

SENATE BILL NO. 78

January 29, 2019, Introduced by Senators WOJNO, HERTEL, ALEXANDER, HOLLIER, MCMORROW, BULLOCK, GEISS, POLEHANKI and CHANG and referred to the Committee on Elections.

A bill to amend 1954 PA 116, entitled
"Michigan election law,"
by amending sections 560, 568, 706, 736b, 736c, 736d, 736e, 736g, 764, and 764a (MCL 168.560, 168.568, 168.706, 168.736b, 168.736c, 168.736d, 168.736e, 168.736g, 168.764, and 168.764a), sections 560, 568, 706, and 764a as amended and sections 736g and 764 as added by 2012 PA 128 and sections 736b, 736c, 736d, and 736e as amended by 2018 PA 190.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 560. **Ballots must contain the appropriate ballot marking**

1 **instructions concerning the method of voting as provided in section**
2 **736b, 736c, 736d, or 736e.** Ballots other than those furnished by
3 the board of election commissioners, according to the provisions of
4 this act, ~~shall~~**must** not be used, cast, or counted in any election
5 precinct at any election. The size of all official ballots ~~shall~~
6 **must** be as the board of election commissioners prescribes.

7 Sec. 568. (1) The official primary election ballots ~~shall~~**must**
8 be prepared in a form prescribed by the secretary of state based
9 upon the voting equipment being used in each county **and must**
10 **contain the appropriate ballot marking instructions concerning the**
11 **method of voting as provided in section 736b, 736c, 736d, or 736e.**

12 (2) The order of the offices on the ballot ~~shall~~**must** be the
13 same, as near as may be, as is required by law in making up the
14 ballot used at general elections. The title of the office ~~shall~~
15 **must** be immediately above the names of the candidate or candidates
16 for the nomination of each office, and under the title the words
17 "Vote for not more than," followed by the number "1" or "2" or such
18 other identifier as will designate the number of candidates for the
19 nomination to the office that may be voted for.

20 Sec. 706. The arrangement of the ballot containing the names
21 of candidates for office ~~shall~~**must** be prescribed by the secretary
22 of state based upon the voting equipment being used in each county
23 **and must contain the appropriate ballot marking instructions**
24 **concerning the method of voting as provided in section 736b, 736c,**
25 **736d, or 736e.**

26 Sec. 736b. Each ballot ~~secrecy sleeve~~ used at a primary
27 election must ~~either~~ contain the following ballot marking
28 instructions printed on the front of the ballot: ~~secrecy sleeve or~~
29 ~~must have a clear plastic pocket on the front of the ballot secrecy~~

~~sleeve that contains a printed copy of the following ballot marking instructions:~~

PRIMARY ELECTION

TO VOTE: Completely darken the oval opposite each choice as shown:
[insert graphic here].

-- OR --

TO VOTE: Completely darken the box opposite each choice as shown:
[insert graphic here].

IMPORTANT: To mark your ballot, use only a black or blue ink pen.

DO NOT USE ANY OTHER INK COLOR!

PARTISAN SECTION: There may be multiple party sections on the ballot. Select the party section of your choice. **YOU MAY VOTE IN ONE PARTY SECTION ONLY; YOU CANNOT "SPLIT YOUR TICKET." IF YOU VOTE IN MORE THAN ONE PARTY SECTION, YOUR PARTISAN BALLOT WILL BE REJECTED. DO NOT** vote for more candidates than indicated under each office title.

WRITE-IN CANDIDATES: To vote for a candidate whose name is not printed on the ballot, write or place the name of that candidate in the blank space provided and completely darken the voting target area. Do not cast a write-in vote for a candidate whose name is already printed on the ballot for that office.

CHECK BOTH SIDES OF BALLOT: This ballot has two sides. Be certain to check the reverse side of the ballot.

WHEN YOU HAVE COMPLETED VOTING: Place the ballot in the secrecy sleeve so that votes cannot be seen and the numbered stub is visible. Return the ballot to the election official stationed at the tabulator. (If voting by absentee ballot, follow the instructions provided by the clerk for returning the ballot.)

NOTE: If you make a mistake, return your ballot to the election official and obtain a new ballot. Do not attempt to erase or correct any marks made in error.

Sec. 736c. Each ballot ~~secrecy sleeve~~ used at a general election must ~~either~~ contain the following ballot marking instructions printed on the front of the ballot: ~~secrecy sleeve or must have a clear plastic pocket on the front of the ballot secrecy sleeve that contains a printed copy of the following ballot marking instructions:~~

GENERAL ELECTION

TO VOTE: Completely darken the oval opposite each choice as shown: [insert graphic here].

