

Ballot Proposal 2 of 2022



“PROMOTE THE VOTE” PETITION

Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

Proposal 22-2
November 8, 2022 General Election
Placed on the ballot by initiative petition
Complete to 10-13-22

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

Proposal 22-2 would amend sections 4 and 7 of Article II of the state constitution. Currently, section 4 grants registered voters several specific rights but generally authorizes the legislature to enact laws related to elections and voting protections, and section 7 establishes the Board of State Canvassers (BSC). The proposal would retain all current language in these sections, but it would add new provisions regarding election certifications, audits, and the acceptance of donated election equipment. It also would enumerate the following rights:

- A fundamental right to vote.
- Use of an early voting site up to nine days before election day.
- Counting of absentee ballots distributed to military personnel or those living overseas if properly completed and postmarked on or before election day.
- Use of a photo ID or a signed affidavit to verify voter identity.
- Placement on a permanent absentee voter list.
- Prepaid ballot postage and a state-funded ballot tracking notification system.
- Access to ballot drop boxes.

The following is the official language as it appears on the November 2022 ballot:

<p>Proposal 22-2</p> <p>A proposal to amend the state constitution to add provisions regarding elections.</p> <p>This proposed constitutional amendment would:</p> <ul style="list-style-type: none">• Recognize fundamental right to vote without harassing conduct;• Require military or overseas ballots be counted if postmarked by election day;• Provide voter right to verify identity with photo ID or signed statement;• Provide voter right to single application to vote absentee in all elections;• Require state-funded absentee-ballot drop boxes, and postage for absentee applications and ballots;• Provide that only election officials may conduct post-election audits;• Require nine days of early in-person voting;• Allow donations to fund elections, which must be disclosed;• Require canvass boards certify election results based only on the official records of votes cast. <p>Should this proposal be adopted?</p> <p style="text-align: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</p>

The Promote the Vote (PTV) initiative would make several changes to Article II of the Michigan Constitution to add several new voting rights, delegate election oversight responsibilities, and allow local governments to accept election equipment donations. Some, but not all, of the proposed changes reflect current statute, as described below.

The full text of the proposal as it appeared on the circulated petition can be found here: https://www.michigan.gov/sos/-/media/Project/Websites/sos/24delrio/Promote_the_Vote_MI_747933_7.pdf

The text of the amendment is also provided as an appendix to this summary.

Fundamental right to vote

Proposal 22-2 would recognize a fundamental right to vote for all registered and qualified voters. It would prohibit any law, rule, regulation, or other practice or procedure that would deny, abridge, interfere with, or unreasonably burden the right to vote. The proposal would also prohibit any harassing, threatening, or intimidating conduct that would have such an effect. Any Michigan citizen could bring a lawsuit in the circuit court for the county where they live to enforce their rights under these provisions.

Currently, the Michigan Election Law prohibits individuals from using “bribery, menace, or other corrupt means or device[s]” to influence, deter, or interrupt a voter during an election; such actions are felonies punishable by a fine of up to \$1,000 or up to five years in prison, or both.¹ The law also prohibits individuals from threatening or intimidating election challengers and prohibits challengers from threatening or intimidating voters.²

The right of voters to use an early voting site for at least nine days before election day

Qualified and registered voters would have the right to use an early voting site to vote in person in each statewide and federal election. Jurisdictions conducting non-statewide (i.e., local) elections would be allowed (but not required) to offer early voting.

Voters at all early voting sites (including those offered for non-statewide elections) would generally have the same rights, and would generally be subject to the same requirements, as voters at a voting site on election day. An early voting site, however, would be able to serve voters from more than six precincts and voters from more than one municipality within a county. Additionally, any laws limiting the number of voters assigned to a precinct would not apply to an early voting site. Jurisdictions conducting elections within a county would be able to enter into an agreement to share an early voting site, and a jurisdiction conducting an election would be able to enter an agreement with the appropriate county clerk to authorize the clerk to hold early voting for that jurisdiction.

Each early voting site would have to be open for at least nine days prior to an election, beginning on the second Saturday before the election and ending on the Sunday before the election. The sites would have to be open for at least eight hours each day, and they could be open for additional days and hours. No results could be generated or reported from an early voting site until after 8:00 p.m. on election day.

