

**HOUSE SUBSTITUTE FOR  
SENATE BILL NO. 173**

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 31, 73, 283, 393, 509y, 509aa, 561a, 624, 624a, 686, 706, 727, 737, 745, 769, 782b, 795, 795c, 797a, 798c, 799a, 803, 804, 842, and 931 (MCL 168.31, 168.73, 168.283, 168.393, 168.509y, 168.509aa, 168.561a, 168.624, 168.624a, 168.686, 168.706, 168.727, 168.737, 168.745, 168.769, 168.782b, 168.795, 168.795c, 168.797a, 168.798c, 168.799a, 168.803, 168.804, 168.842, and 168.931), section 31 as amended by 1999 PA 220, sections 73, 283, 393, and 686 as amended by 1999 PA 216, sections 509y and 509aa as added by 1994 PA 441, sections 624 and 795 as amended by 1999 PA 218, section 624a as amended by 1988 PA 116, sections 706 and 737 as amended by 1985 PA 160, sections 727 and 769 as amended by 1995 PA 261, sections 795c and 798c as amended by 1990 PA 109, sections 797a and 931 as amended by 1996

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PA 583, and sections 799a and 803 as amended by 1997 PA 137, and by adding section 701; and to repeal acts and parts of acts.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 31. (1) The secretary of state shall do all of the  
2 following:

3       (a) Subject to subsection (2), issue instructions and  
4 promulgate rules ~~pursuant to~~ UNDER the administrative proce-  
5 dures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, for the  
6 conduct of elections and registrations in accordance with the  
7 laws of this state.

8       (b) Advise and direct local election officials as to the  
9 proper methods of conducting elections.

10       (c) Publish and furnish for the use in each election pre-  
11 cinct before each state primary and election a manual of instruc-  
12 tions that includes specific instructions on assisting voters in  
13 casting their ballots, directions on the location of voting sta-  
14 tions in polling places, procedures and forms for processing  
15 challenges, and procedures on prohibiting campaigning in the  
16 polling places as prescribed in this act.

17       (d) Publish indexed pamphlet copies of the registration,  
18 primary, and election laws and furnish to the various county,  
19 city, township, and village clerks a sufficient number of copies  
20 for their own use and to enable them to include 1 copy with the  
21 election supplies furnished each precinct board of election  
22 inspectors under their respective jurisdictions. The secretary  
23 of state may furnish single copies of the publications to

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1 organizations or individuals who request the same for purposes of  
2 instruction or public reference.

3 (e) Prescribe and require uniform forms, notices, and sup-  
4 plies the secretary of state considers advisable for use in the  
5 conduct of elections and registrations.

6 (f) Prepare the form of ballot for any proposed amendment to  
7 the constitution or proposal under the initiative or referendum  
8 provision of the constitution to be submitted to the voters of  
9 this state.

10 (g) Require reports from the local election officials the  
11 secretary of state considers necessary.

12 (h) Investigate, or cause to be investigated by local  
13 authorities, the administration of election laws, and report vio-  
14 lations of the election laws and regulations to the attorney gen-  
15 eral or prosecuting attorney, or both, for prosecution.

16 (i) Publish in the legislative manual the vote for governor  
17 and secretary of state by townships and wards and the vote for  
18 members of the state legislature cast at the preceding November  
19 election, which shall be returned to the secretary of state by  
20 the county clerks on or before the first day of December follow-  
21 ing the election. All clerks shall furnish to the secretary of  
22 state, promptly and without compensation, any further information  
23 requested of them to be used in the compilation of the legisla-  
24 tive manual.

25 (j) Establish a curriculum for comprehensive training and  
26 accreditation of all county, city, township, village, and school  
27 elections officials.

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1 (k) Establish and require attendance by ~~all new~~ EACH NEWLY  
2 appointed or elected election ~~officials~~ OFFICIAL at an initial  
3 course of instruction within 6 months ~~before~~ AFTER the date of  
4 the OFFICIAL'S election OR APPOINTMENT.

5 (l) Establish a comprehensive training curriculum for all  
6 precinct inspectors.

7 (m) Create an election day dispute resolution team that has  
8 regional representatives of the department of state, which team  
9 shall appear on site, if necessary.

10 (N) DO ALL OF THE FOLLOWING IN REGARD TO THE TRAINING OF  
11 ELECTION OFFICIALS:

12 (i) REQUIRE EACH LOCAL JURISDICTION TO REPORT A DETAILED  
13 PLAN FOR THE INSTRUCTION OF ITS PRECINCT INSPECTORS. A REPORT  
14 UNDER THIS SUBPARAGRAPH SHALL INCLUDE THE DATES AND TIMES OF  
15 SCHEDULED PRECINCT INSPECTOR TRAINING SESSIONS AND SHALL BE SUB-  
16 MITTED THROUGH THE QUALIFIED VOTER FILE SYSTEM AS PRESCRIBED BY  
17 THE SECRETARY OF STATE.

18 (ii) REQUIRE EACH COUNTY, CITY, AND TOWNSHIP ELECTION COM-  
19 MISSION THAT CONDUCTS PRECINCT INSPECTOR TRAINING SESSIONS TO  
20 SUBMIT A BIENNIAL REPORT LISTING THE INDIVIDUALS WHO ATTAIN  
21 ACCREDITATION UNDER SECTION 33.

22 (iii) REQUIRE EACH COUNTY, CITY, TOWNSHIP, AND VILLAGE ELEC-  
23 TION COMMISSION AND EACH SCHOOL BOARD TO SUBMIT A BIENNIAL REPORT  
24 ATTESTING THAT THE COUNTY'S, CITY'S, TOWNSHIP'S, OR VILLAGE'S  
25 CLERK OR SCHOOL BOARD'S SECRETARY IS ACCREDITED UNDER  
26 SUBDIVISIONS (J) AND (K). IF THAT ELECTION OFFICIAL IS NOT  
27 ACCREDITED UNDER SUBDIVISIONS (J) AND (K), THE ELECTION

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1 COMMISSION'S OR SCHOOL BOARD'S REPORT SHALL INCLUDE AN  
2 EXPLANATION OF WHY NOT AND SHALL SPECIFY THE DATE BY WHICH THE  
3 ELECTION OFFICIAL WILL BE ACCREDITED.

4 (O) REQUEST AN APPROPRIATION OF SUFFICIENT MONEY TO PRODUCE  
5 A COMPREHENSIVE TRAINING VIDEO FOR DISTRIBUTION TO EACH PRECINCT  
6 CHAIRPERSON AND VICE-CHAIRPERSON.

7 (2) ~~Pursuant to~~ UNDER the administrative procedures act of  
8 1969, 1969 PA 306, MCL 24.201 to 24.328, the secretary of state  
9 may promulgate rules establishing uniform standards for state and  
10 local nominating, recall, and ballot question petition  
11 signatures. The standards for petition signatures may include,  
12 but need not be limited to, standards for all of the following:

13 (a) Determining the validity of registration of a circulator  
14 or individual signing a petition.

15 (b) Determining the genuineness of the signature of a circu-  
16 lator or individual signing a petition.

17 (c) Proper designation of the place of registration of a  
18 circulator or individual signing a petition.

19 Sec. 73. Not more than 24 hours after the conclusion of the  
20 fall state convention, the state central committee of each polit-  
21 ical party shall canvass the proceedings of the convention and  
22 determine the nominees of the convention for the offices of lieu-  
23 tenant governor, secretary of state, and attorney general. Not  
24 more than 1 business day after the conclusion of the convention,  
25 the chairperson and secretary of the state central committee  
26 shall forward to the secretary of state ~~and to the board of~~  
27 ~~election commissioners of each county, in care of the county~~

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1 ~~clerk at the county seat,~~ a typewritten or printed list of the  
2 names and residence, including the street address if known, of  
3 candidates nominated at the state convention. THE SECRETARY OF  
4 STATE SHALL FORWARD A COPY OF A LIST RECEIVED UNDER THIS SECTION  
5 TO THE BOARD OF ELECTION COMMISSIONERS OF EACH COUNTY, IN CARE OF  
6 THE COUNTY CLERK AT THE COUNTY SEAT.

7       Sec. 283. Not more than 24 hours after the conclusion of  
8 the fall state convention, the state central committee of each  
9 political party shall canvass the proceedings of the convention  
10 and determine the nominees of the convention for membership on  
11 the state board of education, the board of regents of the univer-  
12 sity of Michigan, the board of trustees of Michigan state univer-  
13 sity, and the board of governors of Wayne state university. Not  
14 more than 1 business day after the conclusion of the state con-  
15 vention, the chairperson and secretary of the state central com-  
16 mittee shall forward by registered or certified mail to the sec-  
17 retary of state ~~and to the board of election commissioners of~~  
18 ~~each county, in care of the county clerk at the county seat,~~ a  
19 copy of the vignette adopted by the state central committee and a  
20 typewritten or printed list of the names and residence, including  
21 the street address if known, of the candidates nominated at the  
22 convention for the offices specified in this section. THE SECRE-  
23 TARY OF STATE SHALL FORWARD A COPY OF A LIST RECEIVED UNDER THIS  
24 SECTION TO THE BOARD OF ELECTION COMMISSIONERS OF EACH COUNTY, IN  
25 CARE OF THE COUNTY CLERK AT THE COUNTY SEAT.

