

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 13

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), section 736c
as added by 2012 PA 128, section 795c as amended by 1990 PA 109,
and section 803 as amended by 2004 PA 92.

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
6 ballot marking instructions:

GENERAL ELECTION

- 1
- 2 **TO VOTE:** Completely darken the oval opposite each choice.
- 3 -- OR --
- 4 **TO VOTE:** Complete the arrow opposite each choice.
- 5 **IMPORTANT:** To mark your ballot, use only a black or blue ink pen.
- 6 **DO NOT USE ANY OTHER INK COLOR!**
- 7 **PARTISAN SECTION:** To vote the partisan section of the ballot, you
- 8 may cast a "~~straight ticket,~~" a "~~split ticket,~~" or a "mixed
- 9 ticket."
- 10 ~~**Straight Ticket:** Vote the party of your choice. Nothing further~~
- 11 ~~need be done in the partisan section.~~
- 12 ~~**Split Ticket:** You may vote a straight ticket AND vote for~~
- 13 ~~individual candidates of your choice.~~
- 14 **Mixed Ticket:** Vote for the individual candidates of your choice
- 15 in each office.
- 16 **NONPARTISAN** and **PROPOSAL SECTIONS** of the ballot (if any) must be
- 17 voted separately.
- 18 **DO NOT** vote for more candidates than indicated under each office
- 19 title.
- 20 **WRITE-IN CANDIDATES:** To vote for a candidate whose name is not
- 21 printed on the ballot, write or place the name of that candidate
- 22 in the blank space provided and (completely darken the oval) or
- 23 (complete the arrow). ~~This must be done even if you cast a straight~~
- 24 ~~party vote.~~ Do not cast a write-in vote for a candidate whose name
- 25 is already printed on the ballot for that office.
- 26 **CHECK BOTH SIDES OF BALLOT:** This ballot has two sides. Be certain
- 27 to check the reverse side of the ballot.
- 28 **WHEN YOU HAVE COMPLETED VOTING:** Place the ballot in the secrecy
- 29 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,
8 emergency ballots may also be provided by the **COUNTY** board of
9 election commissioners. ~~of the county, having~~ **EMERGENCY BALLOTS**
10 **SHALL HAVE** suitable blank spaces to permit the voter to vote a
11 ~~straight party ticket, or if he desires to split his party~~
12 ~~ticket, to indicate the party ticket the majority of whose~~
13 ~~candidates he favors, together with the names of such other~~ **FOR**
14 **THE** candidates for whom ~~he~~ **THE ELECTOR** desires to vote. The
15 ballots shall be used only in emergency and upon special
16 permission of the board or official whose duty it is to provide
17 ballots for the election. ~~and who~~ **THE BOARD OR OFFICIAL** shall
18 prepare ~~such~~ **THE EMERGENCY** ballots ~~which~~ **THAT** shall be held by
19 the city, township, or village clerk, subject to the order of the
20 county clerk or other authorized person. It ~~shall~~ **IS** not ~~be~~
21 necessary to provide emergency ballots for each election unless
22 ~~same shall~~ **PREVIOUSLY PROVIDED BALLOTS** have been used, destroyed,
23 or lost, in which case similar ballots shall again be provided.
24 If at any time during the election, the voting machine is
25 disabled and cannot be repaired and no other voting machine ~~can~~
26 ~~be had to supply its place,~~ **IS AVAILABLE**, an emergency shall be
27 declared to exist and the voting ~~thereafter~~ **AFTER AN EMERGENCY IS**

1 **DECLARED** at that election in that voting precinct shall be by
 2 **EMERGENCY** ballot, in the manner provided in this section. The
 3 board or official ~~having the~~ **THAT HAS** custody of the emergency
 4 ballots, when so directed, shall supply a sufficient number of
 5 ~~such~~ **EMERGENCY** ballots to the election board for use by the
 6 voters. One of the ballots shall be delivered by the election
 7 board to each voter who ~~may thereafter appear~~ **APPEARS** to vote and
 8 **AFTER AN EMERGENCY IS DECLARED. EMERGENCY BALLOTS** shall be voted
 9 and counted subject to the provisions relative to voting by
 10 ballot at general elections, except as ~~herein~~ otherwise provided
 11 **IN THIS SECTION.** The ballots shall be numbered consecutively from
 12 1 up, ~~which~~ **AND THE** number and identification shall be printed
 13 ~~upon~~ **ON** a perforated stub as in the case where only regular
 14 ballots are used at elections.

