

**SENATE SUBSTITUTE FOR
HOUSE BILL NO. 4992**

A bill to amend 1954 PA 116, entitled
"Michigan election law,"
by amending sections 558, 560, 560b, 568, 591, 706, and 764a (MCL
168.558, 168.560, 168.560b, 168.568, 168.591, 168.706, and
168.764a), section 558 as amended and section 560b as added by
2002 PA 163, sections 568 and 706 as amended by 1985 PA 160,
section 591 as amended by 1990 PA 109, and section 764a as
amended by 1996 PA 207, and by adding sections 736b, 736c, 736d,
736e, 736f, 736g, and 764; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 558. (1) When filing a nominating petition, qualifying
2 petition, filing fee, or affidavit of candidacy for a federal,
3 county, state, city, township, village, or school district office

1 in any election, a candidate shall file with the officer with
2 whom the petitions, fee, or affidavit is filed 2 copies of an
3 affidavit of identity. A candidate nominated for a federal,
4 state, county, city, township, or village office at a political
5 party convention or caucus shall file an affidavit of identity
6 within 1 business day after being nominated with the secretary of
7 state. The affidavit of identity filing requirement does not
8 apply to a candidate nominated for the office of president of the
9 United States or vice president of the United States.

10 (2) An affidavit of identity shall contain the candidate's
11 name, address, and ward and precinct where registered, if
12 qualified to vote at that election; a statement that the
13 candidate is a citizen of the United States; the candidate's
14 number of years of residence in the state and county; other
15 information that may be required to satisfy the officer as to the
16 identity of the candidate; the manner in which the candidate
17 wishes to have his or her name appear on the ballot; and a
18 statement that the candidate either is or is not using a name,
19 whether a given name, a surname, or otherwise, that is not a name
20 that he or she was given at birth. If a candidate is using a name
21 that is not a name that he or she was given at birth, the
22 candidate shall include on the affidavit of identity the
23 candidate's full former name.

24 (3) The requirement to indicate a name change on the
25 affidavit of identity does not apply if the name in question is 1
26 of the following:

27 (a) A name that was formally changed at least 10 years

1 before filing as a candidate.

2 (b) A name that was changed in a certificate of
3 naturalization issued by a federal district court at the time the
4 individual became a naturalized citizen at least 10 years before
5 filing as a candidate.

6 (c) A name that was changed because of marriage.

7 (d) A name that was changed because of divorce, but only if
8 to a legal name by which the individual was previously known.

9 **(E) A NAME THAT CONSTITUTES A COMMON LAW NAME AS PROVIDED IN**
10 **SECTION 560B.**

11 (4) An affidavit of identity shall include a statement that
12 as of the date of the affidavit, all statements, reports, late
13 filing fees, and fines required of the candidate or any candidate
14 committee organized to support the candidate's election under the
15 Michigan campaign finance act, 1976 PA 388, MCL 169.201 to
16 169.282, have been filed or paid; and a statement that the
17 candidate acknowledges that making a false statement in the
18 affidavit is perjury, punishable by a fine up to \$1,000.00 or
19 imprisonment for up to 5 years, or both. If a candidate files the
20 affidavit of identity with an officer other than the county clerk
21 or secretary of state, the officer shall immediately forward to
22 the county clerk 1 copy of the affidavit of identity by first-
23 class mail. The county clerk shall immediately forward 1 copy of
24 the affidavit of identity for state and federal candidates to the
25 secretary of state by first-class mail. An officer shall not
26 certify to the board of election commissioners the name of a
27 candidate who fails to comply with this section.

(5) If petitions or filing fees are filed by or in behalf of a candidate for more than 1 office, either federal, state, county, city, village, township, or school district, the terms of which run concurrently or overlap, the candidate so filing, or in behalf of whom petitions or fees were so filed, shall select the 1 office to which his or her candidacy is restricted within 3 days after the last day for the filing of petitions or filing fees unless the petitions or filing fees are filed for 2 offices that are combined or for offices that are not incompatible. Failure to make the selection disqualifies a candidate with respect to each office for which petitions or fees were so filed and the name of the candidate shall not be printed upon the ballot for those offices. A vote cast for that candidate at the ensuing primary or general election shall not be counted and is void.

