HOUSE BILL NO. 4966

June 03, 2021, Introduced by Reps. Eisen, Griffin, Reilly, Outman, Maddock, Carra, Borton, Rendon, Markkanen and Wozniak and referred to the Committee on Elections and Ethics.

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


THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Sec. 201. The board of county canvassers shall determine which
candidates for the offices named in section 191 of this act received the greatest number of votes and shall declare such candidates to be duly elected. The said board of county canvassers shall forthwith immediately make and subscribe on its statement of returns a certificate of such determination and deliver same that certificate to the county clerk within 14-21 days following the date of the election.

Sec. 581. (1) The returns of said a primary election shall must be canvassed and the results declared in the same manner and within the same time after the primary election and by the same officers as provided for general elections, except that in the case of For a primary election for the nomination of a candidate for the office of United States senator, or Senator, governor, or for the nomination of candidates for district offices in districts comprising more than 1 county, the county clerk of each county affected shall transmit to the secretary of state, within 14-21 days after the primary election, a certified statement of the number of votes received by each person individual for nomination as a candidate of any political party for any of the said offices.

(2) The secretary of state shall call a meeting of the board of state canvassers at his or her office not later than 20-22 days after the primary election, which date he The secretary of state shall forthwith immediately certify the date of the meeting to the chairman chairperson and secretary of the state central committee of each political party, for the purpose of canvassing the returns and declaring the results of the primary election for the nomination of the candidates for such those offices.

(3) The said board of state canvassers shall proceed in the same manner in canvassing the returns and in certifying, recording
and determining results of a primary election for the nomination of candidates for United States senator and governor as is done in canvassing the returns in the case of the election of state officials.

(4) In canvassing the returns of a primary election for the nomination of candidates for the offices of representative in congress, state senator, and representatives in the legislature, in districts composed of more than 1 county, said the board of state canvassers shall proceed in like the same manner as is done in canvassing the returns in case of the election of representatives in congress.

Sec. 811. (1) All election returns, including poll lists, statements, tally sheets, absent voters' return envelopes bearing the statement required by section 761, absent voters' records required by section 760, and other returns made by the inspectors of election of the several precincts must be carefully preserved and may be destroyed after the expiration of 2 years following the date of the primary or election at which the same were used.

(2) All applications executed under section 523, all voter registration applications executed by applicants under section 497(3) and (4), and all absent voters' applications must be carefully preserved and may be destroyed after the expiration of 6 years following the date of the primary or election at which those applications were executed.

(3) All ballots used at any primary or election may be destroyed after 30–180 days following the final determination of the board of canvassers with respect to the primary or election unless a petition for recount has been filed and not completed or
unless their destruction of the ballots is stayed by an order of a court.

Sec. 822. (1) The board of county canvassers shall then proceed without delay to canvass the returns of votes cast for all candidates for offices voted for and all questions voted on at the election, according to the precinct returns filed with the probate judge or presiding probate judge by the several city and township clerks, or in case of for local elections according to the precinct returns filed with the county clerk, and must conclude the canvass at the earliest possible time and in every case no later than the fourteenth-twenty-first day after the election.

(2) If the board of county canvassers fails to certify the results of any election for any officer or proposition by the fourteenth-twenty-first day after the election as provided, the board of county canvassers shall immediately deliver to the secretary of the board of state canvassers all records and other information pertaining to the election. The board of state canvassers shall meet immediately and make the necessary determinations and certify the results within the 10 days immediately following the receipt of the records from the board of county canvassers. The cost of the canvass must be borne by the county involved.

Sec. 841a. If, before the board of state canvassers completes the canvass and announces their determination of an election, a member of a board of county canvassers affirms in a signed affidavit to the board of state canvassers that his or her vote on certification was made under duress, that member of the board of county canvassers may rescind his or her vote on certification. If the change in vote by that member of the board of county canvassers
would reverse the certification of the county election results, the certification of those county election results must be rescinded.

Sec. 842. (1) The board of state canvassers, for the purpose of canvassing the returns and ascertaining and determining the result of an election, shall meet at the office of the secretary of state on or before the twentieth\textsuperscript{twenty-second} day after the election. The secretary of state shall appoint the day of the meeting and shall notify the other members of the board. The board has the power to adjourn from time to time to await the receipt or correction of returns, or for other necessary purposes, but shall complete the canvass and announce their determination not later than the fortieth day after the election. The board may at the time of its meeting, or an adjournment of its meeting, canvass the returns for any office for which the complete returns have been received.

(2) If the unofficial election returns show that the election of electors of President and Vice President of the United States is determined by a vote differential between the first place and second place candidates for President and Vice President of the United States of less than 25,000 votes, the secretary of state shall direct the boards of county canvassers to canvass returns for electors of President and Vice President of the United States on an expedited schedule. The secretary of state may direct the boards of county canvassers to complete the statements for electors of President and Vice President of the United States required by section 824 and certify the statements as required by section 828 to the secretary of state by the seventh day after the election or by a date before the fourteenth\textsuperscript{twenty-first} day after the election.
(3) The secretary of state may appoint the day for the board of state canvassers to conduct the expedited canvass of the returns for electors of President and Vice President of the United States and determine the results of that election. The day appointed for the expedited canvass must be as soon as practicable after receipt of the returns from the boards of county canvassers, but no later than the twentieth-twenty-second day after the election.

Sec. 847. (1) The secretary of state may authorize the release of all ballots, ballot boxes, voting machines, and equipment after 30 days following certification of an election by the board of state canvassers in a precinct other than a precinct in which 1 or more of the following occur:

(a) A petition for recount has been filed with the board of state canvassers.
(b) A petition has been filed pursuant to under section 879.
(c) A court of competent jurisdiction has issued an order restraining interference with ballots, ballot boxes, voting machines, and equipment.

(2) All ballots used at a primary or election must be retained and may only be destroyed after 180 days following the final determination of the board of canvassers with respect to the primary or election unless a petition for recount has been filed and not completed or unless the destruction of the ballots is stayed by an order of a court.