26       Sec. 393. Not more than 24 hours after the conclusion of  
27 the fall state convention, the state central committee of each

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1 political party shall convene and canvass the proceedings of the  
2 convention and determine the nominee or nominees of the conven-  
3 tion for the office or offices of justice of the supreme court.  
4 Not more than 1 business day after the conclusion of the state  
5 convention, the chairperson and secretary of the state central  
6 committee shall forward by registered or certified mail to the  
7 secretary of state ~~and to the board of election commissioners of~~  
8 ~~each county, in care of the county clerk at the county seat,~~ a  
9 typewritten or printed list of the names and residence, including  
10 the street address if known, of the candidate or candidates nomi-  
11 nated at the convention for the office or offices of justice of  
12 the supreme court. THE SECRETARY OF STATE SHALL FORWARD A COPY  
13 OF A LIST RECEIVED UNDER THIS SECTION TO THE BOARD OF ELECTION  
14 COMMISSIONERS OF EACH COUNTY, IN CARE OF THE COUNTY CLERK AT THE  
15 COUNTY SEAT. The ~~names of the persons so certified~~ NAME OF EACH  
16 NOMINEE ON THE LIST shall be printed upon a nonpartisan judicial  
17 ballot containing no party designation together with the names of  
18 ~~any~~ incumbent justices filing an affidavit ~~pursuant to~~ UNDER  
19 section 392a.

20       Sec. 509y. (1) If a voter who has applied to register to  
21 vote as provided in this chapter on or before the close of regis-  
22 tration appears at a polling place on election day and is not  
23 listed in the registration records, ~~or~~ precinct voting list, OR  
24 QUALIFIED VOTER FILE, the inspectors of election shall allow the  
25 ~~person~~ INDIVIDUAL to vote if 1 of the following requirements is  
26 met:

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1 (a) The voter presents a receipt issued by a department of  
2 state office, a designated voter registration agency, or the  
3 office of the voter's county clerk verifying the acceptance of an  
4 application, the voter completes a new application, and the voter  
5 otherwise meets the qualifications to vote in that city or  
6 township.

7 (b) The voter is unable to present a receipt issued under  
8 this chapter verifying the acceptance of an application, the  
9 voter otherwise meets the qualifications to vote in that city or  
10 township, and, at the polling place or at a place as designated  
11 by the clerk within that jurisdiction, the voter does all of the  
12 following:

13 (i) Signs an affidavit affirming that the person submitted  
14 an application to a department of state office, a designated  
15 voter registration agency, or the office of his or her county  
16 clerk, or mailed an application as provided in this act, on or  
17 before the close of registration. ~~A person~~ AN INDIVIDUAL who  
18 provides information in a signed affidavit under this subpara-  
19 graph that is false is guilty of perjury.

20 (ii) Completes a new application.

21 (iii) Provides ~~proof of~~ PICTURE identification sufficient  
22 to ~~satisfy the clerk as to the~~ VERIFY THE VOTER'S identity and  
23 residence. ~~of the voter.~~

24 (2) IF AN INDIVIDUAL COMPLIES WITH SUBSECTION (1) SO THAT  
25 THE INSPECTORS OF ELECTION ARE REQUIRED TO ALLOW THE INDIVIDUAL  
26 TO VOTE, THE INDIVIDUAL'S BALLOT SHALL BE CONSIDERED A CHALLENGED  
27 BALLOT AND SHALL BE PROCESSED AS REQUIRED IN SECTION 745.

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1           Sec. 509aa. (1) A clerk may use change of address  
2 information supplied by the United States postal service or other  
3 reliable information received by the clerk that identifies regis-  
4 tered voters whose addresses may have changed as provided in this  
5 section.

6           (2) ~~A clerk shall update the registration of a voter upon~~  
7 ~~the receipt of reliable information that the voter has changed~~  
8 ~~his or her residence within the city or township. The clerk~~  
9 ~~shall send by forwardable mail to the voter a notice of the~~  
10 ~~transfer informing the voter that he or she is registered at the~~  
11 ~~new address. The clerk shall include with the notice a postage~~  
12 ~~prepaid and preaddressed return card on which the voter may~~  
13 ~~verify or correct the address information.~~ UPON RECEIPT OF RELI-  
14 ABLE INFORMATION THAT A REGISTERED VOTER HAS MOVED HIS OR HER  
15 RESIDENCE WITHIN THE CITY OR TOWNSHIP, THE CLERK SHALL SEND BY  
16 FORWARDABLE MAIL ALL OF THE FOLLOWING TO THE VOTER:

17           (A) A NOTICE THAT THE CLERK HAS RECEIVED INFORMATION INDI-  
18 CATING THAT THE VOTER HAS MOVED HIS OR HER RESIDENCE WITHIN THE  
19 CITY OR TOWNSHIP.

20           (B) A POSTAGE PREPAID AND PREAMDRESSED RETURN CARD ON WHICH  
21 THE VOTER MAY VERIFY OR CORRECT THE ADDRESS INFORMATION.

22           (C) A NOTICE EXPLAINING THAT, IF THE ADDRESS INFORMATION IS  
23 CORRECT AND THE VOTER HAS MOVED HIS OR HER RESIDENCE WITHIN THE  
24 CITY OR TOWNSHIP, THE VOTER SHOULD COMPLETE AND RETURN THE CARD  
25 TO THE CLERK WITH A POSTMARK OF 30 DAYS OR MORE BEFORE THE DATE  
26 OF THE NEXT ELECTION. IF THE VOTER HAS MOVED HIS OR HER  
27 RESIDENCE WITHIN THE CITY OR TOWNSHIP AND DOES NOT COMPLETE AND

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1 RETURN THE CARD TO THE CLERK WITH A POSTMARK OF 30 DAYS OR MORE  
2 BEFORE THE DATE OF THE NEXT ELECTION, THE VOTER WILL BE REQUIRED  
3 TO VOTE IN HIS OR HER FORMER PRECINCT OF RESIDENCE IN THE CITY OR  
4 TOWNSHIP. THE VOTER WILL ALSO BE REQUIRED TO SUBMIT AN ADDRESS  
5 CORRECTION BEFORE BEING PERMITTED TO VOTE.

6 (3) Upon the receipt of reliable information that a regis-  
7 tered voter has moved his or her residence to another city or  
8 township, the clerk shall send by forwardable mail all of the  
9 following to the voter:

10 (a) A notice that the clerk has received information indi-  
11 cating that the voter has moved HIS OR HER RESIDENCE to another  
12 city or township.

13 (b) A postage prepaid and preaddressed return card on which  
14 the voter may verify or correct the address information.

15 (c) A notice containing all of the following information:

16 (i) If the address information is incorrect and the voter  
17 has not moved HIS OR HER RESIDENCE to another city or township  
18 and wishes to remain registered to vote, the voter should com-  
19 plete and return the card to the clerk with a postmark of 30 days  
20 or more before the date of the next election. If the card is not  
21 completed and returned with a postmark of 30 days or more before  
22 the date of the next election, the voter may be required to  
23 affirm his or her current address before being permitted to  
24 vote. Further, if the voter does not vote in an election within  
25 the period beginning on the date of the notice and ending on the  
26 first business day immediately following the second November  
27 general election that is held after the date on the notice, the

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1 registration of the voter will be canceled and his or her name  
2 will be removed from the registration record of that city or  
3 township.

4 (ii) If the voter has moved his or her residence to another  
5 city or township, information on how the voter can become regis-  
6 tered to vote at the next election in his or her new city or  
7 township.

8 (4) If a notice sent under this section is returned to the  
9 clerk by the post office as undeliverable, the clerk shall iden-  
10 tify the registration record of a voter as challenged as provided  
11 in this act. The clerk shall instruct the board of election  
12 inspectors to challenge that voter at the first election at which  
13 the voter appears to vote. If in response to the challenge the  
14 voter indicates that he or she resides at the registration  
15 address or has changed addresses within the city or township, the  
16 voter shall be permitted to vote a regular ballot rather than a  
17 challenged ballot. The voter shall complete a change of address  
18 form at the polling place, if applicable. If the person does not  
19 appear to vote in an election within the period beginning on the  
20 date of the notice and ending on the first business day immedi-  
21 ately following the second November general election that is held  
22 after the date of the notice, the clerk shall cancel the regis-  
23 tration of the voter and remove his or her name from the regis-  
24 tration record of the city or township.

