

HOUSE SUBSTITUTE FOR

SENATE BILL NO. 432

(As amended March 30, 2004)

<<A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 73, 283, 393, 499, 509m, 509n, 509t, 509aa, 662, 727, 735, 795, 798c, 799a, 803, and 842 (MCL 168.73, 168.283, 168.393, 168.499, 168.509m, 168.509n, 168.509t, 168.509aa, 168.662, 168.727, 168.735, 168.795, 168.798c, 168.799a, 168.803, and 168.842), sections 73, 283, and 393 as amended by 1999 PA 216, section 499 as amended by 1995 PA 213, sections 509m and 509aa as added by 1994 PA 441, section 509n as amended by 2003 PA 302, section 509t as amended by 1998 PA 21, section 662 as amended by 2004 PA 13, section 727 as amended by 1995 PA 261, section 795 as amended by 2002 PA 91, section 798c as amended by 1990 PA 109, and sections 799a and 803 as amended by 1997 PA 137, and by adding sections 18, 523a, 813, and 829; and to repeal acts and parts of acts.>>

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 18. As used in this act:

2 (a) "Help America vote act of 2002" means the help America
3 vote act of 2002, 42 USC 15301 to 15545.

4 (b) "National voter registration act of 1993" means the
5 national voter registration act of 1993, 42 USC 1973gg to
6 1973gg-10.

7 (c) "Uniformed and overseas citizens absentee voting act"
8 means the uniformed and overseas citizens absentee voting act, 42
9 USC 1973ff to 1973ff-6.

10 (d) "Voting accessibility for the elderly and handicapped
11 act" means the voting accessibility for the elderly and
12 handicapped act, 42 USC 1973ee to 1973ee-6.

13 (e) "Voting rights act of 1965" means the voting rights act
14 of 1965, 42 USC 1973 to 1973aa-6.

15 Sec. 73. Not more than 24 hours after the conclusion of the
16 fall state convention, the state central committee of each
17 political party shall canvass the proceedings of the convention
18 and determine the nominees of the convention for the offices of
19 lieutenant governor, secretary of state, and attorney general.
20 Not more than 1 business day after the conclusion of the
21 convention, the chairperson and secretary of the state central
22 committee shall forward to the secretary of state ~~and to the~~
23 ~~board of election commissioners of each county, in care of the~~
24 ~~county clerk at the county seat,~~ a typewritten or printed list
25 of the names and residence, including the street address if
26 known, of candidates nominated at the state convention. **The**
27 **secretary of state shall forward a copy of a list received under**

1 **this section to the board of election commissioners of each**
2 **county, in care of the county clerk at the county seat.**

3 Sec. 283. Not more than 24 hours after the conclusion of
4 the fall state convention, the state central committee of each
5 political party shall canvass the proceedings of the convention
6 and determine the nominees of the convention for membership on
7 the state board of education, the board of regents of the
8 university of Michigan, the board of trustees of Michigan state
9 university, and the board of governors of Wayne state
10 university. Not more than 1 business day after the conclusion of
11 the state convention, the chairperson and secretary of the state
12 central committee shall forward by registered or certified mail
13 to the secretary of state ~~and to the board of election~~
14 ~~commissioners of each county, in care of the county clerk at the~~
15 ~~county seat,~~ a copy of the vignette adopted by the state central
16 committee and a typewritten or printed list of the names and
17 residence, including the street address if known, of the
18 candidates nominated at the convention for the offices specified
19 in this section. **The secretary of state shall forward a copy of**
20 **a list received under this section to the board of election**
21 **commissioners of each county, in care of the county clerk at the**
22 **county seat.**

23 Sec. 393. Not more than 24 hours after the conclusion of
24 the fall state convention, the state central committee of each
25 political party shall convene and canvass the proceedings of the
26 convention and determine the nominee or nominees of the
27 convention for the office or offices of justice of the supreme

1 court. Not more than 1 business day after the conclusion of the
2 state convention, the chairperson and secretary of the state
3 central committee shall forward by registered or certified mail
4 to the secretary of state ~~and to the board of election~~
5 ~~commissioners of each county, in care of the county clerk at the~~
6 ~~county seat,~~ a typewritten or printed list of the names and
7 residence, including the street address if known, of the
8 candidate or candidates nominated at the convention for the
9 office or offices of justice of the supreme court. **The secretary**
10 **of state shall forward a copy of a list received under this**
11 **section to the board of election commissioners of each county, in**
12 **care of the county clerk at the county seat.** The ~~names of the~~
13 ~~persons so certified~~ **name of each nominee on the list** shall be
14 printed upon a nonpartisan judicial ballot containing no party
15 designation together with the names of ~~any~~ incumbent justices
16 filing an affidavit ~~pursuant to~~ **under** section 392a.

