

# HOUSE BILL No. 4442

March 14, 1989, Introduced by Rep. Ciaramitaro and referred to the Committee on Elections.

A bill to amend sections 795, 795b, 797a, and 797b of Act No. 116 of the Public Acts of 1954, entitled "Michigan election law," being sections 168.795, 168.795b, 168.797a, and 168.797b of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 795, 795b, 797a, and 797b of Act  
2 No. 116 of the Public Acts of 1954, being sections 168.795,  
3 168.795b, 168.797a, and 168.797b of the Michigan Compiled Laws,  
4 are amended to read as follows:

5 Sec. 795. An electronic voting system, consisting of a  
6 voting device in combination with automatic tabulating equipment,  
7 acquired or used in accordance with sections 794 to 799 shall:

8 (a) Provide for voting in secrecy, except in the case of  
9 voters who have received assistance as provided by this act.

1 (b) Permit each elector to vote at an election for all  
2 persons and offices for whom and for which he OR SHE is lawfully  
3 entitled to vote; to vote for as many persons for an office as he  
4 OR SHE is entitled to vote for; AND to vote for or against any  
5 question upon which he OR SHE is entitled to vote. ~~and the~~  
6 THE automatic tabulating equipment shall reject all choices  
7 recorded on ~~his~~ THE ELECTOR'S ballot for an office or a  
8 ~~measure~~ QUESTION if the number of choices exceeds the number  
9 ~~which he~~ THAT THE ELECTOR is entitled to vote for on ~~such~~  
10 THAT office or ~~on such measure~~ QUESTION.

11 (c) Permit an elector, at a presidential election, by 1 mark  
12 or punch OR BY COMPLETING AN ARROW to vote for the candidates of  
13 a party for president, vice-president, and presidential  
14 electors.

15 (d) Permit an elector at other than a primary election to  
16 vote for all of the candidates of a political party by a single  
17 mark or punch OR BY COMPLETING AN ARROW, or to vote a split or  
18 mixed ticket.

19 (e) Permit an elector in a primary election to vote for the  
20 candidates in the party primary of his OR HER choice. ~~and~~  
21 ~~the~~ THE automatic tabulating equipment shall reject any ballot  
22 on which votes are cast for candidates on more than 1 political  
23 party.

24 (f) Prevent an elector from voting for the same person more  
25 than once for the same office.

26 (g) Be suitably designed for the purpose used; ~~of durable~~  
27 ~~construction,~~ DURABLY CONSTRUCTED; and ~~usable~~ safely,

1 efficiently, and accurately USABLE in the conduct of elections  
2 and counting of ballots.

3 (h) Record correctly and count accurately every vote prop-  
4 erly cast.

5 Sec. 795b. (1) Ballot labels shall be printed in plain,  
6 clear type in black ink and of such size and arrangement as to  
7 fit the construction of the voting device. They shall be printed  
8 on clear, white material, or amendments, propositions, and ques-  
9 tions may be printed on red tinted material and the names of can-  
10 didates for nonpartisan offices on blue tinted material. In a  
11 primary election, to identify each political party, the titles of  
12 offices and the names of candidates may be arranged in vertical  
13 columns or in a series of separate pages. The office title with  
14 a statement of the number of candidates to be voted for shall be  
15 printed above or at the side of the names of the candidates for  
16 that office. The names of candidates shall be printed in the  
17 order provided by law ~~—~~ or, if no such provision is made, in  
18 the order prescribed by the board of election commissioners of  
19 the city, village, or township. If there are more candidates for  
20 an office than can be printed in 1 column or on 1 ballot page,  
21 the ballot label shall be clearly marked that the list of candi-  
22 dates is continued on the following column or page, and so far as  
23 possible, the same number of names shall be printed on each  
24 column or page. Arrows may be used to indicate the place to vote  
25 for each candidate and on each ~~measure~~ QUESTION.

