

**SUBSTITUTE FOR  
SENATE BILL NO. 432**

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 73, 283, 393, 499, 509m, 509n, 509t, 509aa, 686, 735, 795, 798c, 799a, 803, and 842 (MCL 168.73, 168.283, 168.393, 168.499, 168.509m, 168.509n, 168.509t, 168.509aa, 168.686, 168.735, 168.795, 168.798c, 168.799a, 168.803, and 168.842), sections 73, 283, 393, 509n, and 686 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 509t as amended by 1998 PA 21, 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:**

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

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

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

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

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

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

1 county, in care of the county clerk at the county seat.

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

22       Sec. 393. Not more than 24 hours after the conclusion of  
23 the fall state convention, the state central committee of each  
24 political party shall convene and canvass the proceedings of the  
25 convention and determine the nominee or nominees of the  
26 convention for the office or offices of justice of the supreme  
27 court. Not more than 1 business day after the conclusion of the

1 state convention, the chairperson and secretary of the state  
2 central committee shall forward by registered or certified mail  
3 to the secretary of state ~~and to the board of election~~  
4 ~~commissioners of each county, in care of the county clerk at the~~  
5 ~~county seat,~~ a typewritten or printed list of the names and  
6 residence, including the street address if known, of the  
7 candidate or candidates nominated at the convention for the  
8 office or offices of justice of the supreme court. **The secretary**  
9 **of state shall forward a copy of a list received under this**  
10 **section to the board of election commissioners of each county, in**  
11 **care of the county clerk at the county seat.** The ~~names of the~~  
12 ~~persons so certified~~ **name of each nominee on the list** shall be  
13 printed upon a nonpartisan judicial ballot containing no party  
14 designation together with the names of ~~any~~ incumbent justices  
15 filing an affidavit ~~pursuant to~~ **under** section 392a.

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

1 statement that is false, the applicant is guilty of a  
2 misdemeanor.

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

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

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

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

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

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

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

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

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

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

27 (a) "Designated voter registration agency" means an office

1 designated under section 509u to perform voter registration  
2 activities in this state.

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

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

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

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

19 (b) Instruct designated voter registration agencies; county,  
20 city, township, and village clerks; and school officials  
21 regarding the voter registration procedures and requirements  
22 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) Any recommendations of the secretary of state for  
4 amendments to this act to increase the efficiency and  
5 effectiveness of the qualified voter file as a voter registration  
6 system.

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

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

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

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

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



1           (3) This section does not preclude this state from  
2 prosecuting a violation of this act that is also a violation of  
3 ~~any~~ a federal election or voting rights law.

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

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

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

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

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

26           (c) A notice explaining that, if the address information is  
27 correct and the voter has moved his or her residence within the

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

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

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

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

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

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

1 does not vote in an election within the period beginning on the  
2 date of the notice and ending on the first business day  
3 immediately following the second November general election that  
4 is held after the date on the notice, the registration of the  
5 voter will be canceled and his or her name will be removed from  
6 the registration record of that city or township.

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

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

1 township.

2       Sec. 523a. (1) If an individual who completed an application  
3 under section 523 is not listed on the voter registration list,  
4 the election inspector shall issue a ballot to the individual as  
5 follows:

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

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

27       (2) The election inspector shall require an individual who is

1 not listed on the voter registration list to execute a sworn  
2 statement asserting that the individual submitted a voter  
3 registration application before the close of registration to a  
4 department of state office, a designated voter registration  
5 agency, or the office of his or her county, city, or township  
6 clerk, or mailed an application as provided by this act, on or  
7 before the close of registration. An individual who provides  
8 false information in a signed sworn statement under this  
9 subsection is guilty of perjury. An individual signing a sworn  
10 statement shall complete a new voter registration application.

11 (3) The election inspector shall contact the city or township  
12 clerk to verify whether the individual who signed the sworn  
13 statement is listed in the registration records of the  
14 jurisdiction or whether there is any information contrary to the  
15 content of the sworn statement.

16 (4) If the city or township clerk verifies the elector  
17 information and finds no information contrary to the information  
18 provided by the individual in the sworn statement and the  
19 individual presents a Michigan operator's or chauffeur's license  
20 or department of state issued personal identification card to  
21 establish his or her identity and residence address, the  
22 individual shall be permitted to vote a provisional ballot on  
23 election day. Before the provisional ballot is tabulated on  
24 election day, election inspectors shall process the ballot as a  
25 challenged ballot under sections 745 and 746.