17 Sec. 499. (1) An elector entitled to registration in an
18 election precinct may become registered in the precinct by
19 applying in person and signing the registration application
20 before the clerk or assistant clerk of the township, city, or
21 village in which the precinct is located. For the performance of
22 his or her duties under this act, each clerk and assistant clerk
23 has the power to administer oaths and to swear persons as to the
24 truth of statements contained in an application. For a better
25 examination of the applicant, a clerk may employ and swear an
26 interpreter to interpret all questions put to applicants and the
27 answers to those questions. If the applicant, in answer to a

1 question or in the registration application, makes a material
2 statement that is false, the applicant is guilty of a
3 misdemeanor.

4 (2) A clerk or assistant clerk shall not accept a fee from an
5 elector applying for registration, either for the registering of
6 the elector or for the taking of the acknowledgment on the
7 application. A person who violates this subsection is guilty of
8 a misdemeanor.

9 (3) The clerk, immediately after receiving the registration
10 or change of address of an elector, shall prepare a voter
11 identification card for the elector. The clerk shall also
12 prepare and send a corrected voter identification card to an
13 elector affected by a change in United States representative,
14 state senatorial, state representative, or county commissioner
15 district or precinct. ~~Unless otherwise required under the~~
16 ~~provisions of this subsection, a clerk is not required to prepare~~
17 ~~and send a corrected voter identification card to an elector who~~
18 ~~made a declaration of party preference or no party preference as~~
19 ~~previously provided under this act.~~ The clerk shall forward by
20 first-class mail the **voter** identification card to the elector at
21 the elector's registration address. The **voter** identification
22 card shall contain the name and address of the registrant and the
23 United States representative, state senatorial, state
24 representative, or county commissioner district and precinct in
25 which the registrant is an elector. ~~Except as provided in~~
26 ~~section 500c, if the original~~ **If the original voter**
27 **identification card is returned to the clerk by the post office**

1 as nondeliverable, the clerk shall reject the registration and
2 send the individual a notice of rejection. If a duplicate voter
3 identification card is returned to the clerk by the post office,
4 the clerk shall accept this as information that the elector has
5 moved and the clerk shall proceed in conformity with section
6 509aa.

7 Sec. 509m. (1) The purposes of this section and sections
8 509n to 509gg are all of the following:

9 (a) To establish a statewide qualified voter file that
10 consists of all qualified electors who wish to be registered to
11 vote in local, state, and federal elections.

12 (b) To enhance the uniformity of the administration of
13 elections by creating and maintaining a statewide file of
14 qualified voters.

15 (c) To increase the efficiency and decrease the public cost
16 of maintaining voter registration files and implementing the
17 national voter registration act of 1993.

18 (d) To increase the integrity of the voting process by
19 creating a single qualified voter file that will permit the name
20 of each citizen of this state to appear only once and that is
21 compiled from other state files that require citizens to verify
22 their identity and residence.

23 (e) To apply technology and information gathered by principal
24 executive departments, state agencies, and county, city,
25 township, and village clerks in a manner that ensures that
26 accurate and current records of qualified voters are maintained.

27 (2) As used in sections 509n to 509gg:

1 (a) "Designated voter registration agency" means an office
2 designated under section 509u to perform voter registration
3 activities in this state.

4 ~~(b) "National voter registration act of 1993" means the~~
5 ~~national voter registration act of 1993, Public Law 103-31, 107~~
6 ~~Stat. 77.~~

7 (b) ~~(e)~~ "Qualified voter file" means the statewide
8 qualified voter file established ~~pursuant~~ **according** to section
9 509o.

10 Sec. 509n. The secretary of state is responsible for the
11 coordination of the requirements imposed under this chapter,
12 ~~and~~ the national voter registration act of 1993, **and the help**
13 **America vote act of 2002**. The secretary of state shall do all of
14 the following:

15 (a) Develop a mail registration form and make the form
16 available for distribution through governmental and private
17 entities, with special emphasis on making the form available to
18 voter registration programs established for the purpose of
19 registering citizens of this state to vote.

20 (b) Instruct designated voter registration agencies and
21 county, city, township, and village clerks about the voter
22 registration procedures and requirements imposed by law.

23 (c) By June 15 of each odd numbered year, submit to each
24 member of the committees of the senate and house of
25 representatives with primary responsibility for election matters
26 a report on the qualified voter file. The report shall include,
27 but need not be limited to, both of the following:

1 (i) Information on the efficiency and effectiveness of the
2 qualified voter file as a voter registration system.

3 (ii) Recommendations of the secretary of state for amendments
4 to this act to increase the efficiency and effectiveness of the
5 qualified voter file as a voter registration system.

6 Sec. 509t. (1) Notwithstanding ~~any other~~ **another**
7 provision of law to the contrary, a person who is a qualified
8 elector in this state and who registers to vote in a manner
9 consistent with the national voter registration act of 1993 ~~—~~
10 is considered a registered voter under this act.