¹ <http://legislature.mi.gov/doc.aspx?mcl-168-932>

² <http://legislature.mi.gov/doc.aspx?mcl-168-733>

The right of voters serving in the military or living overseas to have an absentee ballot counted if postmarked on or before election day

An absentee ballot cast by a military or overseas voter would have to be counted if the ballot was postmarked on or before election day and received by the appropriate election official within six days of election day.

Currently, the Michigan Election Law generally requires these ballots to be counted if they are received by the time that the polls close on election day.³

The right to use a photo ID or signed affidavit to verify voter identity

All United States citizens who are qualified and registered to vote in Michigan would have the right to prove their identity when voting by providing either a photo ID (including an ID issued by a tribal government or an educational institution) or by signing an affidavit verifying their identity. The proposal would prohibit election officials from requiring a voter to cast a provisional ballot if the voter executes an affidavit instead of providing a photo ID.

If applying for or casting an absentee ballot without doing so in person, voters would be allowed to prove their identity by providing a signature to an authorized election official. The election official would then have to verify the signature and notify the voter if the signature does not sufficiently match what is on file in that voter’s registration record. Voters would have the right to an immediate notification of a signature issue and the right to be provided an “equitable opportunity” to correct the issue.

Currently, the Michigan Election Law requires individuals to present a valid photo ID or other authorized identification card when registering to vote or voting, but individuals who do not have those forms of identification must still be allowed to register or vote after signing an affidavit of identity.⁴ Proposal 22-2 would place this practice in the state constitution.

The right to be placed on a permanent absent voter (AV) list

Qualified and registered Michigan voters would have the right to apply to automatically receive an absentee ballot for each future election. Election officials could not require any voter on the permanent absentee list to submit another application to receive a ballot. If a voter moved within the state and provided an updated voter registration address, the voter would remain on the list and would not need to provide a new application.

This right would be rescinded only under the following circumstances:

- The voter submits a signed request to rescind.
- The voter is no longer qualified to vote.
- The secretary of state (SOS) or election official responsible for issuing absentee ballots receives reliable information that the voter has moved to another state.
- The SOS or election official responsible for issuing absentee ballots receives reliable information that the voter has moved within the state but has not provided an updated voter registration address.
- The voter does not vote for six consecutive years.

³ <http://legislature.mi.gov/doc.aspx?mcl-168-759a>

⁴ <http://legislature.mi.gov/doc.aspx?mcl-168-497c> (registration) and <http://legislature.mi.gov/doc.aspx?mcl-168-523> (voting)

The right to prepaid postage and ballot tracking

The proposal would require all absentee ballot applications and absentee ballots to be distributed with state-funded prepaid return postage, meaning that voters would not be required to supply their own postage to return an application or ballot by mail. Michigan would be required to establish and fund a system to track submitted absent voter ballot applications and absent voter ballots. Voters would be able to opt in to electronic notifications that provide updates on the status of a voter's submitted application or ballot, notifications of any deficiency with a voter's submitted application or ballot, and instructions for addressing any such deficiencies.

Michigan currently has a ballot tracking system that voters can use to check their registration status, the date that an absentee ballot application was received by a clerk, the date that a ballot was sent by the clerk, and the date that the ballot was received by the clerk.⁵ The Michigan Election Law requires city and township clerks to use this ballot tracker when possible.⁶

The right to access and use ballot drop boxes

The state would have to fund and provide at least one drop box for every municipality, and municipalities with over 15,000 registered voters would have to receive at least one drop box for every 15,000 registered voters. The proposal would require the drop boxes to accept both absentee ballot applications and absentee ballots, and the boxes would have to be distributed equitably within municipalities. The drop boxes would have to be available 24 hours a day during the 40 days before any election and until 8:00 p.m. on election day.

Donations and contributions

The proposal would allow counties, cities, and townships to accept and use charitable donations and contributions to conduct and administer elections, as long as these donations and contributions are publicly disclosed and do not come from foreign funds or foreign sources. It would be the sole responsibility of a county, city, or township to decide whether or not to accept the donations or contributions.