15 Sec. 795c. (1) The different parts of the ballot, such as
 16 partisan, nonpartisan, and questions, shall be prominently
 17 indicated on the ballot label, and, if practicable, each part may
 18 be placed on a separate page, column, or display. If 2 or more
 19 elections are held on the same day, the ballot label shall be
 20 clearly marked to indicate the ballot for each election. ~~In~~
 21 ~~partisan elections the ballot label shall include a position by~~
 22 ~~which the voter may by a single selection record a straight party~~
 23 ~~ticket vote for all the candidates of 1 party. The voter may vote~~
 24 ~~a split or mixed ticket.~~ **IN PARTISAN ELECTIONS, THE BALLOT LABEL**
 25 **SHALL NOT INCLUDE A POSITION BY WHICH A VOTER MAY BY A SINGLE**
 26 **SELECTION RECORD A STRAIGHT PARTY TICKET VOTE FOR ALL THE**
 27 **CANDIDATES OF 1 PARTY.**

Senate Bill No. 13 as amended December 9, 2015

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17 **(2) FOR THE 2015-2016 FISCAL YEAR, \$5,000,000.00 IS**

18 **APPROPRIATED FROM THE GENERAL FUND TO THE DEPARTMENT OF STATE TO**

19 **PURCHASE VOTING EQUIPMENT TO IMPLEMENT THE ELIMINATION OF**

20 **STRAIGHT PARTY TICKET VOTING.**

21 Sec. 803. (1) Except as otherwise provided in this act, the

22 following rules govern the counting and recounting of votes:

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

24 that the ballot has been mutilated for the purpose of

25 distinguishing it or that there has been placed on the ballot

26 some mark, printing, or writing for the purpose of distinguishing

27 it, then that ballot is void and shall not be counted.

1 (b) A cross, the intersection of which is within or on the
2 line of the proper circle or square, or a check mark, the angle
3 of which is within a circle or square, is valid. Crosses or check
4 marks otherwise located on the ballot are void.

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

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

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

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

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

21 (h) ~~Any~~**A** ballot or part of a ballot from which it is
22 impossible to determine the elector's choice of candidate is void
23 as to the candidate or candidates affected by that determination.

24 (i) ~~Any votes~~**A VOTE** cast for a deceased candidate ~~are~~**IS**
25 void and shall not be counted, except that ~~votes~~**A VOTE** cast for
26 a candidate for governor who has died, and for whom a replacement
27 has not been made, shall be counted for the candidate for

1 lieutenant governor of that party.

2 (j) ~~All ballots~~ **A BALLOT** cast that ~~are~~ **IS** not counted shall
3 be marked by the inspector "not counted", kept separate from the
4 others by being tied or held in 1 package, and placed in the
5 ballot box with the counted ballots.

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

13 (2) If an electronic voting system requires that the elector
14 place a mark in a predefined area on the ballot in order to cast
15 a vote, the vote shall not be considered valid unless there is a
16 mark within the predefined area. A stray mark made within a
17 predefined area is not a valid vote. In determining whether a
18 mark within a predefined area is a stray mark, the board of
19 canvassers or election official shall compare the mark with other
20 marks appearing on the ballot. The secretary of state shall issue
21 instructions, subject to the approval of the board of state
22 canvassers, relevant to stray marks to ensure the fairness and
23 uniformity of determinations made under this subsection. A
24 secretary of state's instruction relevant to stray marks shall
25 not be applied to a ballot unless the secretary of state issued
26 the instruction not less than 63 days before the date of the
27 election.

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

12 Enacting section 1. This amendatory act does not take effect
13 unless House Bill No. 4724 of the 98th Legislature is enacted
14 into law.