25 Sec. 561a. (1) In ~~any~~ A primary election, ~~whenever any~~  
26 IF A candidate for ~~public~~ ELECTIVE office has the same given  
27 NAME and surname as the ~~name~~ NAMES of the person last elected

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1 to ~~such office, when~~ THAT OFFICE AND IF the person last elected  
2 is not seeking renomination, below the name of ~~said~~ THE candi-  
3 date on the ballot shall appear the words "not the present  
4 .....". ~~and in said space shall be printed the~~ THE  
5 title of the office sought SHALL APPEAR IN THE SPACE. The size  
6 of type used ~~in any other designation on the ballot shall not be~~  
7 ~~reduced in size from~~ FOR A DESIGNATION UNDER THIS SECTION SHALL  
8 NOT BE SMALLER THAN the size of type normally used FOR ANY OTHER  
9 BALLOT DESIGNATION.

10 (2) FOR THE PURPOSE OF THIS SECTION, A CANDIDATE'S AND AN  
11 OFFICEHOLDER'S SURNAMES SHALL NOT BE CONSIDERED DIFFERENT SOLELY  
12 BECAUSE 1 OR BOTH OF THE SURNAMES INCLUDE A GENERATIONAL  
13 DESIGNATION.

14 Sec. 624. (1) A person holding a public office in this  
15 state or a municipal subdivision of this state may become a can-  
16 didate for delegate to the county or district conventions.

17 (2) A candidate for delegate to the county or district con-  
18 ventions of a political party shall be a qualified and registered  
19 elector residing within, as well as having his or her actual bona  
20 fide residence within, the election precinct for which he or she  
21 desires to become a candidate on the filing deadline. A candi-  
22 date shall file an affidavit of identity as prescribed in section  
23 ~~558(1)~~ 558 with the county clerk of the county or the clerk of  
24 the city or township in which the candidate resides. A clerk  
25 shall receive affidavits of identity under this section up to 4  
26 p.m. on the twelfth Tuesday preceding the time designated for  
27 holding a primary election in the county. Within 4 days after

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1 the last day for filing affidavits of identity under this  
2 section, the city or township clerk shall forward to the county  
3 clerk the affidavit of identity of each candidate who has quali-  
4 fied for a position on the primary ballot. All duly elected and  
5 certified delegates shall be seated at the county or district  
6 county conventions. A person violating this section is guilty of  
7 a misdemeanor.

8 (3) If a written complaint is made to the county clerk with  
9 respect to the registration or bona fide residence, or both, of a  
10 candidate, the county clerk shall check with the township or city  
11 clerk of the township or city in which the candidate is regis-  
12 tered or residing, or both. The township or city clerk shall  
13 report back to the county clerk within 48 hours as to the regis-  
14 tration or bona fide residence, or both, of the candidate. ~~If~~

15 (4) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, IF the  
16 township or city clerk's report shows that the candidate is not a  
17 registered elector or a bona fide resident of the election pre-  
18 cinct of the township or city for which the petition shows the  
19 candidate is a resident, the county clerk shall remove the name  
20 of the candidate from the ballot. ~~A complaint~~ THE COUNTY CLERK  
21 SHALL NOT REMOVE A CANDIDATE'S NAME FROM THE BALLOT IF THE SOLE  
22 REASON THAT THE CANDIDATE NO LONGER RESIDES IN THE PRECINCT IS AS  
23 A RESULT OF A DIVISION, CONSOLIDATION, OR REARRANGEMENT OF THE  
24 PRECINCT UNDER SECTION 656, 658, OR 661. A COUNTY CLERK SHALL  
25 NOT ACT UPON A COMPLAINT UNDER SUBSECTION (3) THAT IS received by  
26 the county clerk after the ballots have been released for

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1 printing and before the primary election. ~~shall not be acted~~  
2 ~~upon.~~

3 (5) IF A COUNTY CLERK DOES NOT REMOVE A CANDIDATE'S NAME  
4 UNDER SUBSECTION (4) BECAUSE THE CHANGE IN THE CANDIDATE'S PRE-  
5 CINCT IS A RESULT OF A CHANGE IN THE PRECINCT'S BOUNDARIES UNDER  
6 SECTION 656, 658, OR 661, THE COUNTY CLERK SHALL NOTIFY THE CAN-  
7 DIDATE ABOUT THE CHANGE IN HIS OR HER PRECINCT BOUNDARIES, THAT  
8 THE CANDIDATE REMAINS A QUALIFIED CANDIDATE, AND THAT THE  
9 CANDIDATE'S NAME WILL APPEAR ON THE BALLOT FOR THE PRECINCT IN  
10 WHICH THE CANDIDATE CURRENTLY RESIDES.

11 Sec. 624a. (1) A precinct delegate may resign his or her  
12 office upon written notice to the chairperson of the county com-  
13 mittee and the county clerk of the county or district in which  
14 the delegate resides.

15 (2) A person who has filed petitions for precinct delegate  
16 may withdraw his or her name from the ballot by filing a state-  
17 ment of withdrawal with the county clerk within 72 hours after 4  
18 p.m. of the last day to file for the office of precinct  
19 delegate.

20 (3) A person elected to fill a delegate vacancy or elected  
21 as a precinct delegate is not qualified to participate in a con-  
22 vention if, at the time of the convention, that person does not  
23 reside in the precinct from which he or she was elected. A dele-  
24 gate is not disqualified if the delegate no longer resides in the  
25 precinct as a result of a division, CONSOLIDATION, or rearrange-  
26 ment of the precinct under section 656, ~~660~~ 658, or 661.

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1 (4) If a written complaint is made to the county clerk  
2 regarding a delegate's qualification to hold the office, the  
3 county clerk shall check with the township or city clerk of the  
4 township or city in which the delegate indicated on the nominat-  
5 ing petition as his or her place of residence. The township or  
6 city clerk shall report back to the county clerk within 48 hours  
7 as to the complaint made under this subsection. If the township  
8 or city clerk's report shows that the delegate is not qualified  
9 to hold the office, the county clerk shall certify to the chair-  
10 person of the county committee of the political party the name of  
11 the delegate of that political party who is no longer qualified  
12 to hold the office of delegate under this subsection.

13 Sec. 686. Within 24 hours after the conclusion of the state  
14 convention ~~prior to any~~ BEFORE A general election, the state  
15 central committee of each political party shall canvass the pro-  
16 ceedings of the convention and determine the nominees of the  
17 convention. Not more than 1 business day after the state conven-  
18 tion, the chairperson and secretary of the state central commit-  
19 tee shall forward ~~to the board of election commissioners of each~~  
20 ~~county, in care of the county clerk at the county seat, and~~ to  
21 the secretary of state ~~—~~ a typewritten or printed list of the  
22 names and residence, including the street address if known, of  
23 all candidates nominated at the state convention. In each presi-  
24 dential election year, the state central committee of each polit-  
25 ical party shall, at the same time, forward ~~to the board of~~  
26 ~~election commissioners of each county and~~ to the secretary of  
27 state the typewritten or printed names of the candidates of

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1 ~~such~~ THAT party ~~at the forthcoming election~~ for the offices  
2 of president of the United States and vice-president of the  
3 United States certified to by the chairman and secretary of the  
4 committees. A party is not required to certify nominations made  
5 at an official primary election. THE SECRETARY OF STATE SHALL  
6 FORWARD A COPY OF A LIST RECEIVED UNDER THIS SECTION TO THE BOARD  
7 OF ELECTION COMMISSIONERS OF EACH COUNTY, IN CARE OF THE COUNTY  
8 CLERK AT THE COUNTY SEAT.

9 SEC. 701. IN AN ELECTION TO CHOOSE THE OFFICEHOLDERS FOR  
10 MORE THAN 1 ELECTIVE OFFICE, AN ELECTOR IS PROHIBITED FROM VOTING  
11 A STRAIGHT POLITICAL PARTY TICKET, THAT IS, FROM VOTING FOR ALL  
12 OF THE CANDIDATES FOR ELECTIVE OFFICE WHO ARE ON THE BALLOT REP-  
13 RESENTING A SINGLE POLITICAL PARTY BY A SINGLE SELECTION ON THE  
14 BALLOT. A BALLOT THAT WOULD VIOLATE THIS SECTION SHALL NOT BE  
15 PRODUCED, PRINTED, OR DISTRIBUTED.

16 Sec. 706. The arrangement of the ballot containing the  
17 names of candidates for office shall conform as nearly as possi-  
18 ble to the following ~~plan~~ FORM, and shall contain the specific  
19 instructions ~~there~~ set forth IN THE FORM and no others:

20

21

OFFICIAL BALLOT

22 County of ..... Date .....

23 INSTRUCTIONS - ~~To vote a straight party ticket make a cross~~  
24 ~~(X) or check mark (Q/) in the circle under the name of your~~  
25 ~~party. Nothing further need be done. To vote for a candidate~~  
26 ~~not on your party ticket, make a cross (X) or a check mark (Q/)~~

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1 ~~in the square [ ] before the candidate's name.~~ Candidates for  
2 president and vice-president must be voted for as a unit, and the  
3 vote cannot be split. Candidates for governor and lieutenant  
4 governor must be voted for as a unit, and the vote cannot be  
5 split.