Audits

The Michigan Election Law grants the SOS the authority to audit election precincts and to supervise county clerks during the election audit process.⁷ Proposal 22-2 would place this authority in the state constitution (which currently grants voters the right to have the result of a statewide election audited), as it would require the SOS to conduct these audits and would prohibit political party members, officers, and precinct delegates from having any role in the direction, supervision, or conduction of an election audit. The proposal would require audit methods to be established and publicized before an election, and all audits would have to be conducted in public. Additionally, election officials would have to maintain custody of all ballots and other election materials during the audit process, and any funding of the audit would have to be publicly disclosed.

⁵ The online ballot tracker, accessible by any registered voter, is here: <https://mvic.sos.state.mi.us/Voter/Index>

⁶ <http://legislature.mi.gov/doc.aspx?mcl-168-764c>

⁷ <http://legislature.mi.gov/doc.aspx?mcl-168-31a>

Outcome decided by ballots

The proposal would add a provision to the constitution stating that the outcome of every election in Michigan must be determined “solely by the vote of electors casting ballots in the election.”

Certification

The proposal would grant the state legislature the legal authority to establish boards of county canvassers and would state that it is the duty of a board of canvassers and its members to certify election results based solely on the certified statements of votes from counties (or, in the case of county boards, statements of returns from the precincts and absent voter counting boards in that county). The Board of State Canvassers would be explicitly recognized as the only body in Michigan that is authorized to certify the results of a statewide or federal election. Certifications would be final, subject only to a recount supervised by the Board of State Canvassers under a procedure established by law or a court order.

Similarly, the Board of State Canvassers (or a board of county canvassers when applicable) would be responsible for determining and certifying the winner of an election that has resulted in a tie.

BACKGROUND:

Under the Michigan Constitution of 1963, a proposed amendment to the constitution must be accompanied by the signatures of at least 10% of the number of votes cast for all candidates in the last gubernatorial election in order to go before the electorate. In the 2018 gubernatorial race, 4,250,585 votes were cast, meaning that a constitutional amendment initiative requires 425,059 signatures.⁸ Those signatures must be collected within 180 days, submitted to the secretary of state at least 120 days before the election, and verified as valid by the Board of State Canvassers.

In July 2022, a group called Promote the Vote submitted more than 660,000 signatures to the Michigan Bureau of Elections. After an audit of 568 randomly selected signatures, the Bureau reported that PTV had collected 507,780 valid signatures and recommended that the Board of State Canvassers place the initiative on the November 2022 ballot.⁹

However, the ballot question committee Defend Your Vote submitted a challenge to the PTV petition, arguing that the petition did not include all constitutional provisions that would be “altered or abrogated” (significantly changed or rendered wholly inoperable) by the proposed changes. As a result, the Board of State Canvassers deadlocked at its August 31 meeting, and the proposal was not approved for the ballot.

PTV filed a lawsuit challenging the BSC’s decision with the Michigan Supreme Court, which ruled on September 8 that the proposal would not abrogate any of the provisions identified by Defend Your Vote and that the BSC had a duty to certify the petition.¹⁰ On September 9, the

⁸ https://mielections.us/election/results/2018GEN_CENR.html

⁹ <https://www.michigan.gov/sos/-/media/Project/Websites/sos/BSC-Staff-Reports/Staff-Report-Promote-the-Vote.pdf>

¹⁰ The Court’s full order can be found here: https://www.courts.michigan.gov/4a54ab/siteassets/case-documents/uploads/sct/public/orders/164755_18_01.pdf

BSC unanimously certified that the initiative had received enough valid signatures and must be placed on the ballot as Proposal 22-2.

FISCAL IMPACT:

Proposal 22-2 would result in increased costs to both the state and local units of government from its new requirements. Proposed changes with fiscal impacts are described below.

STATE COSTS

Absent voter ballot drop boxes

The proposal would provide for “the right to at least one (1) state-funded secure drop box for every municipality” and for one drop box for every 15,000 registered voters for municipalities (cities and townships) with more than 15,000 registered voters. According to data from the state Bureau of Elections (BOE), there were just over 1,100 absent voter (AV) drop boxes available to the public as of August 2022. To meet the proposal’s requirements, the state would have to fund the purchase of an additional 690 drop boxes. AV ballot drop boxes generally range in price between \$1,000 and \$6,000, depending on their size and features. For estimating purposes, the average state-funded drop box price is assumed to cost \$3,000, for a total estimated cost of \$2.1 million. The requirement for state-supported drop boxes would appear to apply in all subsequent years as well, resulting in ongoing costs to replace approximately 1,800 drop boxes as they reach the end of their life cycle. An estimate for ongoing replacement and maintenance costs is not yet determined.

