMITS THE ELECTION
20 RESULTS TO THE COUNTY CLERK BY TELEPHONE OR OTHER ELECTRONIC MEANS
21 ON ELECTION NIGHT, UPON receipt of the sealed envelope OR
22 ENVELOPES, the RECEIVING BOARD SHALL REVIEW ALL OF THE ELECTION
23 MATERIALS AND SHALL VERIFY THE SECURE SEALING OF THE BALLOT
24 CONTAINERS. AFTER REVIEWING THE ELECTION MATERIALS FROM EACH
25 PRECINCT, THE RECEIVING BOARD SHALL DEPOSIT THE ENVELOPES ADDRESSED
26 TO THE BOARD OF COUNTY CANVASSERS INTO A SECURE STORAGE CONTAINER
27 OR TRANSFER CASE MARKED "BOARD OF COUNTY CANVASSERS" AND SHALL

1 DEPOSIT THE ENVELOPES ADDRESSED TO THE COUNTY CLERK INTO A SEPARATE
2 SECURE STORAGE CONTAINER OR TRANSFER CASE MARKED "COUNTY CLERK".
3 TWO MEMBERS OF THE RECEIVING BOARD, 1 FROM EACH POLITICAL PARTY,
4 SHALL SIGN 2 CERTIFICATES ENTITLED "ELECTION MATERIALS" FOR EACH
5 SECURE STORAGE CONTAINER OR TRANSFER CASE USED AND SHALL DESIGNATE
6 ON EACH SIGNED CERTIFICATE THE SEAL NUMBER USED TO SEAL THE SECURE
7 STORAGE CONTAINER OR TRANSFER CASE. THE 2 MEMBERS OF THE RECEIVING
8 BOARD SHALL PLACE 1 OF THE SIGNED CERTIFICATES FOR EACH SECURE
9 STORAGE CONTAINER OR TRANSFER CASE USED IN A PLASTIC ENVELOPE AND
10 SHALL ATTACH THE SIGNED CERTIFICATE TO THE SEAL OF EACH SECURE
11 STORAGE CONTAINER OR TRANSFER CASE USED. THE 2 MEMBERS OF THE
12 RECEIVING BOARD SHALL SECURE EACH STORAGE CONTAINER OR TRANSFER
13 CASE USED WITH THE APPROVED SEAL. THE 2 MEMBERS OF THE RECEIVING
14 BOARD SHALL DEPOSIT THE DUPLICATE SIGNED CERTIFICATE FOR EACH
15 SECURE STORAGE CONTAINER OR TRANSFER CASE USED WITH THE CLERK OF
16 THE CITY OR TOWNSHIP. A RECORD OF THE SEAL NUMBERS USED TO SECURE
17 EACH STORAGE CONTAINER OR TRANSFER CASE SHALL BE TRANSMITTED TO THE
18 COUNTY CLERK ON ELECTION NIGHT. IF THE BOARD OF ELECTION INSPECTORS
19 DOES NOT OR IS UNABLE TO TRANSMIT THE ELECTION RESULTS TO THE
20 COUNTY CLERK BY TELEPHONE OR OTHER ELECTRONIC MEANS ON ELECTION
21 NIGHT, THE CITY OR TOWNSHIP CLERK MAY TRANSMIT THE ELECTION RESULTS
22 TO THE COUNTY CLERK BY TELEPHONE OR OTHER ELECTRONIC MEANS ON
23 ELECTION NIGHT. THE township or city clerk shall ~~immediately~~
24 ~~deliver the envelope to the person to whom addressed~~ SECURE EACH
25 STORAGE CONTAINER OR TRANSFER CASE USED OVERNIGHT AND SHALL DELIVER
26 THE STORAGE CONTAINER OR TRANSFER CASE MARKED "BOARD OF COUNTY
27 CANVASSERS" TO THE JUDGE OF PROBATE OR HIS OR HER DESIGNEE AND THE

1 STORAGE CONTAINER OR TRANSFER CASE MARKED "COUNTY CLERK" TO THE
2 COUNTY CLERK BY 11 A.M. ON THE DAY FOLLOWING THE DAY OF THE
3 ELECTION. The judge of probate OR HIS OR HER DESIGNEE shall deliver
4 the sealed envelope ~~STORAGE CONTAINER OR TRANSFER CASE~~ received by
5 him or her to the board of county canvassers when it meets to
6 canvass the returns.