11 (2) A person who registers to vote in a jurisdiction in this
12 state by mail shall vote in person **and shall provide**
13 **identification as required under section 303(b) of the help**
14 **America vote act of 2002, 42 USC 15483,** if that person has not
15 previously voted in person in ~~that jurisdiction~~ **this state.**
16 This subsection does not apply to any of the following registered
17 voters:

18 (a) A person entitled to vote by absentee ballot under the
19 uniformed and overseas citizens absentee voting act. ~~—, Public~~
20 ~~Law 99-410, 100 Stat. 924.~~

21 (b) A person who has a disability as defined in section 103
22 of the persons with disabilities civil rights act, 1976 PA 220,
23 MCL 37.1103, or, **for purposes of voting in person only, a person**
24 who is 60 years of age or older.

25 (c) A person who is entitled to vote other than in person
26 under any other federal law.

27 (3) This section does not preclude this state from

1 prosecuting a violation of this act that is also a violation of
2 ~~any~~ a federal election or voting rights law.

3 Sec. 509aa. (1) A clerk may use change of address
4 information supplied by the United States postal service or other
5 reliable information received by the clerk that identifies
6 registered voters whose addresses may have changed as provided in
7 this section.

8 ~~(2) A clerk shall update the registration of a voter upon~~
9 ~~the receipt of reliable information that the voter has changed~~
10 ~~his or her residence within the city or township. The clerk~~
11 ~~shall send by forwardable mail to the voter a notice of the~~
12 ~~transfer informing the voter that he or she is registered at the~~
13 ~~new address. The clerk shall include with the notice a postage~~
14 ~~prepaid and preaddressed return card on which the voter may~~
15 ~~verify or correct the address information.~~

16 (2) Upon receipt of reliable information that a registered
17 voter has moved his or her residence within the city or township,
18 the clerk shall send by forwardable mail all of the following to
19 the voter:

20 (a) A notice that the clerk has received information
21 indicating that the voter has moved his or her residence within
22 the city or township.

23 (b) A postage prepaid and preaddressed return card on which
24 the voter may verify or correct the address information.

25 (c) A notice explaining that, if the address information is
26 correct and the voter has moved his or her residence within the
27 city or township, the voter should complete and return the card

1 to the clerk with a postmark of 30 days or more before the date
2 of the next election. If the voter has moved his or her
3 residence within the city or township and does not complete and
4 return the card to the clerk with a postmark of 30 days or more
5 before the date of the next election, the voter will be required
6 to vote in his or her former precinct of residence in the city or
7 township. The voter will also be required to submit an address
8 correction before being permitted to vote.

9 (3) Upon the receipt of reliable information that a
10 registered voter has moved his or her residence to another city
11 or township, the clerk shall send by forwardable mail all of the
12 following to the voter:

13 (a) A notice that the clerk has received information
14 indicating that the voter has moved **his or her residence** to
15 another city or township.

16 (b) A postage prepaid and preaddressed return card on which
17 the voter may verify or correct the address information.

18 (c) A notice containing all of the following information:

19 (i) If the address information is incorrect and the voter has
20 not moved to another city or township and wishes to remain
21 registered to vote, the voter should complete and return the card
22 to the clerk with a postmark of 30 days or more before the date
23 of the next election. If the card is not completed and returned
24 with a postmark of 30 days or more before the date of the next
25 election, the voter may be required to affirm his or her current
26 address before being permitted to vote. Further, if the voter
27 does not vote in an election within the period beginning on the

1 date of the notice and ending on the first business day
2 immediately following the second November general election that
3 is held after the date on the notice, the registration of the
4 voter will be canceled and his or her name will be removed from
5 the registration record of that city or township.

6 (ii) If the voter has moved his or her residence to another
7 city or township, information on how the voter can become
8 registered to vote at the next election in his or her new city or
9 township.

10 (4) If a notice sent under this section is returned to the
11 clerk by the post office as undeliverable, the clerk shall
12 identify the registration record of a voter as challenged as
13 provided in this act. The clerk shall instruct the board of
14 election inspectors to challenge that voter at the first election
15 at which the voter appears to vote. If in response to the
16 challenge the voter indicates that he or she resides at the
17 registration address or has changed addresses within the city or
18 township, the voter shall be permitted to vote a regular ballot
19 rather than a challenged ballot. The voter shall complete a
20 change of address form at the polling place, if applicable. If
21 the person does not appear to vote in an election within the
22 period beginning on the date of the notice and ending on the
23 first business day immediately following the second November
24 general election that is held after the date of the notice, the
25 clerk shall cancel the registration of the voter and remove his
26 or her name from the registration record of the city or
27 township.

1 Sec. 523a. (1) If an individual who has applied to register
2 to vote on or before the close of registration appears at a
3 polling place on election day and completes an application under
4 section 523 is not listed on the voter registration list, the
5 election inspector shall issue a ballot to the individual as
6 follows:

7 (a) For an individual who presents a receipt issued by a
8 department of state office, a designated voter registration
9 agency, or the elector's county, city, or township clerk's office
10 verifying the acceptance of a voter registration application
11 before the close of registration and completes a new voter
12 registration application, the election inspector shall allow the
13 individual to vote a ballot in the same manner as an elector
14 whose name is listed on the voter registration list.