-- OR --

TO VOTE: Completely darken the box opposite each choice as shown: [insert graphic here].

IMPORTANT: To mark your ballot, use only a black or blue ink pen.

DO NOT USE ANY OTHER INK COLOR!

PARTISAN SECTION: To vote the partisan section of the ballot, you may cast a "mixed ticket."

~~Mixed Ticket:~~ **MIXED TICKET:** Vote for the individual candidates of your choice in each office.

NONPARTISAN and **PROPOSAL SECTIONS** of the ballot (if any) must be voted separately.

DO NOT vote for more candidates than indicated under each office title.

WRITE-IN CANDIDATES: To vote for a candidate whose name is not printed on the ballot, write or place the name of that candidate in the blank space provided and completely darken the voting target area. Do not cast a write-in vote for a candidate whose name is already printed on the ballot for that office.

CHECK BOTH SIDES OF BALLOT: This ballot has two sides. Be certain to check the reverse side of the ballot.

WHEN YOU HAVE COMPLETED VOTING: Place the ballot in the secrecy sleeve so that votes cannot be seen and the numbered stub is visible. Return the ballot to the election official stationed at the tabulator. (If voting by absentee ballot, follow the instructions provided by the clerk for returning the ballot.)

NOTE: If you make a mistake, return your ballot to the election official and obtain a new ballot. Do not attempt to erase or correct any marks made in error.

Sec. 736d. Each ballot ~~secrecy sleeve~~ used at a nonpartisan election must ~~either~~ contain the following ballot marking instructions printed on the front of the ballot: ~~secrecy sleeve or must have a clear plastic pocket on the front of the ballot secrecy sleeve that contains a printed copy of the following ballot marking instructions:~~

NONPARTISAN ELECTION

TO VOTE: Completely darken the oval opposite each choice as shown:
[insert graphic here].

-- OR --

TO VOTE: Completely darken the box opposite each choice as shown:
[insert graphic here].

IMPORTANT: To mark your ballot, use only a black or blue ink pen.
DO NOT USE ANY OTHER INK COLOR!

1 **DO NOT** vote for more candidates than indicated under each office
2 title.

3 **WRITE-IN CANDIDATES:** To vote for a candidate whose name is not
4 printed on the ballot, write or place the name of that candidate
5 in the blank space provided and completely darken the voting
6 target area. Do not cast a write-in vote for a candidate whose
7 name is already printed on the ballot for that office.

8 **CHECK BOTH SIDES OF BALLOT:** This ballot has two sides. Be certain
9 to check the reverse side of the ballot.

10 **WHEN YOU HAVE COMPLETED VOTING:** Place the ballot in the secrecy
11 sleeve so that votes cannot be seen and the numbered stub is
12 visible. Return the ballot to the election official stationed at
13 the tabulator. (If voting by absentee ballot, follow the
14 instructions provided by the clerk for returning the ballot.)

15 **NOTE:** If you make a mistake, return your ballot to the election
16 official and obtain a new ballot. Do not attempt to erase or
17 correct any marks made in error.

18 Sec. 736e. Each ballot ~~secrecy sleeve~~ used at a special
19 election must ~~either~~ contain the following ballot marking
20 instructions printed on the front of the ballot: ~~secrecy sleeve or~~
21 ~~must have a clear plastic pocket on the front of the ballot secrecy~~
22 ~~sleeve that contains a printed copy of the following ballot marking~~
23 ~~instructions:~~

24 **SPECIAL ELECTION**

25 **TO VOTE:** Completely darken the oval opposite each choice as shown:
26 [insert graphic here].

27 -- OR --

28 **TO VOTE:** Completely darken the box opposite each choice as shown:
29 [insert graphic here].

IMPORTANT: To mark your ballot, use only a black or blue ink pen.

DO NOT USE ANY OTHER INK COLOR!

CHECK BOTH SIDES OF BALLOT: This ballot has two sides. Be certain to check the reverse side of the ballot.

WHEN YOU HAVE COMPLETED VOTING: Place the ballot in the secrecy sleeve so that votes cannot be seen and the numbered stub is visible. Return the ballot to the election official stationed at the tabulator. (If voting by absentee ballot, follow the instructions provided by the clerk for returning the ballot.)

NOTE: If you make a mistake, return your ballot to the election official and obtain a new ballot. Do not attempt to erase or correct any marks made in error.

