

MICHIGAN ELECTION LAW (EXCERPT)
Act 116 of 1954

168.797a Instruction in method of voting on electronic voting system; use of ballot processed through electronic tabulating equipment; procedure; detached stub; spoiled ballot; processing of challenged voter ballot; removal of ballot.

Sec. 797a. (1) Before entering the voting station, each elector must be offered instruction in the proper method of voting on the electronic voting system. If the elector needs additional instruction after entering the voting station, 2 election inspectors from different political parties may, if necessary, enter the voting station and provide the additional instructions.

(2) If the electronic voting system provides for the use of a ballot that is processed through electronic tabulating equipment after the elector votes, the elector shall transport the ballot to the ballot box, or other approved ballot container, without exposing any votes. Except as otherwise provided in this subsection, an election inspector shall ascertain, by comparing the number appearing on the ballot stub with the number recorded on the poll list, that the ballot delivered by the voter is the same ballot that was issued to the elector. Except as otherwise provided in this subsection, if the numbers do not agree, the ballot must be marked as "rejected", and the elector must not be allowed to vote. Except as otherwise provided in this subsection, if the numbers agree, an election inspector shall remove and discard the stub. Except as otherwise provided in this subsection, the election inspector shall deposit the ballot in the ballot box or other approved ballot container. If electronic tabulating equipment that deposits the voted ballot into the ballot box or other approved ballot container is used at the precinct, the election inspector shall return the ballot to the elector, and the elector shall deposit the ballot into the electronic tabulating equipment. The electronic tabulating equipment must be arranged so that the secrecy of the ballot is not violated. If required for the proper operation of the electronic tabulating equipment, 2 election inspectors from different political parties may periodically open the equipment to rearrange voted ballots and may transfer voted ballots to another approved ballot container. The requirement to compare a ballot number with the poll list does not apply to ballots used at an early voting site that are produced by an on-demand ballot printing system, absent voter ballots issued to individuals who register to vote or who update a voter registration at a clerk's office on election day as provided under section 761(7) that are produced by an on-demand ballot printing system, ballots issued to individuals who register to vote or who update a voter registration at an election day vote center as provided under section 523b that are produced by an on-demand ballot printing system, and ballots that are translated to a language other than English that are produced by an on-demand ballot printing system.

(3) A ballot from which the stub is detached must not be accepted by the election inspector in charge of the ballot box or other approved ballot container. An elector who spoils the elector's ballot may return the ballot and secure another ballot. The word "spoiled" must be written across the face of the ballot, and the ballot must be marked and secured for later return.

(4) A ballot of a challenged voter that has the names of candidates and questions printed directly on the voted ballot must be processed in the manner prescribed for challenging a vote cast by paper ballot. A challenge to a voter voting on an electronic voting system that does not use an individual hard copy ballot must be processed in the manner prescribed for challenging a vote cast on a voting machine.

(5) Except as otherwise provided in this act, an election inspector shall not allow any portion of a ballot, including a ballot stub, to be removed by any individual other than an election inspector from the polling place.

History: Add. 1967, Act 155, Imd. Eff. June 30, 1967;—Am. 1990, Act 109, Imd. Eff. June 18, 1990;—Am. 1992, Act 8, Imd. Eff. Mar. 10, 1992;—Am. 1996, Act 583, Eff. Mar. 31, 1997;—Am. 2023, Act 81, Eff. Feb. 13, 2024;—Am. 2024, Act 221, Eff. Apr. 2, 2025

Compiler's note: Act 269 of 2001, which was approved by the Governor and filed with the Secretary of State on January 11, 2002, provided for the amendment of 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 of, the addition of Sec. 701 to, and the repeal of Sec. 509 of, Act 116 of 1954, known as the Michigan Election Law. A petition seeking a referendum on Act 269 of 2001 was filed with the Secretary of State. The Board of State Canvassers officially declared the sufficiency of the referendum petition on May 14, 2002. Const 1963, art 2, sec 9, provides that no law as to which the power of referendum properly has been invoked shall be effective thereafter unless approved by a majority of the electors voting thereon at the next general election. A referendum on Act 269 of 2001 was presented to the electors at the November 5, 2002, general election as Proposal 02-1, which read as follows:

"A REFERENDUM ON PUBLIC ACT 269 OF 2001—AN ACT TO AMEND CERTAIN SECTIONS OF MICHIGAN ELECTION LAW

Public Act 269 of 2001 would:

- Eliminate "straight party" vote option on partisan general election ballots.
- Require Secretary of State to obtain training reports from local election officials.

—Require registered voters who do not appear on registration list to show picture identification before voting a challenged ballot.
—Require expedited canvass if presidential vote differential is under 25,000.
—Require ballot counting equipment to screen ballots for voting errors to ensure the accurate tabulation of absentee ballots. Permit voters in polls to correct errors.
—Provide penalties for stealing campaign signs or accepting payment for campaign work while being paid as a public employee to perform election duties.

Should this law be approved?

Yes _____

No _____”

Act 269 of 2001 was not approved by a majority of the electors voting thereon at the November 5, 2002, general election.

Popular name: Election Code