

HOUSE BILL NO. 6001

July 23, 2020, Introduced by Reps. Haadsma, Brixie, Hood, Cynthia Johnson, Brenda Carter, Liberati, Manoogian, Stone, Wittenberg, Elder, Tyrone Carter, Coleman, Kuppa, Cambensy, Garza, Sowerby, Cherry, Hertel, Peterson, Ellison, Camilleri, Witwer, Chirkun, Pagan, Hammoud, Anthony, Lasinski, Rabhi, Byrd, Hope and Jones and referred to the Committee on Elections and Ethics.

A bill to amend 1954 PA 116, entitled
"Michigan election law,"
by amending section 809 (MCL 168.809), as amended by 2013 PA 51,
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**



1 tabulate the election results as they are received by telephone or
 2 other electronic means and make those results available to the
 3 public. As used in this section and section 809, "other electronic
 4 means" includes, but is not limited to, any of the following:

- 5 (a) Electronic mail.
- 6 (b) Facsimile.
- 7 (c) Modem.

8 Sec. 809. (1) The board of election inspectors shall seal 1 of
 9 the statement of returns and 1 of the tally sheets or the combined
 10 tally return sheet with a red state election seal in an envelope
 11 and shall address the envelope to the board of county canvassers,
 12 in care of the judge of probate **or his or her designee**. The **board**
 13 **of election inspectors shall also seal 1 poll book and 1 tally**
 14 **sheet with a red state election seal in an envelope and shall**
 15 **address that envelope to the county clerk. Two members of the board**
 16 **of election inspectors, 1 from each major political party, shall**
 17 **deliver the sealed ~~envelope~~ envelopes and the ballot containers to**
 18 **a receiving board at the office of the clerk of the township or**
 19 **city immediately after closing the precinct on election night. Upon**
 20 **The poll book and statement of returns may be enclosed in a single**
 21 **sealed envelope when delivered to the receiving boards.**

22 (2) If the board of election inspectors transmits the election
 23 results to the county clerk by telephone or other electronic means
 24 on election night, upon receipt of the sealed envelope or
 25 envelopes, the receiving board shall review all of the election
 26 materials and shall verify the secure sealing of the ballot
 27 containers. After reviewing the election materials from each
 28 precinct, the receiving board shall deposit the envelopes addressed
 29 to the board of county canvassers into a secure storage container



1 or transfer case marked "board of county canvassers" and shall
2 deposit the envelopes addressed to the county clerk into a separate
3 secure storage container or transfer case marked "county clerk".
4 Two members of the receiving board, 1 from each political party,
5 shall sign 2 certificates entitled "election materials" for each
6 secure storage container or transfer case used and shall designate
7 on each signed certificate the seal number used to seal the secure
8 storage container or transfer case. The 2 members of the receiving
9 board shall place 1 of the signed certificates for each secure
10 storage container or transfer case used in a plastic envelope and
11 shall attach the signed certificate to the seal of each secure
12 storage container or transfer case used. The 2 members of the
13 receiving board shall secure each storage container or transfer
14 case used with the approved seal. The 2 members of the receiving
15 board shall deposit the duplicate signed certificate for each
16 secure storage container or transfer case used with the clerk of
17 the city or township. A record of the seal numbers used to secure
18 each storage container or transfer case must be transmitted to the
19 county clerk on election night. If the board of election inspectors
20 does not or is unable to transmit the election results to the
21 county clerk by telephone or other electronic means on election
22 night, the city or township clerk may transmit the election results
23 to the county clerk by telephone or other electronic means on
24 election night. The township or city clerk shall ~~immediately~~
25 ~~deliver the envelope to the person to whom addressed.~~ **secure each**
26 **storage container or transfer case used overnight and shall deliver**
27 **the storage container or transfer case marked "board of county**
28 **canvassers" to the judge of probate or his or her designee and the**
29 **storage container or transfer case marked "county clerk" to the**



1 county clerk by 11 a.m. on the day following the day of the
 2 election. The judge of probate or his or her designee shall deliver
 3 the sealed storage case or transfer envelope received by him or her
 4 to the board of county canvassers when it meets to canvass the
 5 returns.

6 (3) ~~(2) The board of election inspectors shall seal the other~~
 7 ~~statement of returns or combined tally and statement, together with~~
 8 ~~the poll list, in an envelope addressed to the county clerk. The~~ **If**
 9 **the board of election inspectors or the city or township clerk does**
 10 **not transmit the election results to the county clerk by telephone**
 11 **or other electronic means on election night, the** board of election
 12 inspectors shall deliver the sealed envelope or envelopes to the
 13 city or township receiving board for inspection in the office of
 14 the city or township clerk immediately upon completion of the count
 15 in the precinct. The city or township clerk shall immediately
 16 deliver the envelopes to the county clerk, who shall open the
 17 envelope addressed to the county clerk at that time, compile
 18 unofficial returns, and make the returns in the envelope available
 19 to the public. The office of the county clerk shall be open on
 20 election day for election purposes and shall remain open until the
 21 last returns have been received, ~~and~~ the clerk completes an
 22 unofficial tabulation, and the clerk transmits the unofficial
 23 tabulation to the bureau of elections.

24 (4) ~~(3)~~ If a local election to be canvassed by the board of
 25 county canvassers is not held in conjunction with a county or state
 26 election, the board of election inspectors shall deliver both
 27 sealed envelopes to the local clerk who shall secure all election
 28 materials used in the precinct on election day as provided in this
 29 chapter. The local clerk shall deliver both sealed envelopes to the



1 county clerk before 11 a.m. on the day following the election. In a
2 city or township election, in which the city or township consists
3 of more than 5 precincts, held in conjunction with an election to
4 be canvassed by the board of county canvassers, the board of
5 election inspectors shall deliver the duplicate returns required by
6 section 806 to the city or township clerk.

