

HOUSE BILL No. 4992

September 20, 2011, Introduced by Reps. Kowall, Bumstead, Goike, Wayne Schmidt and Denby and referred to the Committee on Redistricting and Elections.

A bill to amend 1954 PA 116, entitled
"Michigan election law,"
by amending sections 560, 568, 706, and 764a (MCL 168.560,
168.568, 168.706, and 168.764a), sections 568 and 706 as amended
by 1985 PA 160 and section 764a as amended by 1996 PA 207, and by
adding sections 560c, 706a, and 764.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

8 **SEC. 560C. EACH POLLING BOOTH OR VOTING COMPARTMENT USED AT**

1 A PRIMARY ELECTION SHALL CONTAIN THE INSTRUCTIONS AS TO THE
2 PROCEDURES FOR MARKING A BALLOT AS PRESCRIBED BY THE SECRETARY OF
3 STATE.

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

20 (2) The order of the offices on the ballot shall be the
21 same, as near as may be, as is required by law in making up the
22 ballot used at general elections. The title of the office shall
23 be immediately above the names of the candidate or candidates for
24 the nomination of each office, and under the title the words
25 "Vote for not more than," followed by the ~~word "one" or "two"~~
26 **NUMBER "1" OR "2"** or such other ~~word~~ **IDENTIFIER** as will designate
27 the number of candidates for the nomination to the office that

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

12 Sec. 706. The arrangement of the ballot containing the names
 13 of candidates for office shall conform as nearly as possible to
 14 the following plan, and shall contain the specific instructions
 15 there set forth and no others: **BE PRESCRIBED BY THE SECRETARY OF**
 16 **STATE BASED UPON THE VOTING EQUIPMENT BEING USED IN EACH COUNTY.**

17 _____OFFICIAL BALLOT

18 _____County of Date

19 _____INSTRUCTIONS _____To vote a straight party ticket make a cross
 20 (X) or check mark (✓) in the circle under the name of your party.
 21 Nothing further need be done. To vote for a candidate not on your
 22 party ticket, make a cross (X) or a check mark (✓) in the square
 23 [] before the candidate's name. Candidates for president and
 24 vice president must be voted for as a unit, and the vote cannot
 25 be split. Candidates for governor and lieutenant governor must be

1 ~~voted for as a unit, and the vote cannot be split.~~
 2 ~~—— If 2 or more candidates are to be elected to the same office~~
 3 ~~and you desire to vote for candidates not on your party ticket,~~
 4 ~~make a cross (X) or a check mark (✓) in the square [] before the~~
 5 ~~names of the candidates for whom you desire to vote on the other~~
 6 ~~ticket, and strike out an equal number of names on your party~~
 7 ~~ticket, for that office.~~
 8 ~~—— If you do not desire to vote any party ticket, do not make a~~
 9 ~~cross (X) or check mark (✓) in the circle at the head of any~~
 10 ~~ticket, but make a cross (X) or a check mark (✓) in the square [~~
 11 ~~] before the name of each candidate for whom you desire to vote.~~
 12 ~~—— If you wish to vote for a candidate not on any ticket, write~~
 13 ~~or place the name of that candidate on your ballot opposite the~~
 14 ~~name of the office.~~
 15 ~~—— Before leaving the booth, fold the ballot so that the face~~
 16 ~~of the ballot is not exposed and so that the numbered corner is~~
 17 ~~visible.~~

18				
19	Name of	Vignette	Vignette	Vignette
20	Offices	with	with	with
21	Voted For:	Name of Party	Name of Party	Name of Party
22		[]	[]	[]
23				
24		Name of	Name of	Name of
25	PRESIDENTIAL	Candidate for	Candidate for	Candidate for
26	Electors of	President.	President.	President.
27	President			
28	and Vice	[] Name of	[] Name of	[] Name of
29	President of	Candidate for	Candidate for	Candidate for
30	the United	Vice President.	Vice President.	Vice President.
31	States			
32				
33		Governor	Governor	Governor
34	STATE	Name of	Name of	Name of
35	Governor and	Candidate	Candidate	Candidate
36	Lieutenant	[] Lieut. Governor	[] Lieut. Governor	[] Lieut. Governor

1	Governor	Name of	Name of	Name of
2		Candidate	Candidate	Candidate
3				
4		Secretary of	Secretary of	Secretary of
5		State	State	State
6	Secretary of	[] Name of	[] Name of	[] Name of
7	State	Candidate	Candidate	Candidate
8				
9	CONGRESSIONAL	U.S. Senator	U.S. Senator	U.S. Senator
10	United States	[] Name of	[] Name of	[] Name of
11	Senator	Candidate	Candidate	Candidate
12				
13	Represent	U.S. Repre	U.S. Repre	U.S. Repre
14	ative in	sentative	sentative	sentative
15	Congress	[] Name of	[] Name of	[] Name of
16	...District	Candidate	Candidate	Candidate
17				
18	LEGISLATIVE	State Senator	State Senator	State Senator
19	Senator	[] Name of	[] Name of	[] Name of
20	...District	Candidate	Candidate	Candidate
21				
22		State Repre	State Repre	State Repre
23	Represent	sentative	sentative	sentative
24	ative	[] Name of	[] Name of	[] Name of
25	...District	Candidate	Candidate	Candidate
26				
27	COUNTY	Pros. Attorney	Pros. Attorney	Pros. Attorney
28	Prosecuting	[] Name of	[] Name of	[] Name of
29	Attorney	Candidate	Candidate	Candidate
30				
31		Sheriff	Sheriff	Sheriff
32	Sheriff	[] Name of	[] Name of	[] Name of
33		Candidate	Candidate	Candidate
34				

35 SEC. 706A. EACH POLLING BOOTH OR VOTING COMPARTMENT USED AT
36 AN ELECTION SHALL CONTAIN THE INSTRUCTIONS AS TO THE PROCEDURES
37 FOR MARKING A BALLOT AS PRESCRIBED BY THE SECRETARY OF STATE.

38 SEC. 764. IN ADDITION TO THE INSTRUCTIONS PROVIDED TO AN
39 ABSENT VOTER UNDER SECTION 764A, INSTRUCTIONS FOR AN ABSENT VOTER
40 CONCERNING THE METHOD OF VOTING SHALL BE INCLUDED WITH EACH
41 ABSENT VOTER BALLOT FURNISHED AN ABSENT VOTER.

42 Sec. 764a. The following instructions for an absent voter
43 shall be included with each ballot or set of ballots furnished an

1 absent voter:

2 INSTRUCTIONS FOR ABSENT VOTERS

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

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

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

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

18 Step 5. Deliver the return envelope by 1 of the following
19 methods:

20 (a) Place the necessary postage upon the return envelope and
21 deposit it in the United States mail or with another public
22 postal service, express mail service, parcel post service, or
23 common carrier.

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

26 (c) In either (a) or (b), a member of the immediate family
27 of the voter including a father-in-law, mother-in-law, brother-

1 in-law, sister-in-law, son-in-law, daughter-in-law, grandparent,
2 or grandchild or a person residing in the voter's household may
3 mail or deliver a ballot to the clerk for the voter.

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

18 Step 6. The ballot must reach the clerk or an authorized
19 assistant of the clerk before the close of the polls on election
20 day. An absent voter ballot received by the clerk or assistant of
21 the clerk after the close of the polls on election day will not
22 be counted.

23 WARNING

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

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

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

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

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

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