Additional factors could result in other drop box–related costs. The proposal would require drop boxes to be accessible 24 hours per day for a period of 40 days prior to the date of an election. It is not known how many existing drop boxes do not comply with this requirement and would need a new state-funded drop box to meet the requirement. Also, AV ballot drop boxes currently in use and ordered or installed prior to October 1, 2020, are exempt from security requirements later added in statute.¹¹ Under the proposal, the state may be responsible to fund any additional new drop boxes or costs of modifications should they no longer be considered a “secure drop box” and not comply with state law or BOE directives. Modifications to bring older drop boxes into compliance could cost between \$200 and \$350 per drop box.

Absent voter ballot and application postage

The proposal would also require the state to support the costs of prepaid return postage for AV ballot applications and AV ballots. Mailing AV ballot applications and AV ballots to voters is administered by municipal clerks offices. Total costs to the state would depend on implementation of the requirement and the postage rates obtained per mailing. Local clerks use a variety of postage services with corresponding varying rates, ranging from \$0.70 to \$1.50 per parcel. Costs would likely be supported through state reimbursements to local clerks. It is not known if any bulk-mail discounted rates could be obtained through the state.

Based on input from local clerks on postage costs, average prepaid postage costs are assumed at \$0.80 per parcel. The total number of AV ballots mailed varies each year depending on whether there is a gubernatorial or presidential general election or if it is an odd-numbered year. The number of AV ballot applications mailed each year would be expected to gradually

¹¹ Section 711d of the Michigan Election Law: <http://legislature.mi.gov/doc.aspx?mcl-168-761d>

decrease each election cycle as a result of the proposal's provision for a single signed AV ballot application covering all future elections. This analysis assumes a total of 6.0 million AV ballot applications and AV ballots mailed for the next even-year election cycle, bringing total state costs for that year to \$4.8 million. Costs would be expected to taper in subsequent years due to decreasing AV ballot applications until it stabilizes.

Absent voter ballot and application tracking system

The proposal would require a state-funded electronic tracking and notification system for voters to track the status of their AV ballot applications and ballots and to receive notifications of any deficiencies with their AV documents. The state currently provides a system to track AV ballots and applications through the BOE's Qualified Voter File computer system. It is not yet known if any modifications to the system would be required to comply with this provision. If modifications are needed, the Department of State may incur costs for computer programming. Costs for an AV ballot tracking system were one of several eligible expenses covered under federal Help American Vote Act election grants, described below. Any potential costs for modifying the tracking system would be eligible to be covered by these federal grants if funding is available.

LOCAL GOVERNMENT COSTS

Absent voter ballot drop boxes

While the proposal specifies that additional drop boxes would be state-funded, this would not cover peripheral election equipment costs related to using new ballot drop boxes. The Michigan Election Law requires all drop boxes placed outdoors to be video-monitored. Municipal clerks' offices would be required to purchase a video camera for each additional drop box in their jurisdiction if they do not already own it. The average cost for a security video camera with a data storage subscription is estimated at \$1,500. This amount does not include the cost of installation. Assuming a new video camera is needed for each new drop box, total costs to all municipalities would be slightly over \$1.0 million across 535 municipalities.

Other equipment costs municipalities may incur would be for BOE-approved ballot bags or containers for transporting AV ballots. These generally range between \$80 and \$250 each, depending on the size. One larger-sized ballot bag can hold up to 2,000 ballots.

Absent voter ballot and application prepaid return postage

The proposal's provision for state-funded prepaid return postage would result in a corresponding savings to each municipality in the amount they would have paid for postage for mailing AV ballots and applications. Postage costs vary greatly between small and large municipalities. The average savings per municipality would be approximately \$9,000, based on the state costs for postage estimated above. This average amount would skew high for most municipalities, however, due to the high number of small municipalities and the high costs of the fewer larger ones. Some municipalities may incur budget hardships if state reimbursements for postage are not provided in a timely manner.