6 ~~If 2 or more candidates are to be elected to the same~~  
7 ~~office and you desire to vote for candidates not on your party~~  
8 ~~ticket, make a cross (X) or a check mark (Q/) in the square [ ]~~  
9 ~~before the names of the candidates for whom you desire to vote on~~  
10 ~~the other ticket, and strike out an equal number of names on your~~  
11 ~~party ticket, for that office.~~

12 ~~If you do not desire to vote any party ticket, do not make a~~  
13 ~~cross (X) or check mark (Q/) in the circle at the head of any~~  
14 ~~ticket, but make~~ MAKE a cross (X) or a check mark (Q/) in the  
15 square [ ] before the name of each candidate for whom you desire  
16 to vote.

17 If you wish to vote for a candidate not on ~~any ticket~~ THE  
18 BALLOT, write or place the name of that candidate on your ballot  
19 ~~opposite~~ UNDER the name of the office AND MAKE A CROSS (X) OR A  
20 CHECK MARK (Q/) IN THE SQUARE [ ] BEFORE HIS OR HER NAME.

21 Before leaving the booth, fold the ballot so that the face  
22 of the ballot is not exposed and so that the numbered corner is  
23 visible.

24 =====  
==

25 Name of	Vignette	Vignette	Vignette
26 Offices	with	with	with
27 Voted For:	Name of Party	Name of Party	Name of
28 Party	[ ]	[ ]	[ ]

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1 =====
2 ==
3 Name of Name of Name of
4 PRESIDENTIAL Candidate for Candidate for Candidate for
5 Electors of President. President. President.
6 and Vice- [] Name of [] Name of [] Name of
7 President of Candidate for Candidate for Candidate for
8 the United Vice-President. Vice-President. Vice-
9 States
10 -----
11 Governor Governor Governor
12 STATE Name of Name of Name of
13 Governor and Candidate Candidate Candidate
14 Lieutenant [] Lieut. Governor [] Lieut. Governor [] Lieut.
15 Governor Name of Name of Name of
16 Candidate Candidate Candidate
17 -----
18 Secretary of Secretary of Secretary of
19 STATE State State
20 Governor and [] Name of [] Name of [] Name of
21 Lieutenant Governor [] Lieut. Governor [] Lieut.
22 Candidate Candidate Candidate
23 =====
24 ==
25 CONGRESSIONAL U.S. Senator U.S. Senator U.S. Senator
26 United States [] Name of [] Name of [] Name of
27 Senator Candidate Candidate Candidate
28 -----
29 U.S. Repre- U.S. Repre- U.S. Repre-
30 present- sentative sentative sentative
31 tive in [] Name of [] Name of [] Name of
32 Congress Candidate Candidate Candidate
33 .....District
34 =====
35 ==
36 LEGISLATIVE State Senator State Senator State Senator
37 Senator [] Name of [] Name of [] Name of
38 .....District Candidate Candidate Candidate
39 -----
40 State Repre- State Repre- State Repre-
41 sentative sentative sentative
42 active [] Name of [] Name of [] Name of
43 .....District Candidate Candidate Candidate
44 =====
45 ==
46 COUNTY Pros. Attorney Pros. Attorney Pros.
47 Attorney [] Name of [] Name of [] Name of
48 Prosecuting Candidate Candidate Candidate
49 Attorney
50 -----
51 Sheriff Sheriff Sheriff
52 Sheriff [] Name of [] Name of [] Name of
53 Candidate Candidate Candidate
54 =====
55 ==
56 Sec. 727. (1) An election inspector shall challenge a
57 person AN INDIVIDUAL applying for ballots if the ELECTION

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52 inspector knows or has good reason to suspect THAT the applicant

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1 is not a qualified and registered elector of the precinct, IF THE  
2 APPLICANT'S NAME DOES NOT APPEAR IN AT LEAST 1 OF THE REGISTRA-  
3 TION BOOK, PRECINCT VOTING LIST, OR QUALIFIED VOTER FILE, or if a  
4 challenge appears in connection with the applicant's name in the  
5 registration book. A registered elector of the precinct present  
6 in the polling place may challenge the right of anyone attempting  
7 to vote if the elector knows or has good reason to suspect that  
8 ~~person~~ THE INDIVIDUAL is not a registered elector in that  
9 precinct. An election inspector or other qualified challenger  
10 may challenge the right of ~~a person~~ AN INDIVIDUAL attempting to  
11 vote who has previously applied for an absent voter ballot and  
12 who on election day is claiming to have never received the absent  
13 voter ballot or to have lost or destroyed the absent voter  
14 ballot.

15 (2) Upon a challenge being made under subsection (1), an  
16 election inspector shall immediately do all of the following:

17 (a) ~~Identify pursuant to section~~ PROCESS AS PROVIDED IN  
18 SECTIONS 745 AND 746 ~~any~~ A ballot voted by the challenged indi-  
19 vidual, if any.

20 (b) Make a written report including all of the following  
21 information:

22 (i) All election disparities or infractions complained of or  
23 believed to have occurred.

24 (ii) The name of the ~~person~~ INDIVIDUAL making the  
25 challenge.

26 (iii) The time of the challenge.

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1 (iv) The name, telephone number, and address of the  
2 challenged individual.

3 (v) ~~Any other~~ OTHER information considered appropriate by  
4 the election inspector.

5 (c) Retain the written report created under subdivision (b)  
6 and make it a part of the election record.

7 (3) A challenger shall not make a challenge indiscriminately  
8 and without good cause. A challenger shall not handle the poll  
9 books while observing election procedures or the ballots during  
10 the counting of the ballots. A challenger shall not interfere  
11 with or unduly delay the work of the election inspectors. A  
12 person who challenges a qualified and registered elector of a  
13 voting precinct for the purpose of annoying or delaying voters is  
14 guilty of a misdemeanor.

15 Sec. 737. ~~The~~ AFTER RECEIVING THE BALLOTS AS PROVIDED IN  
16 SECTION 736, THE elector shall then go directly into ~~a~~ AN UNOC-  
17 CUPIED VOTING booth ~~which is unoccupied~~ and indicate in the  
18 following manner, with pencil or pen on the proper ballot, the  
19 candidate or candidates for whom the elector desires to vote:

20 (a) ~~If the elector desires to vote a straight ticket, the~~  
21 ~~elector may make a cross (X) or a check mark (Q/) in the circle~~  
22 ~~under the name of that party at the head of the ballot. Nothing~~  
23 ~~further need be done.~~ IF THE ELECTOR WISHES TO VOTE FOR A CANDI-  
24 DATE ON THE BALLOT, THE ELECTOR SHALL MAKE A CROSS (X) OR A CHECK  
25 MARK (Q/) IN THE SQUARE BEFORE THE CANDIDATE'S NAME.

26 ~~(b) If only 1 candidate is to be elected to an office and~~  
27 ~~the elector desires to vote for a candidate not on the elector's~~

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1 ~~party ticket, the elector should make a cross (X) or a check mark~~  
2 ~~(Q/) in the circle under the name of the elector's party, and~~  
3 ~~also make a cross (X) or a check mark (Q/) in the square before~~  
4 ~~the name of the candidate for whom the elector desires to vote on~~  
5 ~~the other ticket. In such case, it shall not be necessary to~~  
6 ~~cross off the name of the candidate on the elector's party~~  
7 ~~ticket. If the elector votes for more than 1 candidate for the~~  
8 ~~same office where only 1 candidate is to be elected to the~~  
9 ~~office, the ballot shall not be counted for either of the candi-~~  
10 ~~dates and shall be as to those candidates considered null and~~  
11 ~~void.~~

12       ~~(c) If 2 or more candidates are to be elected to the same or~~  
13 ~~like office, such as coroners, and the elector desires to vote~~  
14 ~~for a candidate or candidates not on the elector's party ticket~~  
15 ~~for the office, the elector should mark a cross (X) or a check~~  
16 ~~mark (Q/) in the circle under the elector's party name, and mark~~  
17 ~~a cross (X) or a check mark (Q/) in the square before the name or~~  
18 ~~names of the candidate or candidates for whom the elector desires~~  
19 ~~to vote on the other ticket or tickets, and also cross off an~~  
20 ~~equal number of names of the candidates for the office on the~~  
21 ~~elector's party ticket; but if the elector fails to cross off the~~  
22 ~~names of an equal number of candidates for the office on the~~  
23 ~~elector's party ticket, the elector shall be considered to have~~  
24 ~~crossed off the name of each candidate for the office which is~~  
25 ~~printed on the elector's party ticket opposite the name of the~~  
26 ~~candidate on some other party ticket in front of which name the~~  
27 ~~elector has made a cross (X) or a check mark (Q/).~~

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1       (B) ~~(d)~~ If the elector wishes to vote for a candidate not  
2 on ~~any ticket~~ THE BALLOT, the elector may write or place the  
3 name of that candidate on the elector's ballot opposite the name  
4 of the office and SHALL make a cross (X) or a check mark (Q/) in  
5 the ~~circle under the party~~ SQUARE [ ] BEFORE THE CANDIDATE'S  
6 name.