15 (b) For an individual who does not present a receipt
16 verifying the acceptance of a voter registration application
17 under subdivision (a), the election inspector shall determine
18 whether the individual is in the appropriate polling place based
19 on residence information provided by the individual. The
20 election inspector shall review any documents or maps in the
21 polling place or communicate with the city or township clerk to
22 verify the appropriate polling place for the individual. The
23 election inspector shall direct an individual who is not in the
24 appropriate polling place to the appropriate polling place. If
25 the individual refuses to go to the appropriate polling place,
26 the election inspector shall issue the individual a provisional
27 ballot that shall be processed according to subsection (5).

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1 (2) Except for an individual who produces a receipt under
2 subsection (1) (a), the election inspector shall require an
3 individual who is not listed on the voter registration list to
4 execute a sworn statement affirming that the individual submitted
5 a voter registration application before the close of registration
6 and is eligible to vote in the election. An individual who
7 provides false information in a signed sworn statement under this
8 subsection is guilty of perjury. An individual signing a sworn
9 statement shall complete a new voter registration application.

10 The individual shall state the approximate date and in what
11 manner the registration application was submitted:

12 (a) To a department of state office.

13 (b) To a designated voter registration agency.

14 (c) To the office of his or her county, city, or township
15 clerk.

16 (d) By a mailed application.

17 (3) The election inspector shall contact the city or township
18 clerk to verify whether the individual who signed the sworn
19 statement is listed in the registration records of the
20 jurisdiction or whether there is any information contrary to the
21 content of the sworn statement.

22 (4) If the city or township clerk verifies the elector
23 information and finds no information contrary to the information
24 provided by the individual in the sworn statement and the

25 individual presents a Michigan operator's or chauffeur's <<license,
26 >> department of state issued personal identification card <<, other
government issued photo identification card, or a photo identification
card issued by an institution of higher education in this state described
in section 6 of article VIII of the state constitution of 1963 or a
junior college or community college established under section 7 of
article VIII of the state constitution of 1963 that contains a current
residence address>> to
27 establish his or her identity and residence address, the

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1 individual shall be permitted to vote a provisional ballot on
 2 election day. Before the provisional ballot is tabulated on
 3 election day, election inspectors shall process the ballot as a
 4 challenged ballot under sections 745 and 746.

5 (5) If the election inspector is not able to contact the city
 6 or township clerk, the individual is not in the correct precinct,
 7 the individual presents identification other than a Michigan
 8 operator's or chauffeur's license <<, >> department of state issued
 9 personal identification card, <<other government issued photo
 identification card, or a photo identification card issued by an
 institution of higher education in this state described in section 6 of
 article VIII of the state constitution of 1963 or a junior college or
 community college established under section 7 of article VIII of the
 state constitution of 1963 that contains a current residence address,>>
 or the individual is unable to
 10 present any identification, the individual shall be issued a
 11 provisional ballot that is not tabulated on election day but is
 12 secured for verification after the election. A provisional
 13 ballot shall also be issued under this subsection to a voter who
 14 presents a Michigan operator's license, chauffeur's license, << >>
 15 department of state personal identification card <<, other government
 issued photo identification card, or a photo identification card issued
 by an institution of higher education in this state described in section
 6 of article VIII of the state constitution of 1963 or a junior college
 or community college established under section 7 of article VIII of the
 state constitution of 1963>> that does not
 16 bear the voter's current residence address, if the voter also
 17 presents a document to establish the voter's current residence
 18 address. The election inspector shall accept a document
 19 containing the name and current residence address of the voter as
 20 sufficient documentation to issue a provisional ballot if it is 1
 21 of the following documents:

22 (a) A current utility bill.

23 (b) A current bank statement.

24 (c) A current paycheck, government check, or other government
 25 document.

26 (6) A provisional ballot shall be placed in a provisional
 27 ballot return envelope prescribed by the secretary of state and

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1 delivered to the city or township clerk after the polls close in
2 a manner as prescribed by the secretary of state.

3 (7) For a provisional ballot voted under subsection (4), the
4 election inspector shall provide the voter with a notice that his
5 or her ballot has been tabulated. For a provisional ballot voted
6 under subsection (5), the election inspector shall provide the
7 voter with a notice that the voter's information will be verified
8 by the clerk of the jurisdiction within 6 days after the election
9 to determine whether the ballot will be tabulated and, if the
10 ballot is not tabulated, to determine the reason it was not
11 tabulated. A clerk of a jurisdiction shall provide a free access
12 system for the voter to determine whether the ballot was
13 tabulated. The free access system may include a telephone number
14 that does not require a toll charge, a toll-free telephone
15 number, an internet website, or a mailed notice.

16 (8) As used in this section and sections 813 and 829,
17 "provisional ballot" means a special ballot utilized for an
18 individual who is not listed on the voter registration list at
19 the polling place that is tabulated only after verification of
20 the individual's eligibility to vote.