Early voting sites

The proposal's requirement that early voting sites be made available for at least nine consecutive days before the election date and open for at least eight hours each day may come with substantial costs for some municipalities and counties. Municipal clerks' offices would be responsible for staffing and equipment costs for each site, unless they agree to share costs

with a county clerk. Costs would be dependent on the number of workers and if election inspectors are used. One estimate of costs for nine days of election inspector labor is \$35,000 on top of other staff costs. It is also not yet clear if early voting sites would require additional equipment or if existing equipment can be used for the early voting sites prior to the date of the election. New tabulators would cost approximately \$5,000 each. The proposal does not specify a minimum number of early voting sites per registered voters and therefore allows municipalities to choose whether they offer more than one early voting site.

FEDERAL HELP AMERICA VOTE ACT FUNDING

Michigan has received three rounds of election security grant funding, totaling \$34.0 million, authorized under the Help America Vote Act (HAVA), administered by the federal Election Assistance Commission (EAC), and appropriated under the Consolidated Appropriations Acts (CAA) of 2018 and 2021 as well as the Coronavirus Aid, Relief, and Economic Security Act (CARES Act). Of this total, a balance of \$15.9 million remains unexpended as of October 4, 2022. \$8.0 million of this balance, however, has been dedicated to a sub-grant program administered by the BOE to award funding to municipalities, up to \$1,500 per precinct, and to counties, up to \$150 per precinct. Grant funding is to support election security-related expenses, which could include security cameras, ballot storage, AV drop box security, election inspection support, among many other security needs.

A fourth round of HAVA election security grants has been appropriated by Congress under the CAA of 2022. Michigan's share of the funding would be \$1.8 million. Funding would be dependent upon successful application to the EAC and subject to state appropriation. 2022 election security grant funding could likewise be used for any election security-related expenses however this would not likely include expenses for AV ballot drop boxes, postage, or early voting sites. HAVA election security funding could therefore be eligible to help offset some costs to municipalities but would not support the more significant costs to the state for drop boxes and postage.

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations and does not constitute an official statement of legislative intent.

APPENDIX: THE TEXT OF THE AMENDMENT

Under Proposal 22-2, the relevant sections of Article IV of the state constitution would read as follows:

Sec. 4. (1) Every citizen of the United States who is an elector qualified to vote in Michigan shall have the following rights:

(a) The fundamental right to vote, including but not limited to the right, once registered, to vote a secret ballot in all elections. No person shall: (1) enact or use any law, rule, regulation, qualification, prerequisite, standard, practice, or procedure; (2) engage in any harassing, threatening, or intimidating conduct; or (3) use any means whatsoever, any of which has the intent or effect of denying, abridging, interfering with, or unreasonably burdening the fundamental right to vote.

Any Michigan citizen or citizens shall have standing to bring an action for declaratory, injunctive, and/or monetary relief to enforce the rights created by this part (a) of subsection (4)(1) on behalf of themselves. Those actions shall be brought in the circuit court for the county in which a plaintiff resides. If a plaintiff prevails in whole or in part, the court shall award reasonable attorneys' fees, costs, and disbursements.

For purposes of this part (a) of subsection (4)(1), "person" means an individual, association, corporation, joint stock company, labor organization, legal representative, mutual company, partnership, unincorporated organization, the state or a political subdivision of the state or an agency of the state, or any other legal entity, and includes an agent of a person.

(b) The right, if serving in the military or living overseas, to have an absent voter ballot sent to them at least forty-five (45) days before an election upon application and to have their absent voter ballot deemed timely received if postmarked on or before election day and received by the appropriate election official within six (6) days after such election. For purposes of this part (b) of subsection (4)(1), a postmark shall include any type of mark applied by the United States postal service or any delivery service to the return envelope, including but not limited to a bar code or any tracking marks, which indicates when a ballot was mailed.

(c) The right, once registered, to a "straight party" vote option on partisan general election ballots. In partisan elections, the ballot shall include a position at the top of the ballot by which the voter may, by a single selection, record a straight party ticket vote for all the candidates of one (1) party. The voter may vote a split or mixed ticket.

(d) The right to be automatically registered to vote as a result of conducting business with the secretary of state regarding a driver's license or personal identification card, unless the person declines such registration.

(e) The right to register to vote for an election by mailing a completed voter registration application on or before the fifteenth (15th) day before that election to an election official authorized to receive voter registration applications.