7       (C) ~~(e)~~ A ~~ballot marked with a cross (X) or a check mark~~  
8 ~~(Q/)~~ in a circle under a party name shall be considered a vote  
9 for ~~each of the candidates named in the party column whose name~~  
10 ~~is not crossed off, except those candidates where a cross (X) or~~  
11 ~~a check mark (Q/) is placed~~ in the square before the name of  
12 ~~some opposing~~ A candidate PRINTED on ~~another ticket,~~ THE  
13 BALLOT or ~~where there~~ BEFORE A NAME THAT is written or pasted  
14 on the ~~party ticket~~ a name which is not printed on any party  
15 ~~ticket~~ BALLOT IS CONSIDERED A VOTE FOR THAT CANDIDATE UNLESS AN  
16 ELECTOR HAS VOTED FOR MORE CANDIDATES FOR THE OFFICE THAN ARE TO  
17 BE ELECTED.

18       ~~(f)~~ If the name of any person who is not a candidate on any  
19 ~~ticket is written or placed on the party ticket opposite the name~~  
20 ~~of the office and there is a cross (X) or a check mark (Q/) in~~  
21 ~~the circle under the party name, the name so written or placed~~  
22 ~~shall be counted 1 vote for the person, whether the original name~~  
23 ~~on the party ticket is erased or not, excepting cases where there~~  
24 ~~is a cross (X) or a check mark (Q/) in the square before the name~~  
25 ~~of some opposite candidate on some other party ticket.~~

26       ~~(g)~~ If a cross (X) or a check mark (Q/) is not placed in the  
27 circle under the party name, a cross (X) or a check mark (Q/) in

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1 ~~the square before the name of any candidate shall be considered a~~  
2 ~~vote for that candidate except in cases where the elector votes~~  
3 ~~for more candidates for the same office than are to be elected.~~

4 (D) ~~-(h)-~~ An elector shall indicate the elector's preference  
5 on ~~any~~ A constitutional amendment or other submitted question  
6 by making a cross (X) or a check mark (Q/) in the square in front  
7 of the word "Yes" or in the square in front of the word "No"  
8 opposite or below the question on the proper ballots.

9 Sec. 745. (1) ~~Whenever at any election the ballot of any~~  
10 ~~person who has been challenged as an unqualified voter and who~~  
11 ~~has taken the oath provided by law in such case to be taken shall~~  
12 ~~be received by the inspectors of election, said inspectors shall~~  
13 ~~cause to be plainly endorsed on said ballot, with pencil, before~~  
14 ~~depositing the same in the ballot box, the number corresponding~~  
15 ~~to the number placed after such voter's name on the poll lists~~  
16 ~~without opening the same: Provided, That in case a ballot shall~~  
17 ~~be-~~ IF AN INDIVIDUAL WHO IS CHALLENGED AT AN ELECTION AS AN  
18 UNQUALIFIED VOTER TAKES THE OATH PROVIDED BY LAW FOR THAT CIRCUM-  
19 STANCE, IS GIVEN A BALLOT, AND VOTES, AN ELECTION INSPECTOR SHALL  
20 PLAINLY ENDORSE IN PENCIL ON THAT INDIVIDUAL'S BALLOT THE NUMBER  
21 CORRESPONDING TO THE NUMBER PLACED AFTER THE INDIVIDUAL'S NAME ON  
22 THE POLL LISTS. THE ELECTION INSPECTOR SHALL EXECUTE THE  
23 ENDORSEMENT BEFORE DEPOSITING THE BALLOT IN THE BALLOT BOX AND  
24 WITHOUT OPENING THE BALLOT.

25 (2) IF AN INDIVIDUAL BALLOT IS CONSIDERED A CHALLENGED  
26 BALLOT UNDER SECTION 509Y OR 769, AN ELECTION INSPECTOR SHALL  
27 PROCESS THAT INDIVIDUAL'S BALLOT IN THE SAME MANNER AS A

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1 CHALLENGED ELECTOR'S BALLOT UNDER SUBSECTION (1) AND SECTION  
2 746.

3 (3) IF A BALLOT REQUIRING AN ENDORSEMENT UNDER SUBSECTION  
4 (1) OR (2) IS so folded, defaced, printed, or prepared that  
5 ~~such~~ THE number cannot be legibly and permanently written on  
6 the ~~back thereof, said~~ BALLOT, THE ELECTION inspectors shall  
7 refuse to accept ~~such~~ THE ballot.

8 (4) A BALLOT THAT IS CONSIDERED A CHALLENGED BALLOT UNDER  
9 SECTION 509Y OR 769 SHALL BE PROCESSED IN THE SAME MANNER AS A  
10 CHALLENGED BALLOT UNDER THIS ACT.

11 Sec. 769. (1) An ~~absent voter~~ ELECTOR may vote in person  
12 within his or her precinct at an election, notwithstanding that  
13 he or she applies for an absent voter ballot and the ballot is  
14 mailed or otherwise delivered to the absent voter by the clerk.  
15 This subsection only applies if the ~~absent voter~~ ELECTOR does  
16 not vote the absent voter ballot mailed or otherwise delivered by  
17 the clerk.

18 (2) Before voting in person, except as otherwise provided in  
19 this section, the ~~absent voter~~ ELECTOR shall return the absent  
20 voter ballot to the board of election inspectors in his or her  
21 precinct. If an absent voter ballot is returned under this sub-  
22 section, the board of election inspectors shall mark it  
23 "CANCELED" and place it in the regular box with other canceled  
24 ballots.

25 (3) An ~~absent voter~~ ELECTOR who did not receive an absent  
26 voter ballot that he or she applied for or lost or destroyed an  
27 absent voter ballot he or she received, and who desires to vote

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1 in person in his or her precinct on election day, shall sign an  
2 affidavit to that effect before an election inspector. ~~and be~~  
3 ~~allowed to vote as otherwise provided in this act. However, a~~  
4 ~~voter being allowed to vote under this subsection is subject to~~  
5 ~~challenge as provided in section 727.~~ IF THE ELECTOR SIGNS THE  
6 AFFIDAVIT, THE ELECTOR SHALL BE ALLOWED TO VOTE A BALLOT THAT  
7 SHALL BE CONSIDERED A CHALLENGED BALLOT AND SHALL BE PROCESSED AS  
8 REQUIRED IN SECTION 745.

9 (4) A person who votes at an election both in person and by  
10 means of an absent voter ballot or a person who attempts to vote  
11 both in person and by means of an absent voter ballot is guilty  
12 of a felony.

13 (5) An election official who becomes aware of a person who  
14 votes or attempts to vote both in person and by means of an  
15 absent voter ballot shall report that information to the prose-  
16 cuting attorney for that county and to the secretary of state.

17 Sec. 782b. If there is no reserve machine available, emer-  
18 gency ballots may also be provided by the COUNTY board of elec-  
19 tion commissioners. ~~of the county, having~~ EMERGENCY BALLOTS  
20 SHALL HAVE suitable blank spaces to permit the voter to vote ~~a~~  
21 ~~straight party ticket, or if he desires to split his party~~  
22 ~~ticket, to indicate the party ticket the majority of whose candi-~~  
23 ~~dates he favors, together with the names of such other~~ FOR THE  
24 candidates for whom ~~he~~ THE ELECTOR desires to vote. The bal-  
25 lots shall be used only in emergency and upon special permission  
26 of the board or official whose duty it is to provide ballots for  
27 the election. ~~and who~~ THE BOARD OR OFFICIAL shall prepare

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1 ~~such~~ THE EMERGENCY ballots ~~which~~ THAT shall be held by the  
2 city, township, or village clerk, subject to the order of the  
3 county clerk or other authorized person. It shall not be neces-  
4 sary to provide emergency ballots for each election unless ~~same~~  
5 ~~shall~~ PREVIOUSLY PROVIDED BALLOTS have been used, destroyed, or  
6 lost, in which case similar ballots shall again be provided. If  
7 at any time during the election, the voting machine is disabled  
8 and cannot be repaired and no other voting machine ~~can be had to~~  
9 ~~supply its place~~ IS AVAILABLE, an emergency shall be declared to  
10 exist and the voting ~~thereafter~~ AFTER AN EMERGENCY IS DECLARED  
11 at that election in that voting precinct shall be by EMERGENCY  
12 ballot, in the manner provided in this section. The board or  
13 official ~~having the~~ THAT HAS custody of the emergency ballots,  
14 when so directed, shall supply a sufficient number of ~~such~~  
15 EMERGENCY ballots to the election board for use by the voters.  
16 One of the ballots shall be delivered by the election board to  
17 each voter who ~~may thereafter appear~~ ARRIVES to vote ~~and~~  
18 AFTER AN EMERGENCY IS DECLARED. EMERGENCY BALLOTS shall be voted  
19 and counted subject to the provisions relative to voting by  
20 ballot at general elections, except as ~~herein~~ otherwise pro-  
21 vided IN THIS SECTION. The ballots shall be numbered consecu-  
22 tively from 1 up, which number and identification shall be  
23 printed upon a perforated stub as in the case where only regular  
24 ballots are used at elections.

