

HOUSE BILL No. 5871

September 13, 2016, Introduced by Rep. Hoadley and referred to the Committee on Elections.

A bill to amend 1954 PA 116, entitled
"Michigan election law,"
by amending sections 736c, 782b, 795c, 803, and 804 (MCL 168.736c,
168.782b, 168.795c, 168.803, and 168.804), as amended by 2015 PA
268.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 736c. Each ballot secrecy sleeve used at a general
2 election shall either contain the following ballot marking
3 instructions printed on the front of the ballot secrecy sleeve or
4 shall have a clear plastic pocket on the front of the ballot
5 secrecy sleeve that contains a printed copy of the following ballot
6 marking instructions:

GENERAL ELECTION

7
8 **TO VOTE:** Completely darken the oval opposite each choice.

-- OR --

1
2 **TO VOTE:** Complete the arrow opposite each choice.
3 **IMPORTANT:** To mark your ballot, use only a black or blue ink pen.
4 **DO NOT USE ANY OTHER INK COLOR!**
5 **PARTISAN SECTION:** To vote the partisan section of the ballot, you
6 may cast a "**STRAIGHT TICKET,**" A "**SPLIT TICKET,**"
7 OR A "mixed ticket."
8 **STRAIGHT TICKET: VOTE THE PARTY OF YOUR CHOICE. NOTHING FURTHER**
9 **NEED BE DONE IN THE PARTISAN SECTION.**
10 **SPLIT TICKET: YOU MAY VOTE A STRAIGHT TICKET AND VOTE FOR**
11 **INDIVIDUAL CANDIDATES OF YOUR CHOICE.**
12 **Mixed Ticket:** Vote for the individual candidates of your choice
13 in each office.
14 **NONPARTISAN and PROPOSAL SECTIONS** of the ballot (if any) must be
15 voted separately.
16 **DO NOT** vote for more candidates than indicated under each office
17 title.
18 **WRITE-IN CANDIDATES:** To vote for a candidate whose name is not
19 printed on the ballot, write or place the name of that candidate
20 in the blank space provided and (completely darken the oval) or
21 (complete the arrow). **THIS MUST BE DONE EVEN IF YOU CAST A**
22 **STRAIGHT PARTY VOTE.** Do not cast a write-in vote for a candidate
23 whose name is already printed on the ballot for that office.
24 **CHECK BOTH SIDES OF BALLOT:** This ballot has two sides. Be certain
25 to check the reverse side of the ballot.
26 **WHEN YOU HAVE COMPLETED VOTING:** Place the ballot in the secrecy
27 sleeve so that votes cannot be seen and the numbered stub is

1 visible. Return the ballot to the election official stationed at
2 the tabulator. (If voting by absentee ballot, follow the
3 instructions provided by the clerk for returning the ballot.)
4 **NOTE:** If you make a mistake, return your ballot to the election
5 official and obtain a new ballot. Do not attempt to erase or
6 correct any marks made in error.

7 Sec. 782b. If there is no reserve machine available, emergency
8 ballots may also be provided by the county board of election
9 commissioners. Emergency ballots shall have suitable blank spaces
10 to permit the voter to vote ~~for~~ **A STRAIGHT PARTY TICKET, OR IF HE**
11 **OR SHE WANTS TO SPLIT HIS OR HER PARTY TICKET, TO INDICATE THE**
12 **PARTY TICKET THE MAJORITY OF WHOSE CANDIDATES HE OR SHE FAVORS,**
13 **TOGETHER WITH THE NAMES OF** the **OTHER** candidates for whom the
14 elector desires to vote. The ballots shall be used only in
15 emergency and upon special permission of the board or official
16 whose duty it is to provide ballots for the election. The board or
17 official shall prepare the emergency ballots that shall be held by
18 the city, township, or village clerk, subject to the order of the
19 county clerk or other authorized person. It is not necessary to
20 provide emergency ballots for each election unless previously
21 provided ballots have been used, destroyed, or lost, in which case
22 similar ballots shall again be provided. If at any time during the
23 election, the voting machine is disabled and cannot be repaired and
24 no other voting machine is available, an emergency shall be
25 declared to exist and the voting after an emergency is declared at
26 that election in that voting precinct shall be by emergency ballot,
27 in the manner provided in this section. The board or official that

1 has custody of the emergency ballots, when so directed, shall
 2 supply a sufficient number of emergency ballots to the election
 3 board for use by the voters. One of the ballots shall be delivered
 4 by the election board to each voter who appears to vote after an
 5 emergency is declared. Emergency ballots shall be voted and counted
 6 subject to the provisions relative to voting by ballot at general
 7 elections, except as otherwise provided in this section. The
 8 ballots shall be numbered consecutively from 1 up, and the number
 9 and identification shall be printed on a perforated stub as in the
 10 case where only regular ballots are used at elections.

