

Act No. 268
Public Acts of 2015
Approved by the Governor
January 5, 2016
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January 5, 2016
EFFECTIVE DATE: January 5, 2016

STATE OF MICHIGAN
98TH LEGISLATURE
REGULAR SESSION OF 2015

Introduced by Senator Knollenberg

ENROLLED SENATE BILL No. 13

AN ACT to amend 1954 PA 116, entitled “An act to reorganize, consolidate, and add to the election laws; to provide for election officials and prescribe their powers and duties; to prescribe the powers and duties of certain state departments, state agencies, and state and local officials and employees; to provide for the nomination and election of candidates for public office; to provide for the resignation, removal, and recall of certain public officers; to provide for the filling of vacancies in public office; to provide for and regulate primaries and elections; to provide for the purity of elections; to guard against the abuse of the elective franchise; to define violations of this act; to provide appropriations; to prescribe penalties and provide remedies; and to repeal certain acts and all other acts inconsistent with this act,” 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:

Sec. 736c. Each ballot secrecy sleeve used at a general election shall either contain the following ballot marking instructions printed on the front of the ballot secrecy sleeve or shall 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.

— OR —

TO VOTE: Complete the arrow opposite each choice.

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: 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 oval) or (complete the arrow). 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. 782b. If there is no reserve machine available, emergency ballots may also be provided by the county board of election commissioners. Emergency ballots shall have suitable blank spaces to permit the voter to vote for the candidates for whom the elector desires to vote. The ballots shall be used only in emergency and upon special permission of the board or official whose duty it is to provide ballots for the election. The board or official shall prepare the emergency ballots that shall be held by the city, township, or village clerk, subject to the order of the county clerk or other authorized person. It is not necessary to provide emergency ballots for each election unless previously provided ballots have been used, destroyed, or lost, in which case similar ballots shall again be provided. If at any time during the election, the voting machine is disabled and cannot be repaired and no other voting machine is available, an emergency shall be declared to exist and the voting after an emergency is declared at that election in that voting precinct shall be by emergency ballot, in the manner provided in this section. The board or official that has custody of the emergency ballots, when so directed, shall supply a sufficient number of emergency ballots to the election board for use by the voters. One of the ballots shall be delivered by the election board to each voter who appears to vote after an emergency is declared. Emergency ballots shall be voted and counted subject to the provisions relative to voting by ballot at general elections, except as otherwise provided in this section. The ballots shall be numbered consecutively from 1 up, and the number and identification shall be printed on a perforated stub as in the case where only regular ballots are used at elections.

Sec. 795c. (1) The different parts of the ballot, such as partisan, nonpartisan, and questions, shall be prominently indicated on the ballot label, and, if practicable, each part may be placed on a separate page, column, or display. If 2 or more elections are held on the same day, the ballot label shall be clearly marked to indicate the ballot for each election. In partisan elections, the ballot label shall not include a position by which a voter may by a single selection record a straight party ticket vote for all the candidates of 1 party.

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

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

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

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

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

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

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

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

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

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

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

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

(k) A vote shall not be counted for a candidate unless a cross or a check mark has been placed by the voter in the square before the space in which the name of the candidate has been printed, written, or placed.

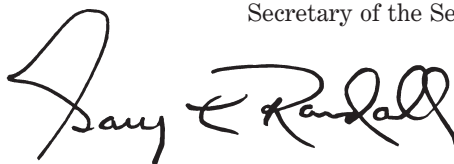
(2) If an electronic voting system requires that the elector place a mark in a predefined area on the ballot in order to cast a vote, the vote shall not be considered valid unless there is a mark within the predefined area. A stray mark made within a predefined area is not a valid vote. In determining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

Sec. 804. In the canvass of votes cast for candidates for public office, the board shall count and tally each ballot in the manner as will best ensure accuracy and promptness in determining the result. The inspectors of election shall see that proper credit is given on the tally sheets to the candidates voted for on the ballots. All computations and tallies shall be made upon the tally sheets used at the election.

This act is ordered to take immediate effect.



Secretary of the Senate



Clerk of the House of Representatives

Approved

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Governor