25       Sec. 795. (1) An electronic voting system acquired or used  
26 ~~pursuant to~~ UNDER sections 794 to 799a shall meet all of the  
27 following requirements:

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1 (a) Provide for voting in secrecy, except in the case of  
2 voters who receive assistance as provided by this act.

3 (b) Permit each elector to vote at an election for all per-  
4 sons and offices for whom and for which the elector is lawfully  
5 entitled to vote; to vote for as many persons for an office as  
6 the elector is entitled to vote for; and to vote for or against  
7 any question upon which the elector is entitled to vote. Except  
8 as otherwise provided in this subdivision, the electronic tabu-  
9 lating equipment shall reject all choices recorded on the  
10 elector's ballot for an office or a question if the number of  
11 choices exceeds the number that the elector is entitled to vote  
12 for on that office or question. Electronic tabulating equipment  
13 that can detect ~~and inform an elector voting in person~~ that the  
14 choices recorded on ~~the~~ AN elector's ballot for an office or a  
15 question exceeds the number that the elector is entitled to vote  
16 for on that office or question shall ~~offer the elector an oppor-~~  
17 ~~tunity to correct the error before rejecting the choices recorded~~  
18 ~~on the elector's ballot~~ BE PROGRAMMED TO REJECT A BALLOT CON-  
19 TAINING THAT TYPE OF AN ERROR.

20 (c) Permit an elector, at a presidential election, by a  
21 single selection to vote for the candidates of a party for presi-  
22 dent, vice-president, and presidential electors.

23 ~~(d) Permit an elector at other than a primary election to~~  
24 ~~vote for all of the candidates of a political party by a single~~  
25 ~~selection or to vote a split or mixed ticket.~~

26 (D) ~~(e)~~ Permit an elector in a primary election to vote  
27 for the candidates in the party primary of the elector's choice.

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1 Except as otherwise provided in this subdivision, the electronic  
2 tabulating equipment shall reject each ballot on which votes are  
3 cast for candidates of more than 1 political party. Electronic  
4 tabulating equipment that can detect ~~and inform an elector~~  
5 ~~voting in person~~ that the elector has voted for candidates of  
6 more than 1 political party shall ~~offer the elector an opportu-~~  
7 ~~nity to correct the error before rejecting the elector's ballot-~~  
8 BE PROGRAMMED TO REJECT A BALLOT CONTAINING THAT TYPE OF AN  
9 ERROR.

10 (E) ~~(f)~~ Prevent an elector from voting for the same person  
11 more than once for the same office.

12 (F) REJECT A BALLOT ON WHICH NO VALID VOTE IS CAST.  
13 ELECTRONIC TABULATING EQUIPMENT SHALL BE PROGRAMMED TO REJECT A  
14 BALLOT ON WHICH NO VALID VOTE IS CAST.

15 (g) Be suitably designed for the purpose used; be durably  
16 constructed; and be designed to provide for safety, accuracy, and  
17 efficiency.

18 (h) ~~Beginning June 18, 1990, be~~ BE designed to accommodate  
19 the needs of an elderly voter or a person with 1 or more  
20 disabilities.

21 (i) Record correctly and count accurately each vote properly  
22 cast.

23 (j) Provide an audit trail.

24 (k) Provide an acceptable method for an elector to vote for  
25 a person whose name does not appear on the ballot.

26 (l) Allow for accumulation of vote totals from the precincts  
27 in the jurisdiction. The accumulation software must meet

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1 specifications prescribed by the secretary of state and must be  
2 certified by the secretary of state as meeting these  
3 specifications.

4 (2) Electronic tabulating equipment that counts votes at the  
5 precinct before the close of the polls shall provide a method for  
6 rendering the equipment inoperable if vote totals are revealed  
7 before the close of the polls.

8 Sec. 795c. The different parts of the ballot, such as par-  
9 tisan, nonpartisan, and questions, shall be prominently indicated  
10 on the ballot label, and, if practicable, each part may be placed  
11 on a separate page, column, or display. If 2 or more elections  
12 are held on the same day, the ballot label shall be clearly  
13 marked to indicate the ballot for each election. ~~In partisan~~  
14 ~~elections the ballot label shall include a position by which the~~  
15 ~~voter may by a single selection record a straight party ticket~~  
16 ~~vote for all the candidates of 1 party. The voter may vote a~~  
17 ~~split or mixed ticket.~~

18 Sec. 797a. (1) Before entering the voting station, each  
19 elector shall be offered instruction in the proper method of  
20 voting on the electronic voting system. If the elector needs  
21 additional instruction after entering the voting station, 2 elec-  
22 tion inspectors from different political parties may, if neces-  
23 sary, enter the voting station and provide the additional  
24 instructions.

25 (2) If the electronic voting system provides for the use of  
26 a ballot that is processed through electronic tabulating  
27 equipment after the elector votes, the elector shall transport

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1 the ballot to the ballot box, or other approved ballot container,  
2 without exposing any votes. An election inspector shall ascer-  
3 tain, by comparing the number appearing on the ballot stub with  
4 the number recorded on the poll list, that the ballot delivered  
5 by the voter is the same ballot that was issued to the elector.  
6 If the numbers do not agree, the ballot shall be marked as  
7 "rejected", and the elector shall not be allowed to vote. If the  
8 numbers agree, an election inspector shall remove and discard the  
9 stub. Except as otherwise provided in ~~this~~ subsection (3), the  
10 election inspector shall deposit the ballot in the ballot box or  
11 other approved ballot container.

12 (3) If electronic tabulating equipment that deposits the  
13 voted ballot into the ballot box or other approved ballot con-  
14 tainer is used at the precinct, the election inspector shall  
15 return the ballot to the elector, and the elector shall then  
16 deposit the ballot into the electronic tabulating equipment. IF  
17 THIS ELECTRONIC TABULATING EQUIPMENT REJECTS A BALLOT DUE TO PRO-  
18 GRAMMING REQUIRED UNDER SECTION 795, THE ELECTOR SHALL BE OFFERED  
19 AN OPPORTUNITY TO CORRECT THE ERROR BY VOTING A REPLACEMENT  
20 BALLOT. IF THE VOTER REFUSES TO ACCEPT THE OPPORTUNITY TO VOTE A  
21 REPLACEMENT BALLOT, THE REJECTED BALLOT SHALL BE ACCEPTED AND  
22 TABULATED AS VOTED. The electronic tabulating equipment shall be  
23 arranged so that the secrecy of the ballot is not violated. If  
24 required for the proper operation of the electronic tabulating  
25 equipment, 2 election inspectors from different political parties  
26 may periodically open the equipment to rearrange voted ballots

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1 and may transfer voted ballots to another approved ballot  
2 container.

3       (4) ~~-(3)-~~ A ballot from which the stub is detached shall not  
4 be accepted by the election inspector in charge of the ballot box  
5 or other approved ballot container. An elector who spoils his or  
6 her ballot may return it and secure another ballot. The word  
7 "spoiled" shall be written across the face of the ballot, and the  
8 ballot shall be marked and secured for later return.

9       (5) ~~-(4)-~~ A ballot of a challenged voter that has the names  
10 of candidates and questions printed directly on the voted ballot  
11 shall be processed in the manner prescribed for challenging a  
12 vote cast by paper ballot. A challenge to a voter voting on an  
13 electronic voting system that does not use an individual hard  
14 copy ballot shall be processed in the manner prescribed for chal-  
15 lenging a vote cast on a voting machine.

16       (6) ~~-(5)-~~ Except as otherwise provided in this act, an elec-  
17 tion inspector shall not allow any portion of a ballot, including  
18 a ballot stub, to be removed by any person other than an election  
19 inspector from the polling place.

20       Sec. 798c. (1) Absentee votes may be cast on paper ballots  
21 or ballot cards or both. Absent voter ballots may be counted in  
22 the various voting precincts or may be counted by absent voter  
23 counting boards. Absentee votes cast on paper ballots may be  
24 recorded by election inspections on ballot cards for counting by  
25 tabulating equipment.

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1 (2) In an election held under this act, absent voters'  
2 ballots may be voted and processed in the manner provided by this  
3 chapter.

4 (3) IF ELECTRONIC TABULATING EQUIPMENT REJECTS AN ABSENT  
5 VOTER BALLOT DUE TO PROGRAMMING REQUIRED UNDER SECTION 795, THE  
6 REJECTED BALLOT SHALL BE INSPECTED TO CONFIRM THE PRESENCE OF THE  
7 ERROR BEFORE THE BALLOT IS PROCESSED. A VOTE FOR EACH ELECTIVE  
8 OFFICE OR BALLOT QUESTION IN WHICH AN ERROR IS CONFIRMED SHALL  
9 NOT BE COUNTED.