11 Sec. 795c. ~~(1)~~—The different parts of the ballot, such as
 12 partisan, nonpartisan, and questions, shall be prominently
 13 indicated on the ballot label, and, if practicable, each part may
 14 be placed on a separate page, column, or display. If 2 or more
 15 elections are held on the same day, the ballot label shall be
 16 clearly marked to indicate the ballot for each election. In
 17 partisan elections, the ballot label shall ~~not~~ include a position
 18 by which a voter may by a single selection record a straight party
 19 ticket vote for all the candidates of 1 party. **THE VOTER MAY VOTE A**
 20 **SPLIT OR MIXED TICKET.**

21 ~~——— (2) For the 2015-2016 fiscal year, \$5,000,000.00 is~~
 22 ~~appropriated from the general fund to the department of state to~~
 23 ~~purchase voting equipment to implement the elimination of straight~~
 24 ~~party ticket voting.~~

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

27 (a) If it is clearly evident from an examination of a ballot

1 that the ballot has been mutilated for the purpose of
2 distinguishing it or that there has been placed on the ballot some
3 mark, printing, or writing for the purpose of distinguishing it,
4 then that ballot is void and shall not be counted.

5 (b) A cross, the intersection of which is within or on the
6 line of the proper circle or square, or a check mark, the angle of
7 which is within a circle or square, is valid. Crosses or check
8 marks otherwise located on the ballot are void.

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

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

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

17 (f) A failure to properly mark a ballot as to 1 or more
18 candidates does not alone invalidate the entire ballot if the
19 ballot has been properly marked as to other candidates, unless the
20 improper marking is determined to be a distinguishing mark as
21 described in this subsection.

22 (g) Erasures and corrections on a ballot made by the elector
23 in a manner frequently used for this purpose shall not be
24 considered distinguishing marks or mutilations.

25 (h) A ballot or part of a ballot from which it is impossible
26 to determine the elector's choice of candidate is void as to the
27 candidate or candidates affected by that determination.

1 (i) A vote cast for a deceased candidate is void and shall not
2 be counted, except that a vote cast for a candidate for governor
3 who has died, and for whom a replacement has not been made, shall
4 be counted for the candidate for lieutenant governor of that party.

5 (j) A ballot cast that is not counted shall be marked by the
6 inspector "not counted", kept separate from the others by being
7 tied or held in 1 package, and placed in the ballot box with the
8 counted ballots.

9 (k) A vote shall not be counted for a candidate unless **A CROSS**
10 **OR A CHECK MARK HAS BEEN PLACED BY THE VOTER IN THE CIRCLE AT THE**
11 **HEAD OF THE PARTY TICKET, IF ANY, ON WHICH THE NAME OF THE**
12 **CANDIDATE HAS BEEN PRINTED, WRITTEN, OR PLACED OR UNLESS** a cross or
13 a check mark has been placed by the voter in the square before the
14 space in which the name of the candidate has been printed, written,
15 or placed.

16 (2) If an electronic voting system requires that the elector
17 place a mark in a predefined area on the ballot in order to cast a
18 vote, the vote shall not be considered valid unless there is a mark
19 within the predefined area. A stray mark made within a predefined
20 area is not a valid vote. In determining whether a mark within a
21 predefined area is a stray mark, the board of canvassers or
22 election official shall compare the mark with other marks appearing
23 on the ballot. The secretary of state shall issue instructions,
24 subject to the approval of the board of state canvassers, relevant
25 to stray marks to ensure the fairness and uniformity of
26 determinations made under this subsection. A secretary of state's
27 instruction relevant to stray marks shall not be applied to a

1 ballot unless the secretary of state issued the instruction not
2 less than 63 days before the date of the election.

3 Sec. 804. In the canvass of votes cast for candidates for
4 public office, the board shall ~~count and tally each ballot~~ **FIRST**
5 **SELECT AND COUNT THE STRAIGHT TICKETS AND SHALL CAUSE TO BE**
6 **CREDITED ON THE TALLY SHEETS THE NUMBER TO EACH CANDIDATE VOTED FOR**
7 **ON A STRAIGHT TICKET. ALL OTHER BALLOTS SHALL BE COUNTED AND**
8 **TALLIED** in the manner as will best ensure accuracy and promptness
9 in determining the result. The inspectors of election shall see
10 that proper credit is given on the tally sheets to the candidates
11 voted for on the ballots. All computations and tallies shall be
12 made upon the tally sheets used at the election.