(f) The right to register to vote for an election by (1) appearing in person and submitting a completed voter registration application on or before the fifteenth (15th) day before that election to an election official authorized to receive voter registration applications, or (2) beginning on the fourteenth (14th) day before that election and continuing through the day of that election, appearing in person, submitting a completed voter registration application and providing proof of residency to an election official responsible for maintaining custody of the registration file where the person resides, or their deputies. Persons registered in accordance with subsection (1)(f) shall be immediately eligible to receive a regular or absent voter ballot.

(g) The right, once registered, to prove their identity when voting in person or applying for an absent voter ballot in person by (1) presenting their photo identification, including photo identification issued by a federal, state, local, or tribal government or an educational institution, or (2) if they do not have photo identification or do not have it with them, executing an affidavit verifying their identity. A voter shall not be required to vote a provisional ballot solely because they executed an affidavit to prove their identity.

(h) The right, once registered, to vote an absent voter ballot without giving a reason, during the forty (40) days before an election, and the right to choose whether the absent voter ballot is applied for, received and submitted in person or by mail. During that time, election officials authorized to issue absent voter ballots shall be available in at least one (1) location to issue and receive absent voter ballots during the election officials' regularly scheduled business hours and for at least eight (8) hours during the Saturday and/or Sunday immediately prior to the election. Those election officials shall have the authority to make absent voter ballots available for voting in person at additional times and places beyond what is required herein. Voters shall have the right to prove their identity when applying for or voting an absent voter ballot other than in person by providing their signature to the election official authorized to issue absent voter ballots. Those election officials shall: (1) verify the identity of a voter who applies for an absent voter ballot other than in person by comparing the voter's signature on the absent voter ballot application to the voter's signature in their registration record; and (2) verify the identity of a voter who votes an absent voter ballot other than in person by comparing the signature on the absent voter ballot envelope to the signature on the voter's absent voter ballot application or the signature in the voter's registration record. If those election officials determine from either of the comparisons in (1) or (2) of this part (h) of subsection (4)(1) that the signatures do not sufficiently agree, or if the voter's signature on the absent voter ballot application or absent voter ballot envelope is missing, the voter has a right to be notified immediately and afforded due process, including an equitable opportunity to correct the issue with the signature.

(i) The right to: (1) state-funded prepaid postage to return an absent voter ballot application provided to them by a Michigan election official; (2) state-funded prepaid postage to return a voted absent voter ballot; and (3) a state-funded system to track submitted absent voter ballot applications and absent voter ballots. The system shall permit voters to elect to receive electronic notifications regarding the status of the voter's submitted absent voter ballot application and absent voter ballot, inform voters of any deficiency with the voter's submitted absent voter ballot application or absent voter ballot, and provide instructions for addressing any such deficiency.

(j) The right to at least one (1) state-funded secure drop-box for every municipality, and for municipalities with more than fifteen thousand (15,000) registered voters at least one (1) drop-box for every fifteen thousand (15,000) registered voters, for the return of completed absent voter ballot applications and voted absent voter ballots. Secure drop-boxes shall be distributed equitably throughout the municipality and shall be accessible twenty-four (24) hours per day during the forty (40) days prior to any election and until eight (8) pm on election day.

(k) The right, once registered, to have an absent voter ballot sent to the voter before each election by submitting a single signed absent voter ballot application covering all future elections. An election official responsible for issuing absent voter ballots shall issue an absent voter ballot for each election to every voter in the jurisdiction who has exercised the right in this part (k) of subsection (4) (1) and shall not require such voter to submit a separate application for an absent voter ballot for any election. A voter's exercise of this right shall be rescinded only if: (1) the voter submits a signed request to rescind; (2) the voter is no longer qualified to vote; (3) the secretary of state or the election official responsible for issuing the voter an absent voter ballot receives reliable information that the voter has moved to another state, or has moved within this state without updating their voter registration address; or (4) the voter does not vote for six (6) consecutive years. The exercise of the right in this part (k) of subsection (4)(1) shall remain in effect without the need for a new absent voter ballot application when the voter changes their residence in this state and updates their voter registration address.