10 Sec. 799a. (1) This section governs the recounting of a  
11 ballot on which a voter has made a selection by means of a punch,  
12 mark, or stamp.

13 (2) If the electronic voting system requires that the elec-  
14 tor cast a vote by punching out a hole in a ballot, the vote  
15 shall not be considered valid unless the portion of the ballot  
16 designated as a voting position is completely removed or is hang-  
17 ing by 1 or 2 corners or the equivalent.

18 (3) If the electronic voting system requires that the elec-  
19 tor ~~cast a vote by marking or stamping~~ PLACE A MARK IN a prede-  
20 fined area on the ballot IN ORDER TO CAST A VOTE, the vote shall  
21 not be considered valid unless there is a mark ~~or stamp~~ within  
22 the predefined area. ~~and it is clearly evident that the intent~~  
23 ~~of the voter was to cast a vote. In determining intent of the~~  
24 ~~voter~~ A STRAY MARK MADE WITHIN THE PREDEFINED AREA IS NOT A  
25 VALID VOTE. IN DETERMINING WHETHER A MARK WITHIN A PREDEFINED  
26 AREA IS A STRAY MARK, the board of canvassers or election  
27 official shall compare the mark ~~or stamp~~ subject to recount

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1 with other marks ~~or stamps~~ appearing on the ballot. THE  
2 SECRETARY OF STATE SHALL ISSUE INSTRUCTIONS RELEVANT TO STRAY  
3 MARKS TO ENSURE THE FAIRNESS AND UNIFORMITY OF DETERMINATIONS  
4 MADE UNDER THIS SUBSECTION. A SECRETARY OF STATE'S INSTRUCTION  
5 RELEVANT TO STRAY MARKS SHALL NOT BE APPLIED TO A BALLOT UNLESS  
6 THE SECRETARY OF STATE ISSUED THE INSTRUCTION NOT LESS THAN 63  
7 DAYS BEFORE THE DATE OF THE ELECTION.

8 (4) Unless a petition for recount has been filed and the  
9 recount has not been completed, ballots, ballot labels, programs,  
10 test results, and other sealed materials may be released from  
11 their original seal after 7 days following the final determina-  
12 tion of the board of canvassers with respect to the election at  
13 which the ballots were voted. However, the released materials  
14 shall be secured and preserved for the time period required by  
15 this act and the rules promulgated by the secretary of state.

16 Sec. 803. (1) Except as otherwise provided in this act, the  
17 following rules ~~shall~~ govern the counting and recounting of  
18 votes:

19 (a) If it is clearly evident from an examination of ~~any~~ A  
20 ballot that the ballot has been mutilated for the purpose of dis-  
21 tinguishing it or that there has been placed on the ballot some  
22 mark, printing, or writing for the purpose of distinguishing it,  
23 then that ballot is void and shall not be counted.

24 (b) A cross, the intersection of which is within or on the  
25 line of the proper circle or square, or a check mark, the angle  
26 of which is within a circle or square, is valid. Crosses or  
27 check marks otherwise located on the ballot are void.

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1 (c) Marks other than crosses or check marks used to  
2 designate the intention of the voter shall not be counted.

3 (d) A cross is valid even though 1 or both lines of the  
4 cross are duplicated, if the lines intersect within or on the  
5 line of the square or circle.

6 (e) Two lines meeting within or on the line of the square or  
7 circle, although not crossing each other, are valid if it is  
8 apparent that the voter intended to make a cross.

9 (f) A failure to properly mark a ballot as to 1 or more can-  
10 didates does not alone invalidate the entire ballot if the ballot  
11 has been properly marked as to other candidates, unless the  
12 improper marking is determined to be a distinguishing mark as  
13 described in this subsection.

14 (g) Erasures and corrections on a ballot made by the elector  
15 in a manner frequently used for this purpose shall not be consid-  
16 ered distinguishing marks or mutilations.

17 (h) Any ballot or part of a ballot from which it is impossi-  
18 ble to determine the elector's choice of candidate is void as to  
19 the candidate or candidates affected by that determination.

20 (i) Any votes cast for a deceased candidate are void and  
21 shall not be counted, except that votes cast for a candidate for  
22 governor who has died, and for whom a replacement has not been  
23 made, shall be counted for the candidate for lieutenant governor  
24 of that party.

25 (j) All ballots cast that are not counted shall be marked by  
26 the inspector "not counted", kept separate from the others by

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1 being tied or held in 1 package, and placed in the ballot box  
2 with the counted ballots.

3 (k) A vote shall not be counted for any candidate unless ~~a~~  
4 ~~cross or a check mark has been placed by the voter in the circle~~  
5 ~~at the head of the party ticket, if any, on which the name of the~~  
6 ~~candidate has been printed, written, or placed or unless~~ a cross  
7 or a check mark has been placed by the voter in the square before  
8 the space in which the name of the candidate has been printed,  
9 written, or placed.

10 (2) If an electronic voting system requires that the elector  
11 place a mark in a predefined area on the ballot in order to cast  
12 a vote, the vote shall not be considered valid unless there is a  
13 mark within the predefined area. ~~and it is clearly evident that~~  
14 ~~the intent of the voter was to cast a vote. In determining~~  
15 ~~intent of the voter~~ A STRAY MARK MADE WITHIN THE PREDEFINED AREA  
16 IS NOT A VALID VOTE. IN DETERMINING WHETHER A MARK WITHIN A PRE-  
17 DEFINED AREA IS A STRAY MARK, the board of canvassers or election  
18 official shall compare the mark with other marks appearing on the  
19 ballot. THE SECRETARY OF STATE SHALL ISSUE INSTRUCTIONS RELEVANT  
20 TO STRAY MARKS TO ENSURE THE FAIRNESS AND UNIFORMITY OF DETERMI-  
21 NATIONS MADE UNDER THIS SUBSECTION. A SECRETARY OF STATE'S  
22 INSTRUCTION RELEVANT TO STRAY MARKS SHALL NOT BE APPLIED TO A  
23 BALLOT UNLESS THE SECRETARY OF STATE ISSUED THE INSTRUCTION NOT  
24 LESS THAN 63 DAYS BEFORE THE DATE OF THE ELECTION.

25 Sec. 804. In the canvass of votes cast for candidates for  
26 public office, the board shall ~~first select and count the~~  
27 ~~straight tickets and shall cause to be credited on the tally~~

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1 ~~sheets the number to each candidate voted for on a straight~~  
2 ~~ticket. All other ballots shall be counted and tallied~~ COUNT  
3 AND TALLY ALL BALLOTS in ~~such~~ THE manner as will best ~~insure~~  
4 ENSURE accuracy and promptness in determining the result. ~~, and~~  
5 ~~the~~ THE inspectors of election shall see that proper credit is  
6 given on the tally sheets to the candidates voted for on ~~such~~  
7 THE ballots. All computations and tallies shall be made upon the  
8 tally sheets used at ~~such~~ THE election.

9       Sec. 842. (1) The board of state canvassers, for the pur-  
10 pose of canvassing the returns and ascertaining and determining  
11 the result of ~~any such~~ AN election, shall meet at the office of  
12 the secretary of state on or before the twentieth day after  
13 ~~such~~ THE election. The secretary of state shall appoint the  
14 day of ~~such~~ THE meeting and shall notify the other members of  
15 the board. ~~thereof.~~ The board ~~shall have~~ HAS power to adjourn  
16 from time to time to await the receipt or correction of returns,  
17 or for other necessary purposes, but shall complete the canvass  
18 and announce their determination ~~thereof~~ not later than the  
19 fortieth day after ~~such~~ THE election. ~~∴ Provided, That the~~  
20 THE board may at the time of its meeting, or an adjournment  
21 ~~thereof~~ OF ITS MEETING, canvass the returns for any office  
22 ~~where~~ FOR WHICH the complete returns ~~for that office~~ have  
23 been received.

24       (2) WHEN THE UNOFFICIAL ELECTION RETURNS SHOW THAT THE ELEC-  
25 TION OF ELECTORS OF PRESIDENT AND VICE PRESIDENT IS DETERMINED BY  
26 A VOTE DIFFERENTIAL BETWEEN THE FIRST PLACE AND SECOND PLACE  
27 CANDIDATES FOR PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES

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1 OF LESS THAN 25,000 VOTES, THE SECRETARY OF STATE SHALL DIRECT  
2 THE BOARDS OF COUNTY CANVASSERS TO CANVASS RETURNS FOR ELECTORS  
3 OF PRESIDENT AND VICE PRESIDENT ON AN EXPEDITED SCHEDULE. THE  
4 SECRETARY OF STATE SHALL DIRECT THE BOARDS OF COUNTY CANVASSERS  
5 TO COMPLETE THE STATEMENTS FOR ELECTORS OF PRESIDENT AND VICE  
6 PRESIDENT REQUIRED BY SECTION 824 AND CERTIFY THE STATEMENTS AS  
7 REQUIRED BY SECTION 828 TO THE SECRETARY OF STATE BY THE SEVENTH  
8 DAY AFTER THE ELECTION OR BY A DATE BEFORE THE FOURTEENTH DAY  
9 AFTER THE ELECTION.