Sec. 560. ~~Such ballots shall contain the instructions as to the method of voting.~~ Ballots other than those furnished by the board of election commissioners, according to the provisions of this act, shall not be used, cast, or counted in any election precinct at any ~~such primary~~ election. The size of all official ballots shall be ~~such as~~ the board of election commissioners ~~shall prescribe~~ **PRESCRIBES**.

Sec. 560b. (1) A candidate required to indicate a name change on the affidavit of identity under section 558 shall be listed on the ballot with his or her current name and former name as prescribed by the secretary of state.

(2) Subject to subsections (3) and (4), both a candidate's

1 given name and surname that he or she was given at birth, and
2 only those names, shall appear on the ballot, except under 1 of
3 the following circumstances:

4 (a) The name in question, whether a given name, a surname,
5 or otherwise, is a name that was formally changed.

6 (b) The candidate is subject to subsection (1).

7 (c) The name in question, whether a given name, a surname,
8 or otherwise, is 1 of the following:

9 (i) A name that was changed in a certificate of
10 naturalization issued by a federal district court at the time the
11 individual became a naturalized citizen at least 10 years before
12 filing as a candidate.

13 (ii) A name that was changed because of marriage.

14 (iii) A name that was changed because of divorce, but only if
15 to a legal name by which the individual was previously known.

16 (3) A candidate may specify that both his or her given name
17 and middle name, or only a middle name, shall appear on the
18 ballot. A candidate may specify that either an initial or a
19 recognized diminutive for the candidate's given or middle name,
20 or for both, shall appear on the ballot. **IN ADDITION, A CANDIDATE**
21 **MAY SPECIFY THAT A COMMON LAW NAME USED IN ACCORDANCE WITH**
22 **MICHIGAN DEPARTMENT OF STATE GUIDELINES FOR USE OF A COMMON LAW**
23 **NAME ON A DRIVER LICENSE OR STATE PERSONAL IDENTIFICATION CARD**
24 **SHALL APPEAR ON THAT BALLOT.**

25 (4) A candidate is prohibited from specifying that a
26 nickname that is not a recognized diminutive of the candidate's
27 **COMMON LAW NAME**, given name, or middle name appear on the ballot.

1 A married individual is prohibited from specifying that his or
2 her spouse's given name, or an alternative for that given name
3 otherwise permitted under subsection (3), appear on the ballot.

4 (5) A ballot that would violate this section shall not be
5 produced, printed, or distributed.

6 Sec. 568. (1) The official primary election ballots shall be
7 prepared in the following form: ~~At the top of each ballot shall~~
8 ~~be printed in large type, "Official primary election ballot".~~
9 ~~Underneath the heading shall be printed the date of the election~~
10 ~~at which the ballot is to be used, together with a designation of~~
11 ~~the political subdivision, as county, district, city, ward, et~~
12 ~~cetera, in which it is to be used. Then shall follow, in bold-~~
13 ~~faced type, the name of the political party and vignette, below~~
14 ~~which shall appear the following instructions to electors: "Make~~
15 ~~a cross or a check mark in the square to the left of not more~~
16 ~~than the number of names for each office as may be indicated~~
17 ~~under the title of each office." Under this heading shall appear~~
18 ~~the names of the candidates seeking nomination for various~~
19 ~~offices on the ticket of the political party. A FORM PRESCRIBED~~
20 **BY THE SECRETARY OF STATE BASED UPON THE VOTING EQUIPMENT BEING**
21 **USED IN EACH COUNTY.**

22 (2) The order of the offices on the ballot shall be the
23 same, as near as may be, as is required by law in making up the
24 ballot used at general elections. The title of the office shall
25 be immediately above the names of the candidate or candidates for
26 the nomination of each office, and under the title the words
27 "Vote for not more than," followed by the word ~~"one" or "two"~~