21 <<Sec. 662. (1) The legislative body in each city, village, and
22 township shall designate and prescribe the place or places of
23 holding an election for a city, village, or township election,
24 and shall provide a suitable polling place in or for each
25 precinct located in the city, village, or township for use at
26 each election. Except as otherwise provided in this section,
27 school buildings, fire stations, police stations, and other

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1 publicly owned or controlled buildings shall be used as
2 polling places. If it is not possible or convenient to use a
3 publicly owned or controlled building as a polling place, the
4 legislative body of the city, township, or village may use as
5 a polling place a building owned or controlled by an
6 organization that is exempt from federal income tax as
7 provided by section 501(c) other than 501(c)(4), (5), or (6)
8 of the internal revenue code of 1986, or any successor
9 statute. The legislative body of a city, township, or village
10 shall not designate as a polling place a building that is
11 owned by a person who is a sponsor of a political committee or
12 independent committee. A city, township, or village shall not
13 use as a polling place a building that does not meet the
14 requirements of this section. As used in this subsection,
15 "sponsor of a political committee or independent committee"
16 means a person who is described as being a sponsor under
17 section 24(3) of the Michigan campaign finance act, 1976 PA
18 388, MCL 169.224, and includes a subsidiary of a corporation
19 or a local of a labor organization, if the corporation or
20 labor organization is considered a sponsor under section 24(3)
of the Michigan campaign finance act, 1976 PA 388, MCL 169.224.

21 (2) The legislative body in each city, village, and
22 township shall make arrangements for the rental or erection of
23 suitable buildings for use as polling places if publicly owned
24 or controlled buildings are not available, and shall have the
25 polling places equipped with the necessary facilities for
26 lighting and with adequate facilities for heat and
27 ventilation. The legislative body may establish a central

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1 polling place or places for 6 precincts or less if it is
2 possible and convenient for the electors to vote at the
3 central polling place. The legislative body may abolish other
4 polling places not required as a result of the establishment
5 of a central polling place.

6 (3) The legislative body of a city, village, or township
7 may establish a polling place at a for profit or nonprofit
8 residence or facility in which 150 persons or more aged 62 or
9 older reside or at an apartment building or complex in which
10 150 persons or more reside. A township board may provide
11 polling places located within the limits of a city that has
12 been incorporated from territory formerly a part of the
13 township, and the electors of the township may cast their
14 ballots at those polling places. If 2 contiguous townships
15 utilize a combined township hall or other publicly owned or
16 controlled building within 1 of the township's boundaries and
17 outside of the other township's boundaries, and there is not
18 another publicly owned or controlled building or a building
19 owned or controlled by an organization that is exempt from
20 federal income tax, as provided by section 501(c), other than
21 501(c)(4), (5), or (6), of the internal revenue code of 1986,
22 available or suitable for a polling place within the other
23 township, then each township board may provide a polling place
24 in that publicly owned building for 1 or more election precinct.

25 (4) The legislative body of a city, village, or township
26 shall not establish, move, or abolish a polling place less
27 than 60 days before an election unless necessary because a
polling place has been damaged, destroyed, or rendered

1 inaccessible or unusable as a polling place.

2 (5) The legislative body of a city, village, or township
3 shall ensure that a polling place established under this
4 section **is accessible and** complies with the voting
5 accessibility for the elderly and handicapped act ~~—, 42 USC~~
6 ~~1973ee to 1973ee-6—~~ and the help America vote act of 2002.

(6) As used in this section, "accessible" means the removal or modification of policies, practices, and procedures that deny an individual with a disability the opportunity to vote, including the removal of physical barriers as identified in section 261(b) of the help America vote act of 2002, 42 USC 15421, so as to ensure individuals with disabilities the opportunity to participate in elections in this state.

Sec. 727. (1) An election inspector shall challenge ~~a person~~ **an applicant applying for a ballot** if the inspector knows or has good reason to suspect **that** the applicant is not a qualified and registered elector of the precinct, or if a challenge appears in connection with the applicant's name in the registration book. A registered elector of the precinct present in the polling place may challenge the right of anyone attempting to vote if the elector knows or has good reason to suspect that ~~person~~ **individual** is not a registered elector in that precinct. An election inspector or other qualified challenger may challenge the right of ~~a person~~ **an individual** attempting to vote who has previously applied for an absent voter ballot and who on election day is claiming to have never received the absent voter ballot or to have lost or destroyed the absent voter ballot.

(2) Upon a challenge being made under subsection (1), an election inspector shall immediately do all of the following:

(a) Identify ~~pursuant to section~~ **as provided in sections 745 and 746** ~~any a~~ ballot voted by the challenged individual, if any.

(b) Make a written report including all of the following information:

(i) All election disparities or infractions complained of or believed to have occurred.

(ii) The name of the ~~person~~ **individual** making the challenge.

(iii) The time of the challenge.

(iv) The name, telephone number, and address of the challenged individual.

(v) ~~Any other~~ **Other** information considered appropriate by the election inspector.

(c) Retain the written report created under subdivision (b) and make it a part of the election record.