26 (5) If the election inspector is not able to contact the city  
27 or township clerk, the individual is not in the correct precinct,

1 the individual presents identification other than a Michigan  
2 operator's or chauffeur's license or department of state issued  
3 personal identification card, or the individual is unable to  
4 present any identification, the individual shall be issued a  
5 provisional ballot that is not tabulated on election day but is  
6 secured for verification after the election. A provisional  
7 ballot shall also be issued under this subsection to a voter who  
8 presents a Michigan operator's license, chauffeur's license, or  
9 department of state personal identification card that does not  
10 bear the voter's current residence address, if the voter also  
11 presents a document to establish the voter's current residence  
12 address. The election inspector shall accept a document  
13 containing the name and current residence address of the voter as  
14 sufficient documentation to issue a provisional ballot if it is 1  
15 of the following documents:

16 (a) A current utility bill.

17 (b) A current bank statement.

18 (c) A current government paycheck, government check, or other  
19 government document.

20 (6) A provisional ballot shall be placed in a provisional  
21 ballot return envelope prescribed by the secretary of state and  
22 delivered to the city or township clerk after the polls close in  
23 a manner as prescribed by the secretary of state.

24 (7) For a provisional ballot voted under subsection (4), the  
25 election inspector shall provide the voter with a notice that his  
26 or her ballot has been tabulated. For a provisional ballot voted  
27 under subsection (5), the election inspector shall provide the

1 voter with a notice that the voter's information will be verified  
2 by the clerk of the jurisdiction or secretary of the school board  
3 within 6 days after the election to determine if the ballot will  
4 be tabulated and, that if the ballot is not tabulated, the reason  
5 it was not tabulated. A clerk of a jurisdiction or secretary of  
6 the school board shall provide a free access system for the voter  
7 to determine whether the ballot was tabulated. The free access  
8 system may include a telephone number that does not require a  
9 toll charge, a toll-free telephone number, an internet website,  
10 or a mailed notice.

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

16 Sec. 686. Within 24 hours after the conclusion of the state  
17 convention ~~prior to any~~ **before** a general election, the state  
18 central committee of each political party shall canvass the  
19 proceedings of the convention and determine the nominees of the  
20 convention. Not more than 1 business day after the state  
21 convention, the chairperson and secretary of the state central  
22 committee shall forward ~~to the board of election commissioners~~  
23 ~~of each county, in care of the county clerk at the county seat,~~  
24 ~~and~~ to the secretary of state ~~—~~ a typewritten or printed list  
25 of the names and residence, including the street address if  
26 known, of all candidates nominated at the state convention. In  
27 each presidential election year, the state central committee of

1 each political party shall, at the same time, forward ~~to the~~  
2 ~~board of election commissioners of each county and~~ to the  
3 secretary of state the typewritten or printed names of the  
4 candidates of ~~such~~ **that** party ~~at the forthcoming election~~ for  
5 the offices of president of the United States and vice-president  
6 of the United States certified to by the chairman and secretary  
7 of the committees. A party is not required to certify  
8 nominations made at an official primary election. **The secretary**  
9 **of state shall forward a copy of a list received under this**  
10 **section to the board of election commissioners of each county, in**  
11 **care of the county clerk at the county seat.**

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



1 ~~board of inspectors.~~

2       (1) At each primary and election, election inspectors shall  
3 keep 1 poll book and 1 poll list. An election inspector shall  
4 enter in the poll book, in the order in which electors are given  
5 ballots, the name of each elector who is given a ballot and  
6 immediately after the name, on the same line, shall enter the  
7 number of the ballot given to the elector. For an absent voter  
8 ballot, when an election inspector removes the ballot from the  
9 sealed absent voter envelope, the election inspector shall enter  
10 in the poll book the name of the absent voter and the number of  
11 the ballot.

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

16       (3) At the completion of the precinct canvass, an election  
17 inspector shall record on the certificate provided in the poll  
18 book the number of each metal seal used to seal voting equipment  
19 and ballot containers. Each member of the board of election  
20 inspectors shall sign the certificate.

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

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

26       (b) Permit each elector to vote at an election for all  
27 persons and offices for whom and for which the elector is

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

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

20 (d) Permit an elector in a primary election to vote for the  
21 candidates in the party primary of the elector's choice. Except  
22 as otherwise provided in this subdivision, the electronic  
23 tabulating equipment shall reject each ballot on which votes are  
24 cast for candidates of more than 1 political party. Electronic  
25 tabulating equipment that can detect that the elector has voted  
26 for candidates of more than 1 political party shall be located at  
27 each polling place and programmed to reject a ballot containing

1 that type of an error. If a choice on a ballot is rejected as  
2 provided in this subdivision, an elector shall be given the  
3 opportunity to have that ballot considered a spoiled ballot and  
4 to vote another ballot.

5 (e) Prevent an elector from voting for the same person more  
6 than once for the same office.