1 **NUMBER "1" OR "2"** or such other ~~word~~ **IDENTIFIER** as will designate
2 the number of candidates for the nomination to the office that
3 may be voted for. ~~The names of the different candidates shall be~~
4 ~~separated from each other by a light faced rule with a square at~~
5 ~~the left of each name. The spaces devoted to the candidates for~~
6 ~~nomination to different offices shall be separated by a black-~~
7 ~~faced rule so as to separate each office division distinctly.~~
8 ~~However, the board of election commissioners in any county or~~
9 ~~city may, if considered desirable, arrange the ballots with an~~
10 ~~identification numeral to be placed in the same space with the~~
11 ~~name of each of the candidates, with the identification numeral~~
12 ~~to be rotated with the name of the candidate when rotated,~~
13 ~~regardless of where the name may appear upon the ballot.~~

14 Sec. 591. **(1)** Except as provided in **SUBSECTION (2) AND**
15 section 532, the state convention of all political parties for
16 the nomination of candidates for state offices in the even
17 numbered years shall commence not less than 60 days before the
18 general November election. The date, time, and location of the
19 state convention shall be designated by the state central
20 committees of the various political parties in their call for a
21 state convention. The calls shall be issued at least 60 days
22 before the August primaries.

23 **(2) IN 2012 ONLY, THE STATE CONVENTION OF ALL POLITICAL**
24 **PARTIES FOR THE NOMINATION OF CANDIDATES FOR STATE OFFICES SHALL**
25 **COMMENCE NOT LESS THAN 58 DAYS BEFORE THE GENERAL NOVEMBER**
26 **ELECTION. THE DATE, TIME, AND LOCATION OF THE STATE CONVENTION**
27 **SHALL BE DESIGNATED BY THE STATE CENTRAL COMMITTEES OF THE**

1 VARIOUS POLITICAL PARTIES IN THEIR CALL FOR A STATE CONVENTION.
 2 THE CALLS SHALL BE ISSUED AT LEAST 60 DAYS BEFORE THE AUGUST
 3 PRIMARIES.

4 Sec. 706. The arrangement of the ballot containing the names
 5 of candidates for office shall ~~conform as nearly as possible to~~
 6 ~~the following plan, and shall contain the specific instructions~~
 7 ~~there set forth and no others.~~ BE PRESCRIBED BY THE SECRETARY OF
 8 STATE BASED UPON THE VOTING EQUIPMENT BEING USED IN EACH COUNTY.

9 _____ OFFICIAL BALLOT

10 _____ County of Date

11 ~~INSTRUCTIONS To vote a straight party ticket make a cross~~
 12 ~~(X) or check mark (✓) in the circle under the name of your party.~~
 13 ~~Nothing further need be done. To vote for a candidate not on your~~
 14 ~~party ticket, make a cross (X) or a check mark (✓) in the square~~
 15 ~~[] before the candidate's name. Candidates for president and~~
 16 ~~vice-president must be voted for as a unit, and the vote cannot~~
 17 ~~be split. Candidates for governor and lieutenant governor must be~~
 18 ~~voted for as a unit, and the vote cannot be split.~~

19 ~~—— If 2 or more candidates are to be elected to the same office~~
 20 ~~and you desire to vote for candidates not on your party ticket,~~
 21 ~~make a cross (X) or a check mark (✓) in the square [] before the~~
 22 ~~names of the candidates for whom you desire to vote on the other~~
 23 ~~ticket, and strike out an equal number of names on your party~~
 24 ~~ticket, for that office.~~

25 ~~—— If you do not desire to vote any party ticket, do not make a~~
 26 ~~cross (X) or check mark (✓) in the circle at the head of any~~

1 ~~ticket, but make a cross (X) or a check mark (✓) in the square [~~
 2 ~~] before the name of each candidate for whom you desire to vote.~~

3 ~~—— If you wish to vote for a candidate not on any ticket, write~~
 4 ~~or place the name of that candidate on your ballot opposite the~~
 5 ~~name of the office.~~

6 ~~—— Before leaving the booth, fold the ballot so that the face~~
 7 ~~of the ballot is not exposed and so that the numbered corner is~~
 8 ~~visible.~~

9

Name of	Vignette	Vignette	Vignette
Offices	with	with	with
Voted For:	Name of Party	Name of Party	Name of Party
	[]	[]	[]

	Name of	Name of	Name of
PRESIDENTIAL	Candidate for	Candidate for	Candidate for
Electors of	President.	President.	President.
President			
and Vice	[] Name of	[] Name of	[] Name of
President of	Candidate for	Candidate for	Candidate for
the United	Vice President.	Vice President.	Vice President.
States			