(d) Inform a challenged elector of his or her rights under section 729.

(3) A challenger shall not make a challenge indiscriminately and

without good cause. A challenger shall not handle the poll books while observing election procedures or the ballots during the counting of the ballots. A challenger shall not interfere with or unduly delay the work of the election inspectors. ~~A person~~ **An individual** who challenges a qualified and registered elector of a voting precinct for the purpose of annoying or delaying voters is guilty of a misdemeanor.>>

7 Sec. 735. ~~At every primary and election, 1 poll book and 1~~
8 ~~poll list shall be kept by the inspectors of election. In each~~
9 ~~such poll book and list there shall be entered the names of all~~
10 ~~electors who are given official ballots, and at the time of~~
11 ~~entering each such name there shall be placed on the same line~~
12 ~~and immediately following said name the number of the ballot or~~
13 ~~ballots given such elector. The names of the electors shall be~~
14 ~~entered in the poll book and list in the order in which such~~
15 ~~electors are given ballots. The name of an absent voter and the~~
16 ~~number of his ballot shall be entered in the poll book and list~~
17 ~~at the time his marked ballot or ballots are taken by the~~
18 ~~inspector from the sealed envelope, as provided by law. The~~
19 ~~numbers on all metal seals used to seal all voting machines,~~
20 ~~ballot boxes and ballot bags at the completion of the precinct~~
21 ~~canvass shall be recorded on the certificate provided in the poll~~
22 ~~book and this certificate shall be signed by all members of the~~
23 ~~board of inspectors.~~

24 (1) At each primary and election, election inspectors shall
25 keep 1 poll book and 1 poll list. An election inspector shall
26 enter in the poll book, in the order in which electors are given
27 ballots, the name of each elector who is given a ballot and

1 immediately after the name, on the same line, shall enter the
2 number of the ballot given to the elector. For an absent voter
3 ballot, when an election inspector removes the ballot from the
4 sealed absent voter envelope, the election inspector shall enter
5 in the poll book the name of the absent voter and the number of
6 the ballot.

7 (2) If an elector is issued a provisional ballot, an election
8 inspector shall enter a proper designation in the poll book,
9 including whether the provisional ballot was tabulated in the
10 precinct or was secured for verification after the election.

11 (3) At the completion of the precinct canvass, an election
12 inspector shall record on the certificate provided in the poll
13 book the number of each metal seal used to seal voting equipment
14 and ballot containers. Each member of the board of election
15 inspectors shall sign the certificate.

16 Sec. 795. (1) An electronic voting system acquired or used
17 under sections 794 to 799a shall meet all of the following
18 requirements:

19 (a) Provide for voting in secrecy, except in the case of
20 voters who receive assistance as provided by this act.

21 (b) Permit each elector to vote at an election for all
22 persons and offices for whom and for which the elector is
23 lawfully entitled to vote; to vote for as many persons for an
24 office as the elector is entitled to vote for; and to vote for or
25 against any question upon which the elector is entitled to vote.
26 Except as otherwise provided in this subdivision, the electronic
27 tabulating equipment shall reject all choices recorded on the

1 elector's ballot for an office or a question if the number of
2 choices exceeds the number that the elector is entitled to vote
3 for on that office or question. Electronic tabulating equipment
4 that can detect that the choices recorded on an elector's ballot
5 for an office or a question exceeds the number that the elector
6 is entitled to vote for on that office or question **shall be**
7 located at each polling place and ~~shall be~~ programmed to reject
8 a ballot containing that type of an error. If a choice on a
9 ballot is rejected as provided in this subdivision, an elector
10 shall be given the opportunity to have that ballot considered a
11 spoiled ballot and to vote another ballot.

12 (c) Permit an elector, at a presidential election, by a
13 single selection to vote for the candidates of a party for
14 president, vice-president, and presidential electors.

15 (d) Permit an elector in a primary election to vote for the
16 candidates in the party primary of the elector's choice. Except
17 as otherwise provided in this subdivision, the electronic
18 tabulating equipment shall reject each ballot on which votes are
19 cast for candidates of more than 1 political party. Electronic
20 tabulating equipment that can detect that the elector has voted
21 for candidates of more than 1 political party shall be located at
22 each polling place and programmed to reject a ballot containing
23 that type of an error. If a choice on a ballot is rejected as
24 provided in this subdivision, an elector shall be given the
25 opportunity to have that ballot considered a spoiled ballot and
26 to vote another ballot.

27 (e) Prevent an elector from voting for the same person more

1 than once for the same office.

2 (f) Reject a ballot on which no valid vote is cast.

3 Electronic tabulating equipment shall be programmed to reject a
4 ballot on which no valid vote is cast.

5 (g) Be suitably designed for the purpose used; be durably
6 constructed; and be designed to provide for safety, accuracy, and
7 efficiency.

8 (h) Be designed to accommodate the needs of an elderly voter
9 or a person with 1 or more disabilities.

10 (i) Record correctly and count accurately each vote properly
11 cast.

12 (j) Provide an audit trail.