Sec. 736g. If a ballot secrecy sleeve used at an election ~~or a ballot marking instruction sheet contained in a clear plastic pocket on the front of a ballot secrecy sleeve used at an election~~ is defaced, marred, or contains any mark on it, ~~other than the ballot marking instructions that are required under this act, the~~ use of that ballot secrecy sleeve ~~or that ballot marking instruction sheet contained in the clear plastic pocket on the front of the ballot secrecy sleeve shall~~ **must** be immediately discontinued and the ballot secrecy sleeve ~~or ballot marking instruction sheet shall~~ **must** be discarded and not be further used at that election. In addition, if a clear plastic pocket on the front of a ballot secrecy sleeve used at an election is defaced, marred, or contains any mark on it, the use of that clear plastic pocket on the front of the ballot secrecy sleeve ~~shall~~ **must** be immediately discontinued and the clear plastic pocket ~~shall~~ **must** be discarded and not be further used at that election.

Sec. 764. In addition to the instructions provided to an

absent voter under section 764a, the following ballot marking instructions for an absent voter concerning the method of voting ~~shall~~**must** be included ~~with~~**on** each absent voter ballot furnished an absent voter:

(a) For a primary election, the ballot marking instructions as provided in section 736b.

(b) For a general election, the ballot marking instructions as provided in section 736c.

(c) For a nonpartisan election, the ballot marking instructions as provided in section 736d.

(d) For a special election, the ballot marking instructions as provided in section 736e.

Sec. 764a. The following instructions for an absent voter ~~shall~~**must** be included with each ballot or set of ballots furnished an absent voter:

INSTRUCTIONS FOR ABSENT VOTERS

Step 1. ~~Enclosed~~**On the absent voter ballot enclosed** you will find voting instructions as to the method of voting. Read these carefully and then vote the ballot.

Step 2. After voting a ballot, place the ballot in the secrecy sleeve, if any. If a secrecy sleeve is not provided, refold the ballot to conceal your votes.

Step 3. Place the ballot or ballots in the return envelope and securely seal the envelope.

Step 4. Sign and date the return envelope in the place designated. Your signature must appear on the return envelope or the ballot will not be counted. If you are disabled or otherwise unable to mark the ballot and required assistance in voting your absent voter ballot, have the person who assisted you complete the

1 section on the return envelope entitled "TO BE COMPLETED ONLY IF
2 VOTER IS ASSISTED IN VOTING BY ANOTHER PERSON".

3 Step 5. Deliver the return envelope by 1 of the following
4 methods:

5 (a) Place the necessary postage upon the return envelope and
6 deposit it in the United States mail or with another public postal
7 service, express mail service, parcel post service, or common
8 carrier.

9 (b) Deliver the envelope personally to the office of the
10 clerk, to the clerk, or to an authorized assistant of the clerk.

11 (c) In either (a) or (b), a member of the immediate family of
12 the voter including a father-in-law, mother-in-law, brother-in-law,
13 sister-in-law, son-in-law, daughter-in-law, grandparent, or
14 grandchild or a person residing in the voter's household may mail
15 or deliver a ballot to the clerk for the voter.

16 (d) You may request by telephone that the clerk who issued the
17 ballot provide assistance in returning the ballot. The clerk is
18 required to provide assistance if you are unable to return your
19 absent voter ballot as specified in (a), (b), or (c) above, if it
20 is before 5 p.m. on the Friday immediately preceding the election,
21 and if you are asking the clerk to pickup the absent voter ballot
22 within the jurisdictional limits of the city, township, or village
23 in which you are registered. Your absent voter ballot will then be
24 picked up by the clerk or an election assistant sent by the clerk.
25 All persons authorized to pick up absent voter ballots are required
26 to carry credentials issued by the clerk. If using this absent
27 voter ballot return method, do not give your ballot to anyone until
28 you have checked their credentials.

29 Step 6. The ballot must reach the clerk or an authorized

1 assistant of the clerk before the close of the polls on election
2 day. An absent voter ballot received by the clerk or assistant of
3 the clerk after the close of the polls on election day will not be
4 counted.

5 WARNING

6 All of the following actions are violations of the Michigan
7 election law and are illegal in this state:

8 (1) To vote an absent voter ballot at a meeting or gathering
9 at which other people are voting absent voter ballots.

10 (2) For a person who is assisting an absent voter in marking
11 the ballot to suggest or in any manner attempt to influence the
12 absent voter on how he or she should vote.

13 (3) For a person who is present and knows that a person is
14 voting an absent voter ballot to suggest or in any manner attempt
15 to influence the absent voter on how he or she should vote.

16 (4) For a person other than those listed in these instructions
17 to return, offer to return, agree to return, or solicit to return
18 an absent voter ballot to the clerk.

19 (5) For a person other than the absent voter; a person listed
20 in these instructions; or a person whose job it is to handle mail
21 before, during, or after being transported by a public postal
22 service, express mail service, parcel post service, or common
23 carrier, but only during the normal course of his or her employment
24 to be in possession of a voted or unvoted absent voter ballot.