10 (3) THE SECRETARY OF STATE SHALL APPOINT THE DAY FOR THE  
11 BOARD OF STATE CANVASSERS TO CONDUCT THE EXPEDITED CANVASS OF THE  
12 RETURNS FOR ELECTORS OF PRESIDENT AND VICE PRESIDENT AND DETER-  
13 MINE THE RESULTS OF THAT ELECTION. THE DAY APPOINTED FOR THE  
14 EXPEDITED CANVASS SHALL BE AS SOON AS PRACTICABLE AFTER RECEIPT  
15 OF THE RETURNS FROM THE BOARDS OF COUNTY CANVASSERS, BUT NO LATER  
16 THAN THE TWENTIETH DAY AFTER THE ELECTION.

17 Sec. 931. (1) A person who violates 1 or more of the fol-  
18 lowing subdivisions is guilty of a misdemeanor:

19 (a) A person shall not, either directly or indirectly, give,  
20 lend, or promise valuable consideration, to or for any person, as  
21 an inducement to influence the manner of voting by a person rela-  
22 tive to a candidate or ballot question, or as a reward for  
23 refraining from voting.

24 (b) A person shall not, either before, on, or after an elec-  
25 tion, for the person's own benefit or on behalf of any other  
26 person, receive, agree, or contract for valuable consideration  
27 for 1 or more of the following:

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1           (i) Voting or agreeing to vote, or inducing or attempting to  
2 induce another to vote, at an election.

3           (ii) Refraining or agreeing to refrain, or inducing or  
4 attempting to induce another to refrain, from voting at an  
5 election.

6           (iii) Doing anything prohibited by this act.

7           (iv) Both distributing absent voter ballot applications to  
8 voters and receiving signed applications from voters for delivery  
9 to the appropriate clerk or assistant of the clerk. This sub-  
10 paragraph does not apply to an authorized election official.

11           (c) A person shall not solicit any valuable consideration  
12 from a candidate for nomination for, or election to, an office  
13 described in this act. This subdivision does not apply to  
14 requests for contributions of money by or to an authorized repre-  
15 sentative of the political party committee of the organization to  
16 which the candidate belongs. This subdivision does not apply to  
17 a regular business transaction between a candidate and any other  
18 person that is not intended for, or connected with, the securing  
19 of votes or the influencing of voters in connection with the nom-  
20 ination or election.

21           (d) A person shall not, either directly or indirectly, dis-  
22 charge or threaten to discharge an employee of the person for the  
23 purpose of influencing the employee's vote at an election.

24           (e) A priest, pastor, curate, or other officer of a reli-  
25 gious society shall not for the purpose of influencing a voter at  
26 an election, impose or threaten to impose upon the voter a

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1 penalty of excommunication, dismissal, or expulsion, or command  
2 or advise the voter, under pain of religious disapproval.

3       (f) A person shall not hire a motor vehicle or other convey-  
4 ance or cause the same to be done, for conveying voters, other  
5 than voters physically unable to walk, to an election.

6       (g) In a city, township, village, or school district that  
7 has a board of election commissioners authorized to appoint  
8 inspectors of election, an inspector of election, a clerk, or  
9 other election official who accepts an appointment as an inspec-  
10 tor of election shall not fail to report at the polling place  
11 designated on election morning at the time specified by the board  
12 of election commissioners, unless excused as provided in this  
13 subdivision. A person who violates this subdivision is guilty of  
14 a misdemeanor, punishable by a fine of not more than \$10.00 or  
15 imprisonment for not more than 10 days, or both. An inspector of  
16 election, clerk, or other election official who accepts an  
17 appointment as an inspector of election is excused for failing to  
18 report at the polling place on election day and is not subject to  
19 a fine or imprisonment under this subdivision if 1 or more of the  
20 following requirements are met:

21       (i) The inspector of election, clerk, or other election  
22 official notifies the board of election commissioners or other  
23 officers in charge of elections of his or her inability to serve  
24 at the time and place specified, 3 days or more before the  
25 election.

26       (ii) The inspector of election, clerk, or other election  
27 official is excused from duty by the board of election

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1 commissioners or other officers in charge of elections for cause  
2 shown.

3       (h) A person shall not willfully fail to perform a duty  
4 imposed upon that person by this act, or disobey a lawful  
5 instruction or order of the secretary of state as chief state  
6 election officer or of a board of county election commissioners,  
7 board of city election commissioners, or board of inspectors of  
8 election.

9       (i) A delegate or member of a convention shall not solicit a  
10 candidate for nomination before the convention for money, reward,  
11 position, place, preferment, or other valuable consideration in  
12 return for support by the delegate or member in the convention.  
13 A candidate or other person shall not promise or give to a dele-  
14 gate money, reward, position, place, preferment, or other valu-  
15 able consideration in return for support by or vote of the dele-  
16 gate in the convention.

17       (j) A person elected to the office of delegate to a conven-  
18 tion shall not accept or receive any money or other valuable con-  
19 sideration for his or her vote as a delegate.

20       (k) A person shall not, while the polls are open on an elec-  
21 tion day, solicit votes in a polling place or within 100 feet  
22 from an entrance to the building in which a polling place is  
23 located.

24       (l) A person shall not keep a room or building for the pur-  
25 pose, in whole or in part, of recording or registering bets or  
26 wagers, or of selling pools upon the result of a political  
27 nomination, appointment, or election. A person shall not wager

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1 property, money, or thing of value, or be the custodian of money,  
2 property, or thing of value, staked, wagered, or pledged upon the  
3 result of a political nomination, appointment, or election.

4 (m) A person shall not participate in a meeting or a portion  
5 of a meeting of more than 2 persons, other than the person's  
6 immediate family, at which an absent voter ballot is voted.

7 (n) A person, other than an authorized election official,  
8 shall not, either directly or indirectly, give, lend, or promise  
9 any valuable consideration to or for a person to induce that  
10 person to both distribute absent voter ballot applications to  
11 voters and receive signed absent voter ballot applications from  
12 voters for delivery to the appropriate clerk.

13 (O) AN INDIVIDUAL WHO RECEIVES COMPENSATION FROM A COUNTY,  
14 CITY, TOWNSHIP, VILLAGE, OR SCHOOL DISTRICT FOR PERFORMING ELEC-  
15 TION RELATED DUTIES SHALL NOT ACCEPT, EITHER DIRECTLY OR INDI-  
16 RECTLY, VALUABLE CONSIDERATION FOR PERFORMING WORK TO SUPPORT OR  
17 OPPOSE THE NOMINATION OR ELECTION OF A CANDIDATE OR THE PASSAGE  
18 OR DEFEAT OF A BALLOT PROPOSAL.

19 (P) A PERSON SHALL NOT OFFER, EITHER DIRECTLY OR INDIRECTLY,  
20 VALUABLE CONSIDERATION TO AN INDIVIDUAL FOR PERFORMING WORK TO  
21 SUPPORT OR OPPOSE THE NOMINATION OR ELECTION OF A CANDIDATE OR  
22 THE PASSAGE OR DEFEAT OF A BALLOT PROPOSAL IF THAT INDIVIDUAL  
23 RECEIVES COMPENSATION FROM A COUNTY, CITY, TOWNSHIP, VILLAGE, OR  
24 SCHOOL DISTRICT FOR PERFORMING ELECTION RELATED DUTIES.

25 (Q) A PERSON SHALL NOT PROMISE OR GIVE VALUABLE CONSIDERA-  
26 TION IN EXCHANGE FOR STEALING A CAMPAIGN YARD SIGN OR FOR A  
27 STOLEN CAMPAIGN YARD SIGN.

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1 (R) A PERSON SHALL NOT STEAL, OR RECEIVE VALUABLE  
2 CONSIDERATION FOR STEALING, A CAMPAIGN YARD SIGN.

3 (2) A person who violates a provision of this act for which  
4 a penalty is not otherwise specifically provided in this act, is  
5 guilty of a misdemeanor.

6 (3) A person or a person's agent who knowingly makes, pub-  
7 lishes, disseminates, circulates, or places before the public, or  
8 knowingly causes directly or indirectly to be made, published,  
9 disseminated, circulated, or placed before the public, in this  
10 state, either orally or in writing, an assertion, representation,  
11 or statement of fact concerning a candidate for public office at  
12 an election in this state, that is false, deceptive, scurrilous,  
13 or malicious, without the true name of the author being sub-  
14 scribed to the assertion, representation, or statement if writ-  
15 ten, or announced if unwritten, is guilty of a misdemeanor.

16 (4) As used in this section, "valuable consideration"  
17 includes, but is not limited to, money, property, a gift, a prize  
18 or chance for a prize, a fee, a loan, an office, a position, an  
19 appointment, or employment.

20 Enacting section 1. Section 509 of the Michigan election  
21 law, 1954 PA 116, MCL 168.509, is repealed.