7 (3) ~~(2) The board of election inspectors shall seal the other~~
8 ~~statement of returns or combined tally and statement, together with~~
9 ~~the poll list, in an envelope addressed to the county clerk. The IF~~
10 THE BOARD OF ELECTION INSPECTORS OR THE CITY OR TOWNSHIP CLERK DOES
11 NOT TRANSMIT THE ELECTION RESULTS TO THE COUNTY CLERK BY TELEPHONE
12 OR OTHER ELECTRONIC MEANS ON ELECTION NIGHT, THE board of election
13 inspectors shall deliver the sealed envelope OR ENVELOPES to the
14 CITY OR TOWNSHIP RECEIVING BOARD FOR INSPECTION IN THE OFFICE OF
15 THE CITY OR TOWNSHIP clerk immediately upon completion of the count
16 IN THE PRECINCT. The CITY OR TOWNSHIP CLERK SHALL IMMEDIATELY
17 DELIVER THE ENVELOPES TO THE county clerk, WHO shall open the
18 envelope ADDRESSED TO THE COUNTY CLERK at that time, compile
19 unofficial returns, and make the returns in the envelope available
20 to the public. The office of the county clerk shall be open on
21 election day for election purposes and shall remain open until the
22 last returns have been received, ~~and the clerk completes an~~
23 unofficial tabulation, AND THE CLERK TRANSMITS THE UNOFFICIAL
24 TABULATION TO THE BUREAU OF ELECTIONS.

25 (4) ~~(3)~~ If a city or township election to be canvassed by a
26 board of city or township canvassers is held at a time at which no
27 election returns must be forwarded to the board of county

1 canvassers, the board of election inspectors shall return all poll
 2 books, tally sheets, and returns to the city or township clerk. The
 3 city or township clerk shall perform the duties required in this
 4 section of the county clerks. If a local election to be canvassed
 5 by the board of county canvassers is not held in conjunction with a
 6 county or state election, the board of election inspectors shall
 7 deliver both sealed envelopes to the local clerk **WHO SHALL SECURE**
 8 **ALL ELECTION MATERIALS USED IN THE PRECINCT ON ELECTION DAY AS**
 9 **PROVIDED IN THIS CHAPTER.** The local clerk shall deliver both sealed
 10 envelopes to the county clerk before 11 a.m. on the day following
 11 the election. In a city or township election, in which the city or
 12 township consists of more than 5 precincts, held in conjunction
 13 with an election to be canvassed by the board of county canvassers,
 14 the board of election inspectors shall deliver the duplicate
 15 returns required by section 806 to the city or township clerk.

16 Sec. 821. (1) ~~The~~ **EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION**
 17 **(2), THE** board of county canvassers shall meet at the office of the
 18 county clerk at ~~1 p.m.~~ **9 A.M.** on the ~~day after~~ **THURSDAY FOLLOWING**
 19 the day of a ~~general election, August primary, or presidential~~
 20 ~~primary~~ **AN** election **HELD** in the county **TO BE CANVASSED BY THE BOARD**
 21 **OF COUNTY CANVASSERS.** ~~Except as provided in subsection (2), for~~
 22 ~~other elections the board shall meet within 5 days following the~~
 23 ~~election.~~

24 (2) If, at an election held on the May regular election date,
 25 a ballot question appears on the ballot concerning authorized
 26 millage that is subject to a millage reduction as provided in
 27 section 34d of the general property tax act, 1893 PA 206, MCL

1 211.34d, the board of county canvassers shall meet to canvass and
2 certify the results of the vote on that proposition after May 31
3 and before June 15 following the election.