13 (k) Provide an acceptable method for an elector to vote for a
14 person whose name does not appear on the ballot.

15 (l) Allow for accumulation of vote totals from the precincts
16 in the jurisdiction. The accumulation software must meet
17 specifications prescribed by the secretary of state and must be
18 certified by the secretary of state as meeting these
19 specifications.

20 **(m) Be compatible with or include at least 1 voting device**
21 **that is accessible for an individual with disabilities to vote in**
22 **a manner that provides the same opportunity for access and**
23 **participation, including secrecy and independence, as provided**
24 **for other voters. The voting device shall include nonvisual**
25 **accessibility for the blind and visually impaired.**

26 (2) Electronic tabulating equipment that counts votes at the
27 precinct before the close of the polls shall provide a method for

1 rendering the equipment inoperable if vote totals are revealed
2 before the close of the polls. **Electronic tabulating equipment**
3 **that tabulates ballots, including absentee ballots, at a central**
4 **location shall be programmed to reject a ballot if the choices**
5 **recorded on an elector's ballot for an office or a question**
6 **exceed the number that the elector is entitled to vote for on**
7 **that office or question, if no valid choices are recorded on an**
8 **elector's ballot, or if, in a primary election, votes are**
9 **recorded for candidates of more than 1 political party.**

10 (3) Beginning January 1, 2006, each jurisdiction in this
11 state conducting an election shall equip each polling place with
12 at least 1 accessible voting device as required under subsection
13 (1) (m).

14 Sec. 798c. (1) Absentee votes may be cast on paper ballots
15 or ballot cards or both. Absent voter ballots may be counted in
16 the various voting precincts or may be counted by absent voter
17 counting boards. Absentee votes cast on paper ballots may be
18 recorded by election ~~inspections~~ **inspectors** on ballot cards for
19 counting by tabulating equipment.

20 (2) In an election held under this act, absent voters'
21 ballots may be voted and processed in the manner provided by this
22 chapter.

23 (3) If electronic tabulating equipment rejects an absent
24 voter ballot due to programming required under section 795, the
25 rejected ballot shall be inspected to confirm the presence of the
26 error before the ballot is processed. A vote for each elective
27 office or ballot question in which an error is confirmed shall

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1 not be counted.

2 Sec. 799a. (1) This section governs the recounting of a
3 ballot on which a voter has made a selection by means of a punch,
4 mark, or stamp.

5 (2) If the electronic voting system requires that the elector
6 cast a vote by punching out a hole in a ballot, the vote shall
7 not be considered valid unless the portion of the ballot
8 designated as a voting position is completely removed or is
9 hanging by 1 or 2 corners or the equivalent.

10 (3) If the electronic voting system requires that the elector
11 ~~cast a vote by marking or stamping~~ **place a mark in** a predefined
12 area on the ballot **in order to cast a vote**, the vote shall not be
13 considered valid unless there is a mark ~~or stamp~~ within the
14 predefined area. ~~and it is clearly evident that the intent of~~
15 ~~the voter was to cast a vote. In determining intent of the~~
16 ~~voter~~ **A stray mark made within a predefined area is not a valid**
17 **vote. In determining whether a mark within a predefined area is**
18 **a stray mark**, the board of canvassers or election official shall
19 compare the mark ~~or stamp~~ subject to recount with other marks
20 ~~or stamps~~ appearing on the ballot. **The secretary of state**
21 **shall issue instructions, subject to the approval <<of>> the board of**
22 **state canvassers, relevant to stray marks to ensure the fairness**
23 **and 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 (4) Unless a petition for recount has been filed and the
2 recount has not been completed, ballots, ballot labels, programs,
3 test results, and other sealed materials may be released from
4 their original seal after 7 days following the final
5 determination of the board of canvassers with respect to the
6 election at which the ballots were voted. However, the released
7 materials shall be secured and preserved for the time period
8 required by this act and the rules promulgated by the secretary
9 of state.

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

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

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

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

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

27 (e) Two lines meeting within or on the line of the square or

1 circle, although not crossing each other, are valid if it is
2 apparent that the voter intended to make a cross.

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

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

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

15 (i) Any votes cast for a deceased candidate are void and
16 shall not be counted, except that votes cast for a candidate for
17 governor who has died, and for whom a replacement has not been
18 made, shall be counted for the candidate for lieutenant governor
19 of that party.

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

24 (k) A vote shall not be counted for any candidate unless a
25 cross or a check mark has been placed by the voter in the circle
26 at the head of the party ticket, if any, on which the name of the
27 candidate has been printed, written, or placed or unless a cross

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1 or a check mark has been placed by the voter in the square before
2 the space in which the name of the candidate has been printed,
3 written, or placed.