	Governor	Governor	Governor
STATE	Name of	Name of	Name of
Governor and	Candidate	Candidate	Candidate
Lieutenant	[] Lieut. Governor	[] Lieut. Governor	[] Lieut. Governor
Governor	Name of	Name of	Name of
	Candidate	Candidate	Candidate

1 _____
 2 _____ Secretary of _____ Secretary of _____ Secretary of
 3 _____ State _____ State _____ State
 4 Secretary of []Name of []Name of []Name of
 5 State _____ Candidate _____ Candidate _____ Candidate
 6 _____
 7 CONGRESSIONAL _____ U.S. Senator _____ U.S. Senator _____ U.S. Senator
 8 United States []Name of []Name of []Name of
 9 Senator _____ Candidate _____ Candidate _____ Candidate
 10 _____
 11 Represent _____ U.S. Repre _____ U.S. Repre _____ U.S. Repre-
 12 ative in _____ sentative _____ sentative _____ sentative
 13 Congress []Name of []Name of []Name of
 14 ...District _____ Candidate _____ Candidate _____ Candidate
 15 _____
 16 LEGISLATIVE _____ State Senator _____ State Senator _____ State Senator
 17 Senator []Name of []Name of []Name of
 18 ...District _____ Candidate _____ Candidate _____ Candidate
 19 _____
 20 _____ State Repre _____ State Repre _____ State Repre-
 21 Represent _____ sentative _____ sentative _____ sentative
 22 ative []Name of []Name of []Name of
 23 ...District _____ Candidate _____ Candidate _____ Candidate
 24 _____
 25 COUNTY _____ Pros. Attorney _____ Pros. Attorney _____ Pros. Attorney
 26 Prosecuting []Name of []Name of []Name of
 27 Attorney _____ Candidate _____ Candidate _____ Candidate
 28 _____
 29 _____ Sheriff _____ Sheriff _____ Sheriff
 30 Sheriff []Name of []Name of []Name of
 31 _____ Candidate _____ Candidate _____ Candidate

1

2 SEC. 736B. EACH BALLOT SECRECY SLEEVE USED AT A PRIMARY
3 ELECTION SHALL EITHER CONTAIN THE FOLLOWING BALLOT MARKING
4 INSTRUCTIONS PRINTED ON THE FRONT OF THE BALLOT SECRECY SLEEVE OR
5 SHALL HAVE A CLEAR PLASTIC POCKET ON THE FRONT OF THE BALLOT
6 SECRECY SLEEVE THAT CONTAINS A PRINTED COPY OF THE FOLLOWING
7 BALLOT MARKING INSTRUCTIONS:

8 PRIMARY ELECTION

9 TO VOTE: COMPLETELY DARKEN THE OVAL OPPOSITE EACH CHOICE.

10 -- OR --

11 TO VOTE: COMPLETE THE ARROW OPPOSITE EACH CHOICE.

12 IMPORTANT: TO MARK YOUR BALLOT, USE ONLY A BLACK OR BLUE INK PEN.

13 DO NOT USE ANY OTHER INK COLOR!

14 PARTISAN SECTION: THERE ARE TWO PARTY SECTIONS ON THE BALLOT:

15 REPUBLICAN PARTY AND DEMOCRATIC PARTY. SELECT THE PARTY SECTION OF

16 YOUR CHOICE. YOU MAY VOTE IN ONE PARTY SECTION ONLY; YOU CANNOT

17 "SPLIT YOUR TICKET." IF YOU VOTE IN MORE THAN ONE PARTY SECTION,

18 YOUR PARTISAN BALLOT WILL BE REJECTED.

19 DO NOT VOTE FOR MORE CANDIDATES THAN INDICATED UNDER EACH OFFICE

20 TITLE.

21 WRITE-IN CANDIDATES: TO VOTE FOR A CANDIDATE WHOSE NAME IS NOT

22 PRINTED ON THE BALLOT, WRITE OR PLACE THE NAME OF THAT CANDIDATE

23 IN THE BLANK SPACE PROVIDED AND (COMPLETELY DARKEN THE OVAL) OR

24 (COMPLETE THE ARROW). DO NOT CAST A WRITE-IN VOTE FOR A CANDIDATE

25 WHOSE NAME 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

1 SLEEVE SO THAT VOTES CANNOT BE SEEN AND THE NUMBERED STUB IS
2 VISIBLE. RETURN THE BALLOT TO THE ELECTION OFFICIAL STATIONED AT
3 THE TABULATOR. (IF VOTING BY ABSENTEE BALLOT, FOLLOW THE
4 INSTRUCTIONS PROVIDED BY THE CLERK FOR RETURNING THE BALLOT.)
5 NOTE: IF YOU MAKE A MISTAKE, RETURN YOUR BALLOT TO THE ELECTION
6 OFFICIAL AND OBTAIN A NEW BALLOT. DO NOT ATTEMPT TO ERASE OR
7 CORRECT ANY MARKS MADE IN ERROR.

8 SEC. 736C. EACH BALLOT SECRECY SLEEVE USED AT A GENERAL
9 ELECTION SHALL EITHER CONTAIN THE FOLLOWING BALLOT MARKING
10 INSTRUCTIONS PRINTED ON THE FRONT OF THE BALLOT SECRECY SLEEVE OR
11 SHALL HAVE A CLEAR PLASTIC POCKET ON THE FRONT OF THE BALLOT
12 SECRECY SLEEVE THAT CONTAINS A PRINTED COPY OF THE FOLLOWING
13 BALLOT MARKING INSTRUCTIONS:

14 GENERAL ELECTION
15 TO VOTE: COMPLETELY DARKEN THE OVAL OPPOSITE EACH CHOICE.
16 -- OR --
17 TO VOTE: COMPLETE THE ARROW OPPOSITE EACH CHOICE.
18 IMPORTANT: TO MARK YOUR BALLOT, USE ONLY A BLACK OR BLUE INK PEN.
19 DO NOT USE ANY OTHER INK COLOR!
20 PARTISAN SECTION: TO VOTE THE PARTISAN SECTION OF THE BALLOT, YOU
21 MAY CAST A "STRAIGHT TICKET," A "SPLIT TICKET," OR A "MIXED
22 TICKET."
23 STRAIGHT TICKET: VOTE THE PARTY OF YOUR CHOICE. NOTHING FURTHER
24 NEED BE DONE IN THE PARTISAN SECTION.
25 SPLIT TICKET: YOU MAY VOTE A STRAIGHT TICKET AND VOTE FOR
26 INDIVIDUAL CANDIDATES OF YOUR CHOICE.
27 MIXED TICKET: VOTE FOR THE INDIVIDUAL CANDIDATES OF YOUR CHOICE
28 IN EACH OFFICE.

1 NONPARTISAN AND PROPOSAL SECTIONS OF THE BALLOT (IF ANY) MUST BE
2 VOTED SEPARATELY.

3 DO NOT VOTE FOR MORE CANDIDATES THAN INDICATED UNDER EACH OFFICE
4 TITLE.

5 WRITE-IN CANDIDATES: TO VOTE FOR A CANDIDATE WHOSE NAME IS NOT
6 PRINTED ON THE BALLOT, WRITE OR PLACE THE NAME OF THAT CANDIDATE
7 IN THE BLANK SPACE PROVIDED AND (COMPLETELY DARKEN THE OVAL) OR
8 (COMPLETE THE ARROW). THIS MUST BE DONE EVEN IF YOU CAST A STRAIGHT
9 PARTY VOTE. DO NOT CAST A WRITE-IN VOTE FOR A CANDIDATE WHOSE NAME
10 IS ALREADY PRINTED ON THE BALLOT FOR THAT OFFICE.

11 CHECK BOTH SIDES OF BALLOT: THIS BALLOT HAS TWO SIDES. BE CERTAIN
12 TO CHECK THE REVERSE SIDE OF THE BALLOT.

13 WHEN YOU HAVE COMPLETED VOTING: PLACE THE BALLOT IN THE SECRECY
14 SLEEVE SO THAT VOTES CANNOT BE SEEN AND THE NUMBERED STUB IS
15 VISIBLE. RETURN THE BALLOT TO THE ELECTION OFFICIAL STATIONED AT
16 THE TABULATOR. (IF VOTING BY ABSENTEE BALLOT, FOLLOW THE
17 INSTRUCTIONS PROVIDED BY THE CLERK FOR RETURNING THE BALLOT.)