26 (2) A BALLOT THAT REQUIRES THE ELECTOR TO VOTE THE BALLOT BY  
27 MEANS OF MAKING A MARK WITH PEN, PENCIL, OR OTHER INSTRUMENT

1 SHALL HAVE AN INCOMPLETE ARROW ( <-- -- ) PRINTED OPPOSITE EACH  
2 CANDIDATE AND THE "YES" AND "NO" OF A BALLOT QUESTION. IN VOTING  
3 THE BALLOT, THE ELECTOR SHALL, WITH A MARK, CONNECT THE ARROW  
4 OPPOSITE THE CANDIDATE OR THE "YES" OR "NO" OF A BALLOT QUESTION  
5 OF THE ELECTOR'S CHOICE.

6       Sec. 797a. (1) Each elector shall be offered instruction in  
7 the operation of the voting device before he OR SHE enters the  
8 voting booth. If ~~he~~ AN ELECTOR needs additional instruction  
9 after entering the voting booth, 2 election inspectors may, if  
10 necessary, enter the booth and give him OR HER additional  
11 instructions.

12       (2) After the elector has marked his OR HER ballot, he OR  
13 SHE shall return it to an election inspector, who shall remove  
14 the stub and deposit the ballot in the ballot box. ~~No~~ HOWEVER,  
15 IF THE TABULATING EQUIPMENT USED AT THE PRECINCT AUTOMATICALLY  
16 TABULATES A VOTED BALLOT AND DEPOSITS THE VOTED BALLOT INTO THE  
17 BALLOT BOX, THE ELECTOR WHO MARKED THE BALLOT SHALL RETURN IT TO  
18 AN ELECTION INSPECTOR WHO SHALL REMOVE THE STUB AND RETURN THE  
19 BALLOT BACK TO THE ELECTOR. THE ELECTOR SHALL THEN DEPOSIT THE  
20 BALLOT INTO THE AUTOMATIC TABULATING EQUIPMENT. AUTOMATIC TABU-  
21 LATING EQUIPMENT THAT TABULATES VOTED BALLOTS AS THEY ARE DEPOS-  
22 ITED SHALL BE CONSTRUCTED SO AS NOT TO REVEAL THE RESULTS OF THE  
23 TABULATION DURING THE PERIOD WHEN THE POLLS ARE OPEN.

24       (3) A ballot from which the stub has been detached shall NOT  
25 be accepted by the election inspector in charge of the ballot  
26 box, but it shall be marked and placed in the spoiled ballot  
27 container. An elector who spoils his ballot may return it and

1 secure another. The word "spoiled" shall be written across the  
2 face of the ballot, ~~which~~ AND THE BALLOT shall be placed in the  
3 spoiled ballot container.

4 Sec. 797b. (1) As soon as the polls are closed and the last  
5 qualified elector has voted, unused ballots shall be placed in a  
6 container and sealed for return to the clerk. The ballot box  
7 shall be opened and write-in votes shall be counted after they  
8 are compared with votes cast on the ballot for the same office.  
9 If ~~the~~ AN elector has cast more votes for an office than he OR  
10 SHE is entitled to vote for that office, the ballot shall be void  
11 as to that office. ~~The~~

12 (2) IF THE VOTED BALLOTS ARE TO BE COUNTED AFTER THE POLLS  
13 CLOSE, THE voted ballots shall next be placed in the ballot con-  
14 tainer for delivery to the counting center, and the voting  
15 devices shall be placed in their containers and locked or sealed  
16 for returning to the board of election commissioners.

17 (3) IF THE VOTED BALLOTS ARE TABULATED BY AUTOMATIC TABULAT-  
18 ING EQUIPMENT WHILE THE POLLS ARE OPEN, THE VOTED BALLOTS SHALL  
19 BE PLACED IN A BALLOT CONTAINER AND DELIVERED TO A PLACE DESIG-  
20 NATED BY THE CLERK.