

SENATE BILL No. 173

February 7, 2001, Introduced by Senators BULLARD, DUNASKISS and SCHUETTE and referred to the Committee on Government Operations.

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 570, 576, 587, 706, 737, 782b, 795c, 803, and 804 (MCL 168.570, 168.576, 168.587, 168.706, 168.737, 168.782b, 168.795c, 168.803, and 168.804), sections 570, 706, and 737 as amended by 1985 PA 160, section 576 as amended by 1996 PA 213, section 795c as amended by 1990 PA 109, and section 803 as amended by 1997 PA 137.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 570. Paper ballots shall be numbered consecutively and
2 identified by use of the words "official primary ballot" on the
3 upper right hand corner upon the front of the ballot with a per-
4 forated line across the corner and underneath the number and
5 identification so that the corner with the number and
6 identification may be torn off. The detachable corner stub shall

1 serve for the several party tickets and the ballot number shall
2 be printed upon the stub on 1 side only. A political party des-
3 ignation shall not appear upon a ballot corner ~~so~~ THAT IS num-
4 bered and identified. After the ballots are trimmed and wrapped
5 in sealed packages, they shall be distributed for use at the pri-
6 mary election in the same manner as is now provided by law for
7 the distribution of ballots to be used at general elections.
8 Ballots shall be prepared in substantially the following form:

9

10

OFFICIAL PRIMARY BALLOT

11

No.

12

OFFICIAL PRIMARY ELECTION BALLOT

13 Primary election to be held ~~19.....~~ in the county
14 (DATE)
15 of
16 party.
17 (Vignette)
18

19 ~~You cannot split your ticket. If you vote for candidates on more~~
20 ~~than 1 party ticket, your ballot will be rejected.~~

21 Make a cross or a check mark in the square to the left of not more
22 than the number of names for each office as ~~may be~~ IS indicated
23 under the title of each office.

24	=====	=====
25	State.	Legislative.
26	-----	-----
27	Governor.	State Senator.
28		..... District.
29	Vote for not more than one.	Vote for not more than one.
30	-----	-----
31	[] 1 John Doe	[] 7 John Doe
32	-----	-----
33	[] 2 Richard Roe	[] 8 Richard Roe
34	-----	-----
35	[]	[]

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1 =====
2           Congressional.                Representative in State
3           _____                    Legislature.
4   United States Senator.....          ..... District.
5   Vote for not more than one.         Vote for not more than one.
6
7   [ ] 3 John Doe                       [ ] 9 John Doe
8
9   [ ] 4 Richard Roe                    [ ] 10 Richard Roe
10
11  [ ]                                   [ ]
12 =====
13   Representative in Congress.          County.
14   ..... District.                    Prosecuting Attorney.
15   Vote for not more than one.         Vote for not more than one.
16
17  [ ] 5 John Doe                       [ ] 11 John Doe
18
19  [ ] 6 Richard Roe                    [ ] 12 Richard Roe
20
21  [ ]                                   [ ]
22 =====

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23 Sec. 576. (1) An elector, after having received a ballot or
24 ballots, shall enter a booth or voting compartment and, while
25 there concealed from view, shall vote the ballot or ballots by
26 making a cross or a check mark in the square at the left of the
27 names of those candidates for whom the elector desires to vote,
28 but in no case for more candidates for ~~any~~ AN office than is
29 indicated under the title of each office. However, an elector
30 may vote for a person whose name is not printed on the ballot by
31 inserting the name in a manner that will substitute it for ~~any~~
32 ANOTHER name that is printed on the ballot or where no
33 candidate's name appears upon the ballot.

34 (2) The elector shall indicate his or her choice of candi-
35 dates ~~on 1 party ticket only~~ and, after marking the ballot, the
36 elector shall fold it for deposit ~~pursuant~~ ACCORDING to the
37 provisions of this act. ~~A ballot on which more than 1 party~~
38 ~~ticket has been voted is void.~~

1 (3) This section is subject to section 736a.

2 Sec. 587. ~~Whenever~~ IF a voting machine is used in ~~a~~
3 ~~primary~~ AN election, the party levers or bars, if any, shall be
4 locked against voting so as to prevent straight ticket voting. ~~—~~
5 ~~and the~~ AT A PRIMARY, THE VOTING machine shall be properly
6 arranged so that the elector may vote for as many candidates for
7 each office as there are candidates to be nominated to that
8 office and no more.

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

13

14

OFFICIAL BALLOT

15 County of Date

16 INSTRUCTIONS - ~~To~~ YOU MAY NOT vote a straight party
17 ticket. ~~make a cross (X) or check mark (Q/) in the circle under~~
18 ~~the name of your party. Nothing further need be done. To vote~~
19 ~~for a candidate not on your party ticket, make a cross (X) or a~~
20 ~~check mark (Q/) in the square [] before the candidate's name.~~

21 Candidates for president and vice-president must be voted
22 for as a unit, and the vote cannot be split. Candidates for gov-
23 ernor and lieutenant governor must be voted for as a unit, and
24 the vote cannot be split.