18 NOTE: IF YOU MAKE A MISTAKE, RETURN YOUR BALLOT TO THE ELECTION
19 OFFICIAL AND OBTAIN A NEW BALLOT. DO NOT ATTEMPT TO ERASE OR
20 CORRECT ANY MARKS MADE IN ERROR.

21 SEC. 736D. EACH BALLOT SECRECY SLEEVE USED AT A NONPARTISAN
22 ELECTION SHALL EITHER CONTAIN THE FOLLOWING BALLOT MARKING
23 INSTRUCTIONS PRINTED ON THE FRONT OF THE BALLOT SECRECY SLEEVE OR
24 SHALL HAVE A CLEAR PLASTIC POCKET ON THE FRONT OF THE BALLOT
25 SECRECY SLEEVE THAT CONTAINS A PRINTED COPY OF THE FOLLOWING
26 BALLOT MARKING INSTRUCTIONS:

27 NONPARTISAN ELECTION
28 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!

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. 736E. EACH BALLOT SECRECY SLEEVE USED AT A SPECIAL
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:

SPECIAL ELECTION

House Bill No. 4992 as amended May 8, 2012

1 TO VOTE: COMPLETELY DARKEN THE OVAL OPPOSITE EACH CHOICE.
2 -- OR --
3 TO VOTE: COMPLETE THE ARROW OPPOSITE EACH CHOICE.
4 IMPORTANT: TO MARK YOUR BALLOT, USE ONLY A BLACK OR BLUE INK PEN.
5 DO NOT USE ANY OTHER INK COLOR!
6 CHECK BOTH SIDES OF BALLOT: THIS BALLOT HAS TWO SIDES. BE CERTAIN
7 TO CHECK THE REVERSE SIDE OF THE BALLOT.
8 WHEN YOU HAVE COMPLETED VOTING: PLACE THE BALLOT IN THE SECRECY
9 SLEEVE SO THAT VOTES CANNOT BE SEEN AND THE NUMBERED STUB IS
10 VISIBLE. RETURN THE BALLOT TO THE ELECTION OFFICIAL STATIONED AT
11 THE TABULATOR. (IF VOTING BY ABSENTEE BALLOT, FOLLOW THE
12 INSTRUCTIONS PROVIDED BY THE CLERK FOR RETURNING THE BALLOT.)
13 NOTE: IF YOU MAKE A MISTAKE, RETURN YOUR BALLOT TO THE ELECTION
14 OFFICIAL AND OBTAIN A NEW BALLOT. DO NOT ATTEMPT TO ERASE OR
15 CORRECT ANY MARKS MADE IN ERROR.

16 SEC. 736F. THE BALLOT MARKING INSTRUCTIONS AS PROVIDED IN
17 SECTIONS 736B, 736C, 736D, 736E, AND 764, ARE THE ONLY <<WRITTEN>>
18 BALLOT MARKING INSTRUCTIONS THAT SHALL BE PROVIDED TO AN ELECTOR.

19 SEC. 736G. IF A BALLOT SECRECY SLEEVE USED AT AN ELECTION OR
20 <<A BALLOT MARKING>> INSTRUCTION SHEET CONTAINED IN A CLEAR PLASTIC
21 POCKET ON THE FRONT OF A BALLOT SECRECY SLEEVE USED AT AN ELECTION IS DEFACED,
22 MARRED, OR CONTAINS ANY MARK ON IT OTHER THAN THE BALLOT MARKING
23 INSTRUCTIONS THAT ARE REQUIRED UNDER THIS ACT, THE USE OF THAT
24 BALLOT SECRECY SLEEVE OR THAT BALLOT MARKING INSTRUCTION SHEET
25 CONTAINED IN THE CLEAR PLASTIC POCKET ON THE FRONT OF THE BALLOT
26 SECRECY SLEEVE SHALL BE IMMEDIATELY DISCONTINUED AND THE BALLOT
27 SECRECY SLEEVE OR BALLOT MARKING INSTRUCTION SHEET SHALL BE
28 DISCARDED AND NOT BE FURTHER USED AT THAT ELECTION. IN ADDITION,