(l) The right to have the results of statewide elections audited, in such a manner as prescribed by law, to ensure the accuracy and integrity of elections. The secretary of state shall conduct election audits, and shall supervise and direct county election officials in the conduct of such audits. No officer or member of the governing body of a national, state, or local political party, and no political party precinct delegate, shall have any role in the direction, supervision, or conduct of an election audit. Public election officials shall maintain the security and custody of all ballots and election materials during an election audit. Election audits shall be conducted in public based on methods finalized and made public prior to the election to be audited. All funding of election audits shall be publicly disclosed.

(m) The right, once registered, to vote in each statewide and federal election in person at an early voting site prior to election day. Voters at early voting sites shall have the same rights and be subject to the same requirements as voters at polling places on election day. An early voting site is a polling place and shall be subject to the same requirements as an election day polling place, except that an early voting site may serve voters from more than six (6) precincts and may serve voters from more than one (1) municipality within a county. An early voting site shall also be subject to the same requirements as an election day precinct, except that any statutory limit on the number of voters assigned to a precinct shall not apply to an early voting site. Each early voting site shall be open for at least nine (9) consecutive days beginning on the second Saturday before the election and ending on the Sunday before the election, for at least eight (8) hours each day, and may be open for additional days and hours beyond what is required herein at the discretion of the election official authorized to issue ballots in the jurisdiction conducting the election. Jurisdictions conducting elections within a

county may enter into agreements to share early voting sites. A jurisdiction conducting an election may enter into an agreement with the clerk of the county in which it is located authorizing the county clerk to conduct early voting for the jurisdiction. Jurisdictions conducting non-statewide elections may offer early voting for such elections in accordance with the provisions of this part (m) of subsection (4)(1). No early voting results shall be generated or reported until after eight (8) pm on election day.

All rights set forth in this subsection shall be self-executing. This subsection shall be liberally construed in favor of voters' rights in order to effectuate its purposes. Nothing contained in this subsection shall prevent the legislature from expanding voters' rights beyond what is provided herein. This subsection and any portion hereof shall be severable. If any portion of this subsection is held invalid or unenforceable as to any person or circumstance, that invalidity or unenforceability shall not affect the validity, enforceability, or application of any other portion of this subsection.

(2) Except as otherwise provided in this constitution or in the constitution or laws of the United States the legislature shall enact laws to regulate the time, place and manner of all nominations and elections, to preserve the purity of elections, to preserve the secrecy of the ballot, to guard against abuses of the elective franchise, and to provide for a system of voter registration and absentee voting. No law shall be enacted which permits a candidate in any partisan primary or partisan election to have a ballot designation except when required for identification of candidates for the same office who have the same or similar surnames.

(3) A county, city, or township conducting an election may accept and use publicly-disclosed charitable donations and in-kind contributions to conduct and administer elections. The county, city, or township shall retain discretion over whether to accept or use any such donations or contributions. Charitable donations and in-kind contributions of foreign funds or from foreign sources are prohibited.

Sec. 7. (1) The outcome of every election in this state shall be determined solely by the vote of electors casting ballots in the election.

(2) A board of state canvassers of four members shall be established by law. No candidate for an office to be canvassed nor any inspector of elections shall be eligible to serve as a member of a board of canvassers. A majority of any board of canvassers shall not be composed of members of the same political party. The legislature may by law establish boards of county canvassers.

(3) It shall be the ministerial, clerical, nondiscretionary duty of a board of canvassers, and of each individual member thereof, to certify election results based solely on: (1) certified statements of votes from counties; or (2) in the case of boards of county canvassers, statements of returns from the precincts and absent voter counting boards in the county and any corrected returns. The board of state canvassers is the only body or entity in this state authorized to certify the results of an election for statewide or federal office and to determine which person is elected in such election.

(4) If the certified results for any office certified by the board of state canvassers show a tie among two (2) or more persons, the tie shall be resolved and the winner certified by the drawing of lots under rules promulgated by the board of state canvassers. If the certified results for an office certified by a board of county canvassers show a tie among two (2) or more persons, the tie shall be resolved and the winner certified by such board of canvassers under procedures prescribed by law.

(5) The certification of any election results by the board of state canvassers shall be final subject only to (a) a post-certification recount of the votes cast in that election supervised by the board of state canvassers under procedures prescribed by law; or (b) a post-certification court order.

(6) A board of canvassers is authorized to conduct post-certification recounts of election results under procedures prescribed by law.

(7) For purposes of this section “to certify” means to make a signed, written statement.