25 ~~If 2 or more candidates are to be elected to the same~~
26 ~~office and you desire to vote for candidates not on your party~~

1 ~~ticket, make a cross (X) or a check mark (Q/) in the square []~~
2 ~~before the names of the candidates for whom you desire to vote on~~
3 ~~the other ticket, and strike out an equal number of names on your~~
4 ~~party ticket, for that office.~~

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

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

14 Before leaving the booth, fold the ballot so that the face
15 of the ballot is not exposed and so that the numbered corner is
16 visible.

17 =====

18 Name of	Vignette	Vignette	Vignette
19 Offices	with	with	with
20 Voted For:	Name of Party	Name of Party	Name of Party
21	[]	[]	[]
22	=====	=====	=====
23	Name of	Name of	Name of
24 PRESIDENTIAL	Candidate for	Candidate for	Candidate for
25 Electors of	President.	President.	President.
26 President			
27 and Vice-	[] Name of	[] Name of	[] Name of
28 President of	Candidate for	Candidate for	Candidate for
29 the United	Vice-President.	Vice-President.	Vice-President.
30 States			

1				
2		Governor	Governor	Governor
3	STATE	Name of	Name of	Name of
4	Governor and	Candidate	Candidate	Candidate
5	Lieutenant	<input type="checkbox"/> Lieut. Governor	<input type="checkbox"/> Lieut. Governor	<input type="checkbox"/> Lieut. Governor
6	Governor	Name of	Name of	Name of
7		Candidate	Candidate	Candidate
8				
9		Secretary of	Secretary of	Secretary of
10		State	State	State
11	Secretary of	<input type="checkbox"/> Name of	<input type="checkbox"/> Name of	<input type="checkbox"/> Name of
12	State	Candidate	Candidate	Candidate
13				
14	CONGRESSIONAL	U.S. Senator	U.S. Senator	U.S. Senator
15	United States	<input type="checkbox"/> Name of	<input type="checkbox"/> Name of	<input type="checkbox"/> Name of
16	Senator	Candidate	Candidate	Candidate
17				
18	Represent-	U.S. Repre-	U.S. Repre-	U.S. Repre-
19	ative in	sentative	sentative	sentative
20	Congress	<input type="checkbox"/> Name of	<input type="checkbox"/> Name of	<input type="checkbox"/> Name of
21	.....District	Candidate	Candidate	Candidate
22				
23	LEGISLATIVE	State Senator	State Senator	State Senator
24	Senator	<input type="checkbox"/> Name of	<input type="checkbox"/> Name of	<input type="checkbox"/> Name of
25	.....District	Candidate	Candidate	Candidate
26				
27		State Repre-	State Repre-	State Repre-
28	Represent-	sentative	sentative	sentative
29	ative	<input type="checkbox"/> Name of	<input type="checkbox"/> Name of	<input type="checkbox"/> Name of
30	.....District	Candidate	Candidate	Candidate
31				
32	COUNTY	Pros. Attorney	Pros. Attorney	Pros. Attorney
33	Prosecuting	<input type="checkbox"/> Name of	<input type="checkbox"/> Name of	<input type="checkbox"/> Name of
34	Attorney	Candidate	Candidate	Candidate
35				
36		Sheriff	Sheriff	Sheriff
37	Sheriff	<input type="checkbox"/> Name of	<input type="checkbox"/> Name of	<input type="checkbox"/> Name of
38		Candidate	Candidate	Candidate
39				

41 Sec. 737. The elector shall then go directly into ~~a~~ AN
42 UNOCCUPIED VOTING booth ~~which is unoccupied~~ and indicate in the
43 following manner, with pencil or pen on the proper ballot, the
44 candidate or candidates for whom the elector desires to vote:

45 (a) ~~If the~~ THE elector ~~desires to~~ SHALL NOT vote a
46 straight ticket. ~~, the elector may make a cross (X) or a check~~

~~1 mark (Q/) in the circle under the name of that party at the head
2 of the ballot. Nothing further need be done.~~

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

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

1 ~~crossed off the name of each candidate for the office which is~~
2 ~~printed on the elector's party ticket opposite the name of the~~
3 ~~candidate on some other party ticket in front of which name the~~
4 ~~elector has made a cross (X) or a check mark (Q/).~~

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

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

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

1 ~~is a cross (X) or a check mark (Q/) in the square before the name~~
 2 ~~of some opposite candidate on some other party ticket.~~

3 ~~(g) If a cross (X) or a check mark (Q/) is not placed in the~~
 4 ~~circle under the party name, a cross (X) or a check mark (Q/) in~~
 5 ~~the square before the name of any candidate shall be considered a~~
 6 ~~vote for that candidate except in cases where the elector votes~~
 7 ~~for more candidates for the same office than are to be elected.~~

8 (D) ~~(h)~~ An elector shall indicate the elector's preference
 9 on any constitutional amendment or other submitted question by
 10 making a cross (X) or a check mark (Q/) in the square in front of
 11 the word "Yes" or in the square in front of the word "No" oppo-
 12 site or below the question on the proper ballots.

