March 11, 2021, Introduced by Reps. Steven Johnson, Brixie, Young, Fink and LaFave and referred to the Committee on Elections and Ethics.

A bill to amend 1954 PA 116, entitled "Michigan election law,"

by amending sections 579 and 738 (MCL 168.579 and 168.738), as amended by 1996 PA 213, and by adding sections 736h and 763.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 579. (1) Except as otherwise provided in subsection (2), if an elector, after marking his or her ballot or absent voter
ballot, exposes its ballot or absent voter ballot to any person individual in a manner likely to reveal the name of any candidate for whom the elector voted, the board of election inspectors shall reject the ballot or absent voter ballot and the elector shall forfeit forfeits the right to vote at the primary. A note of the occurrence shall must be made upon on the poll list opposite the name of the elector.

(2) This section does not apply to either of the following:

(a) An elector who exposes his or her ballot to a minor child accompanying that elector in the booth or voting compartment under section 736a.

(b) An elector who displays a photograph of his or her marked election ballot or marked absent voter ballot if displayed more than 100 feet from an entrance to a building in which a polling place is located as provided in sections 736h and 763.

Sec. 736h. Notwithstanding any other provision of this act to the contrary, an elector may do any or all of the following:

(a) Use a camera, including, but not limited to, a cellular telephone camera, in a voting booth or voting compartment to take a photograph of his or her marked election ballot.

(b) Use a camera, including, but not limited to, a cellular telephone camera, in a voting booth or voting compartment to take a photograph of himself or herself with his or her marked election ballot.

(c) Display a photograph of his or her marked election ballot if displayed more than 100 feet from an entrance to a building in which a polling place is located.

Sec. 738. (1) Before leaving the booth or voting compartment, the elector shall fold his or her ballot or each of the ballots so
that no part of the face shall be exposed, and with the detachable corner on the outside. Upon leaving the booth, the elector shall at once deliver in public view the ballot or ballots to the election inspector designated to receive the ballot or ballots. Except as provided in subsection (2), the election inspector shall tear off the corner of the ballot, where perforated, containing the number and shall then in the presence of the elector and the board of election inspectors deposit each ballot in the proper ballot box without opening the ballot.

(2) If an elector shows his or her ballot or absent voter ballot or any part of the ballot or absent voter ballot to any person other than a person lawfully assisting him or her in the preparation of the ballot or absent voter ballot or a minor child accompanying that elector in the booth or voting compartment under section 736a, after the ballot or absent voter ballot has been marked, to disclose any part of the face of the ballot or absent voter ballot, the ballot shall be marked "rejected for exposure", and shall be disposed of as are other rejected ballots. If an elector exposes his or her ballot or absent voter ballot, a note of the occurrence shall be entered on the poll list opposite his or her name and the elector shall not be allowed to vote at the election.

(3) Subsection (2) does not apply to an elector who displays a photograph of his or her marked election ballot or marked absent voter ballot if displayed more than 100 feet from an entrance to a building in which a polling place is located as provided in
sections 736h and 763.

Sec. 763. Notwithstanding any other provision of this act to the contrary, an absent voter may do any or all of the following:

(a) Use a camera, including, but not limited to, a cellular telephone camera, to take a photograph of his or her marked absent voter ballot.

(b) Use a camera, including, but not limited to, a cellular telephone camera, to take a photograph of himself or herself with his or her marked absent voter ballot.

(c) Display a photograph of his or her marked absent voter ballot if displayed more than 100 feet from an entrance to a building in which a polling place is located.

Enacting section 1. This amendatory act takes effect 90 days after the date it is enacted into law.