House Bill No. 4992 as amended May 8, 2012

1 IF A CLEAR PLASTIC POCKET ON THE FRONT OF A BALLOT SECRECY SLEEVE
2 USED AT AN ELECTION IS DEFACED, MARRED, OR CONTAINS ANY MARK ON
3 IT, THE USE OF THAT CLEAR PLASTIC POCKET ON THE FRONT OF THE
4 BALLOT SECRECY SLEEVE SHALL BE IMMEDIATELY DISCONTINUED AND THE
5 CLEAR PLASTIC POCKET SHALL BE DISCARDED AND NOT BE FURTHER USED
6 AT THAT ELECTION.

7 SEC. 764. IN ADDITION TO THE INSTRUCTIONS PROVIDED TO AN
8 ABSENT VOTER UNDER SECTION 764A, THE FOLLOWING BALLOT MARKING
9 INSTRUCTIONS FOR AN ABSENT VOTER CONCERNING THE METHOD OF VOTING
10 SHALL BE INCLUDED WITH EACH ABSENT VOTER BALLOT FURNISHED AN
11 ABSENT VOTER:

12 (A) FOR A PRIMARY ELECTION, THE BALLOT MARKING INSTRUCTIONS
13 AS PROVIDED IN SECTION 736B.

14 (B) FOR A GENERAL ELECTION, THE BALLOT MARKING INSTRUCTIONS
15 AS PROVIDED IN SECTION 736C.

16 (C) FOR A NONPARTISAN ELECTION, THE BALLOT MARKING
17 INSTRUCTIONS AS PROVIDED IN SECTION 736D.

18 (D) FOR A SPECIAL ELECTION, THE <<BALLOT MARKING>> INSTRUCTIONS
19 AS PROVIDED IN SECTION 736E.

20 Sec. 764a. The following instructions for an absent voter
21 shall be included with each ballot or set of ballots furnished an
22 absent voter:

23 INSTRUCTIONS FOR ABSENT VOTERS

24 Step 1. ~~On the absent voter ballot enclosed~~ **ENCLOSED** you
25 will find voting instructions **AS TO THE METHOD OF VOTING**. Read
26 these carefully and then vote the ballot.

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

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

6 Step 4. Sign and date the return envelope in the place
7 designated. Your signature must appear on the return envelope or
8 the ballot will not be counted. If you are disabled or otherwise
9 unable to mark the ballot and required assistance in voting your
10 absent voter ballot, have the person who assisted you complete
11 the section on the return envelope entitled "TO BE COMPLETED ONLY
12 IF VOTER IS ASSISTED IN VOTING BY ANOTHER PERSON".

13 Step 5. Deliver the return envelope by 1 of the following
14 methods:

15 (a) Place the necessary postage upon the return envelope and
16 deposit it in the United States mail or with another public
17 postal service, express mail service, parcel post service, or
18 common carrier.

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

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

26 (d) You may request by telephone that the clerk who issued
27 the ballot provide assistance in returning the ballot. The clerk

1 is required to provide assistance if you are unable to return
2 your absent voter ballot as specified in (a), (b), or (c) above,
3 if it is before 5 p.m. on the Friday immediately preceding the
4 election, and if you are asking the clerk to pickup the absent
5 voter ballot within the jurisdictional limits of the city,
6 township, or village in which you are registered. Your absent
7 voter ballot will then be picked up by the clerk or an election
8 assistant sent by the clerk. All persons authorized to pick up
9 absent voter ballots are required to carry credentials issued by
10 the clerk. If using this absent voter ballot return method, do
11 not give your ballot to anyone until you have checked their
12 credentials.

13 Step 6. The ballot must reach the clerk or an authorized
14 assistant of the clerk before the close of the polls on election
15 day. An absent voter ballot received by the clerk or assistant of
16 the clerk after the close of the polls on election day will not
17 be counted.

18 WARNING

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

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

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

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

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

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

14 Enacting section 1. Section 737 of the Michigan election
15 law, 1954 PA 116, MCL 168.737, is repealed.