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

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

10 (g) Be suitably designed for the purpose used; be durably  
11 constructed; and be designed to provide for safety, accuracy, and  
12 efficiency.

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

15 (i) Record correctly and count accurately each vote properly  
16 cast.

17 (j) Provide an audit trail.

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

20 (l) Allow for accumulation of vote totals from the precincts  
21 in the jurisdiction. The accumulation software must meet  
22 specifications prescribed by the secretary of state and must be  
23 certified by the secretary of state as meeting these  
24 specifications.

25 (m) **Be compatible with or include at least 1 voting device**  
26 **that is accessible for an individual with disabilities to vote in**  
27 **a manner that provides the same opportunity for access and**

1 participation, including secrecy and independence, as provided  
2 for other voters. The voting device shall include nonvisual  
3 accessibility for the blind and visually impaired.

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

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

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

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

1           (3) If electronic tabulating equipment rejects an absent  
2 voter ballot due to programming required under section 795, the  
3 rejected ballot shall be inspected to confirm the presence of the  
4 error before the ballot is processed. A vote for each elective  
5 office or ballot question in which an error is confirmed shall  
6 not be counted.

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

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

15           (3) If the electronic voting system requires that the elector  
16 ~~cast a vote by marking or stamping~~ **place a mark in** a predefined  
17 area on the ballot **in order to cast a vote**, the vote shall not be  
18 considered valid unless there is a mark ~~or stamp~~ within the  
19 predefined area. ~~and it is clearly evident that the intent of~~  
20 ~~the voter was to cast a vote. In determining intent of the~~  
21 ~~voter~~ **A stray mark made within a predefined area is not a valid**  
22 **vote. In determining whether a mark within a predefined area is**  
23 **a stray mark**, the board of canvassers or election official shall  
24 compare the mark ~~or stamp~~ subject to recount with other marks  
25 ~~or stamps~~ appearing on the ballot. **The secretary of state**  
26 **shall issue instructions relevant to stray marks to ensure the**  
27 **fairness and uniformity of determinations made under this**

1 subsection. A secretary of state's instruction relevant to stray  
2 marks shall not be applied to a ballot unless the secretary of  
3 state issued the instruction not less than 63 days before the  
4 date of the election.

5 (4) Unless a petition for recount has been filed and the  
6 recount has not been completed, ballots, ballot labels, programs,  
7 test results, and other sealed materials may be released from  
8 their original seal after 7 days following the final  
9 determination of the board of canvassers with respect to the  
10 election at which the ballots were voted. However, the released  
11 materials shall be secured and preserved for the time period  
12 required by this act and the rules promulgated by the secretary  
13 of state.

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

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

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

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

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

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

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

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

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

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

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

1 (k) A vote shall not be counted for any candidate unless a  
2 cross or a check mark has been placed by the voter in the circle  
3 at the head of the party ticket, if any, on which the name of the  
4 candidate has been printed, written, or placed or unless a cross  
5 or a check mark has been placed by the voter in the square before  
6 the space in which the name of the candidate has been printed,  
7 written, or placed.

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

24 **Sec. 813. (1) Within 6 days after the election, for each**  
25 **provisional ballot that was placed in a provisional ballot return**  
26 **envelope, the city or township clerk shall determine whether the**  
27 **individual voting the provisional ballot was eligible to vote a**



1 ballot and whether to tabulate the provisional ballot. In making  
2 this determination, the city or township clerk shall not open the  
3 provisional ballot return envelope. A provisional ballot shall  
4 only be tabulated if a valid voter registration record for the  
5 elector is located or if the identity and residence of the  
6 elector is established using a Michigan operator's license,  
7 chauffeur's license, or personal identification card along with a  
8 document to establish the voter's current residence address as  
9 provided in section 523a(5).

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

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

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

1 of state designed to maintain the secrecy of the ballot.

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

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

24 (2) If the unofficial election returns show that the election  
25 of electors of president and vice president is determined by a  
26 vote differential between the first place and second place  
27 candidates for president and vice president of the United States

1 of less than 25,000 votes, the secretary of state shall direct  
2 the boards of county canvassers to canvass returns for electors  
3 of president and vice president on an expedited schedule. The  
4 secretary of state shall direct the boards of county canvassers  
5 to complete the statements for electors of president and vice  
6 president required by section 824 and certify the statements as  
7 required by section 828 to the secretary of state by the seventh  
8 day after the election or by a date before the fourteenth day  
9 after the election.

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

17 Enacting section 1. Sections 509, 509a, and 509y of the  
18 Michigan election law, 1954 PA 116, MCL 168.509, 168.509a, and  
19 168.509y, are repealed.