

SENATE BILL NO. 298

March 24, 2021, Introduced by Senators MCBROOM, LASATA, HORN, THEIS, STAMAS, ZORN, BARRETT and VANDERWALL and referred to the Committee on Elections.

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 201, 581, 822, and 842 (MCL 168.201, 168.581, 168.822, and 168.842), section 822 as amended by 2018 PA 614 and section 842 as amended by 2018 PA 382.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 201. The board of county canvassers shall determine which
2 candidates for the offices named in section 191 ~~of this act~~
3 received the greatest number of votes and shall declare ~~such~~**those**
4 candidates to be ~~duly~~-elected. The ~~said~~ board **of county canvassers**

1 shall ~~forthwith~~**immediately** make and subscribe on its statement of
2 returns a certificate of ~~such~~ determination and deliver ~~same~~**that**
3 **certificate** to the county clerk within ~~14~~**21** days following the
4 date of the election.

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

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

25 **(3)** The ~~said~~**board of state canvassers** shall proceed in the
26 same manner in canvassing the returns and in certifying, recording
27 and determining results of a primary election for the nomination of
28 candidates for United States ~~senator~~**Senator** and governor as is
29 done in canvassing the returns in the case of the election of state

1 officials.

2 (4) In canvassing the returns of a primary election for the
 3 nomination of candidates for the offices of ~~representative~~
 4 **Representative** in ~~congress, Congress,~~ state senator, and
 5 representatives in the legislature, in districts composed of more
 6 than 1 county, ~~said the~~ **board of state canvassers** shall proceed in
 7 ~~like the same~~ manner as is done in canvassing the returns ~~in case~~
 8 ~~of for~~ the election of ~~representatives~~ **Representatives** in
 9 ~~congress.~~ **Congress.**

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

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

1 Sec. 842. (1) The board of state canvassers, for the purpose
2 of canvassing the returns and ascertaining and determining the
3 result of an election, shall meet at the office of the secretary of
4 state on or before the ~~twentieth~~**twenty-second** day after the
5 election. The secretary of state shall appoint the day of the
6 meeting and shall notify the other members of the board. The board
7 has **the** power to adjourn from time to time to await the receipt or
8 correction of returns, or for other necessary purposes, but shall
9 complete the canvass and announce their determination not later
10 than the fortieth day after the election. The board may at the time
11 of its meeting, or an adjournment of its meeting, canvass the
12 returns for any office for which the complete returns have been
13 received.

14 (2) If the unofficial election returns show that the election
15 of electors of President and Vice President of the United States is
16 determined by a vote differential between the first place and
17 second place candidates for President and Vice President of the
18 United States of less than 25,000 votes, the secretary of state
19 shall direct the boards of county canvassers to canvass returns for
20 electors of President and Vice President of the United States on an
21 expedited schedule. The secretary of state may direct the boards of
22 county canvassers to complete the statements for electors of
23 President and Vice President of the United States required by
24 section 824 and certify the statements as required by section 828
25 to the secretary of state by the seventh day after the election or
26 by a date before the ~~fourteenth~~**twenty-first** day after the
27 election.

28 (3) The secretary of state may appoint the day for the board
29 of state canvassers to conduct the expedited canvass of the returns

1 for electors of President and Vice President of the United States
2 and determine the results of that election. The day appointed for
3 the expedited canvass must be as soon as practicable after receipt
4 of the returns from the boards of county canvassers, but no later
5 than the ~~twentieth~~ **twenty-second** day after the election.