4 (2) If an electronic voting system requires that the elector
5 place a mark in a predefined area on the ballot in order to cast
6 a vote, the vote shall not be considered valid unless there is a
7 mark within the predefined area. ~~and it is clearly evident that~~
8 ~~the intent of the voter was to cast a vote. In determining~~
9 ~~intent of the voter~~ **A stray mark made within a predefined area**
10 **is not a valid vote. In determining whether a mark within a**
11 **predefined area is a stray mark,** the board of canvassers or
12 election official shall compare the mark with other marks
13 appearing on the ballot. **The secretary of state shall issue**
14 **instructions, subject to the approval <<of>> the board of state**
15 **canvassers, relevant to stray marks to ensure the fairness and**
16 **uniformity of determinations made under this subsection. A**
17 **secretary of state's instruction relevant to stray marks shall**
18 **not be applied to a ballot unless the secretary of state issued**
19 **the instruction not less than 63 days before the date of the**
20 **election.**

21 Sec. 813. (1) Within 6 days after the election, for each
22 provisional ballot that was placed in a provisional ballot return
23 envelope, the city or township clerk shall determine whether the
24 individual voting the provisional ballot was eligible to vote a
25 ballot and whether to tabulate the provisional ballot. In making
26 this determination, the city or township clerk shall not open the
27 provisional ballot return envelope. A provisional ballot shall

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1 only be tabulated if a valid voter registration record for the
2 elector is located or if the identity and residence of the
3 elector is established using a Michigan operator's license,
4 chauffeur's license, << >> personal identification card <<, other
government issued photo identification card, or a photo identification
card issued by an institution of higher education in this state described
in section 6 of article VIII of the state constitution of 1963 or a
junior college or community college established under section 7 of
article VIII of the state constitution of 1963>> along with a
5 document to establish the voter's current residence address as
6 provided in section 523a(5). Before the provisional ballot is
7 tabulated, election officials shall process the ballot as a
8 challenged ballot under sections 745 and 746.

9 (2) Within 7 days after the election, but sooner if
10 practicable, the city or township clerk shall transmit the
11 results of provisional ballots tabulated after the election to
12 the board of county canvassers. The results shall be transmitted
13 in a form prescribed by the secretary of state.

14 (3) Within 7 days after the election, the city or township
15 clerk shall transmit to the county clerk a provisional ballot
16 report for each precinct in the jurisdiction. The report shall
17 include for each precinct the number of provisional ballots
18 issued, the number of provisional ballots tabulated on election
19 day, the number of provisional ballots forwarded to the clerk to
20 be determined after the election, the number of provisional
21 ballots tabulated by the clerk after election day, and any
22 additional information concerning provisional ballots as required
23 by the secretary of state.

24 Sec. 829. (1) The board of county canvassers shall include
25 the results of the tabulated provisional ballots in the canvass
26 of the election following procedures prescribed by the secretary
27 of state designed to maintain the secrecy of the ballot.

1 (2) Within 14 days after a primary or election, the county
2 clerk shall transmit a county provisional ballot report to the
3 secretary of state. The county provisional ballot report shall
4 be in a manner prescribed by the secretary of state. After the
5 secretary of state receives a county provisional ballot report,
6 the county provisional ballot report shall be immediately
7 available for public inspection.

8 Sec. 842. (1) The board of state canvassers, for the
9 purpose of canvassing the returns and ascertaining and
10 determining the result of ~~any such~~ **an** election, shall meet at
11 the office of the secretary of state on or before the twentieth
12 day after ~~such~~ **the** election. The secretary of state shall
13 appoint the day of ~~such~~ **the** meeting and shall notify the other
14 members of the board. ~~thereof.~~ The board ~~shall have~~ **has** power
15 to adjourn from time to time to await the receipt or correction
16 of returns, or for other necessary purposes, but shall complete
17 the canvass and announce their determination ~~thereof~~ not later
18 than the fortieth day after ~~such~~ **the** election. ~~—:— Provided,~~
19 ~~That the~~ **The** board may at the time of its meeting, or an
20 adjournment ~~thereof~~ **of its meeting**, canvass the returns for any
21 office ~~where~~ **for which** the complete returns ~~for that office~~
22 have been received.

23 (2) If the unofficial election returns show that the election
24 of electors of president and vice president is determined by a
25 vote differential between the first place and second place
26 candidates for president and vice president of the United States
27 of less than 25,000 votes, the secretary of state may direct the

1 boards of county canvassers to canvass returns for electors of
2 president and vice president on an expedited schedule. The
3 secretary of state may direct the boards of county canvassers to
4 complete the statements for electors of president and vice
5 president required by section 824 and certify the statements as
6 required by section 828 to the secretary of state by the seventh
7 day after the election or by a date before the fourteenth day
8 after the election.

9 (3) The secretary of state may appoint the day for the board
10 of state canvassers to conduct the expedited canvass of the
11 returns for electors of president and vice president and
12 determine the results of that election. The day appointed for
13 the expedited canvass shall be as soon as practicable after
14 receipt of the returns from the boards of county canvassers, but
15 no later than the twentieth day after the election.

16 Enacting section 1. Sections 509, 509a, and 509y of the
17 Michigan election law, 1954 PA 116, MCL 168.509, 168.509a, and
18 168.509y, are repealed.