13 Sec. 782b. If there is no reserve machine available, emer-
 14 gency ballots may also be provided by the COUNTY board of elec-
 15 tion commissioners. ~~of the county, having~~ EMERGENCY BALLOTS
 16 SHALL HAVE suitable blank spaces to permit the voter to vote ~~a~~
 17 ~~straight party ticket, or if he desires to split his party~~
 18 ~~ticket, to indicate the party ticket the majority of whose candi-~~
 19 ~~dates he favors, together with the names of such other~~ FOR THE
 20 candidates for whom ~~he~~ THE ELECTOR desires to vote. The bal-
 21 lots shall be used only in emergency and upon special permission
 22 of the board or official whose duty it is to provide ballots for
 23 the election. ~~and who~~ THE BOARD OR OFFICIAL shall prepare
 24 ~~such~~ THE EMERGENCY ballots ~~which~~ THAT shall be held by the
 25 city, township, or village clerk, subject to the order of the
 26 county clerk or other authorized person. It shall not be
 27 necessary to provide emergency ballots for each election unless

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

21 Sec. 795c. The different parts of the ballot, such as par-
22 tisan, nonpartisan, and questions, shall be prominently indicated
23 on the ballot label, and, if practicable, each part may be placed
24 on a separate page, column, or display. If 2 or more elections
25 are held on the same day, the ballot label shall be clearly
26 marked to indicate the ballot for each election. ~~In partisan~~
27 ~~elections the ballot label shall include a position by which the~~

~~1 voter may by a single selection record a straight party ticket~~
~~2 vote for all the candidates of 1 party. The voter may vote a~~
~~3 split or mixed ticket.~~

4 Sec. 803. (1) Except as otherwise provided in this act, the
5 following rules shall govern the counting and recounting of
6 votes:

7 (a) If it is clearly evident from an examination of any
8 ballot that the ballot has been mutilated for the purpose of dis-
9 tinguishing it or that there has been placed on the ballot some
10 mark, printing, or writing for the purpose of distinguishing it,
11 then that ballot is void and shall not be counted.

12 (b) A cross, the intersection of which is within or on the
13 line of the proper circle or square, or a check mark, the angle
14 of which is within a circle or square, is valid. Crosses or
15 check marks otherwise located on the ballot are void.

16 (c) Marks other than crosses or check marks used to desig-
17 nate the intention of the voter shall not be counted.

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

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

24 (f) A failure to properly mark a ballot as to 1 or more can-
25 didates does not alone invalidate the entire ballot if the ballot
26 has been properly marked as to other candidates, unless the

1 improper marking is determined to be a distinguishing mark as
2 described in this subsection.

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

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

9 (i) Any votes cast for a deceased candidate are void and
10 shall not be counted, except that votes cast for a candidate for
11 governor who has died, and for whom a replacement has not been
12 made, shall be counted for the candidate for lieutenant governor
13 of that party.

14 (j) All ballots cast that are not counted shall be marked by
15 the inspector "not counted", kept separate from the others by
16 being tied or held in 1 package, and placed in the ballot box
17 with the counted ballots.

18 (k) A vote shall not be counted for any candidate unless ~~a~~
19 ~~cross or a check mark has been placed by the voter in the circle~~
20 ~~at the head of the party ticket, if any, on which the name of the~~
21 ~~candidate has been printed, written, or placed or unless~~ a cross
22 or a check mark has been placed by the voter in the square before
23 the space in which the name of the candidate has been printed,
24 written, or placed.

25 (2) If an electronic voting system requires that the elector
26 place a mark in a predefined area on the ballot in order to cast
27 a vote, the vote shall not be considered valid unless there is a

1 mark within the predefined area and it is clearly evident that
2 the intent of the voter was to cast a vote. In determining
3 intent of the voter, the board of canvassers or election official
4 shall compare the mark with other marks appearing on the ballot.

5 Sec. 804. In the canvass of votes cast for candidates for
6 public office, the board shall ~~first select and count the~~
7 ~~straight tickets and shall cause to be credited on the tally~~
8 ~~sheets the number to each candidate voted for on a straight~~
9 ~~ticket. All other ballots shall be counted and tallied~~ COUNT
10 AND TALLY ALL BALLOTS in ~~such~~ THE manner as will best ~~insure~~
11 ENSURE accuracy and promptness in determining the result. ~~, and~~
12 ~~the~~ THE inspectors of election shall see that proper credit is
13 given on the tally sheets to the candidates voted for on ~~such~~
14 THE ballots. All computations and tallies shall be made upon the
15 tally sheets used at ~~such~~ THE election.