

# HOUSE BILL No. 6048

November 28, 2012, Introduced by Rep. Knollenberg and referred to the Committee on Redistricting and Elections.

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 795c, 803, and 804 (MCL 168.795c, 168.803, and 168.804), section 795c as amended by 1990 PA 109 and section 803 as amended by 2004 PA 92.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 795c. The different parts of the ballot, such as  
 2 partisan, nonpartisan, and questions, shall be prominently  
 3 indicated on the ballot label, and, if practicable, each part may  
 4 be placed on a separate page, column, or display. If 2 or more  
 5 elections are held on the same day, the ballot label shall be  
 6 clearly marked to indicate the ballot for each election. ~~In~~  
 7 ~~partisan elections the ballot label shall include a position by~~  
 8 ~~which the voter may by a single selection record a straight party~~

1 ~~ticket vote for all the candidates of 1 party. The voter may vote a~~  
2 ~~split or mixed ticket.~~

3       Sec. 803. (1) Except as otherwise provided in this act, the  
4 following rules govern the counting and recounting of votes:

5       (a) If it is clearly evident from an examination of a ballot  
6 that the ballot has been mutilated for the purpose of  
7 distinguishing it or that there has been placed on the ballot some  
8 mark, printing, or writing for the purpose of distinguishing it,  
9 then that ballot is void and shall not be counted.

10       (b) A cross, the intersection of which is within or on the  
11 line of the proper circle or square, or a check mark, the angle of  
12 which is within a circle or square, is valid. Crosses or check  
13 marks otherwise located on the ballot are void.

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

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

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

22       (f) A failure to properly mark a ballot as to 1 or more  
23 candidates does not alone invalidate the entire ballot if the  
24 ballot has been properly marked as to other candidates, unless the  
25 improper marking is determined to be a distinguishing mark as  
26 described in this subsection.

27       (g) Erasures and corrections on a ballot made by the elector

1 in a manner frequently used for this purpose shall not be  
2 considered distinguishing marks or mutilations.

3 (h) ~~Any~~**A** ballot or part of a ballot from which it is  
4 impossible to determine the elector's choice of candidate is void  
5 as to the candidate or candidates affected by that determination.

6 (i) ~~Any votes~~**A VOTE** cast for a deceased candidate ~~are~~**IS** void  
7 and shall not be counted, except that ~~votes~~**A VOTE** cast for a  
8 candidate for governor who has died, and for whom a replacement has  
9 not been made, shall be counted for the candidate for lieutenant  
10 governor of that party.

11 (j) ~~All ballots~~**A BALLOT** cast that ~~are~~**IS** not counted shall be  
12 marked by the inspector "not counted", kept separate from the  
13 others by being tied or held in 1 package, and placed in the ballot  
14 box with the counted ballots.

15 (k) A vote shall not be counted for ~~any~~**A** candidate unless a  
16 ~~cross or a check mark has been placed by the voter in the circle at~~  
17 ~~the head of the party ticket, if any, on which the name of the~~  
18 ~~candidate has been printed, written, or placed or unless a cross or~~  
19 a check mark has been placed by the voter in the square before the  
20 space in which the name of the candidate has been printed, written,  
21 or placed.

22 (2) If an electronic voting system requires that the elector  
23 place a mark in a predefined area on the ballot in order to cast a  
24 vote, the vote shall not be considered valid unless there is a mark  
25 within the predefined area. A stray mark made within a predefined  
26 area is not a valid vote. In determining whether a mark within a  
27 predefined area is a stray mark, the board of canvassers or

1 election official shall compare the mark with other marks appearing  
2 on the ballot. The secretary of state shall issue instructions,  
3 subject to the approval of the board of state canvassers, relevant  
4 to stray marks to ensure the fairness and uniformity of  
5 determinations made under this subsection. A secretary of state's  
6 instruction relevant to stray marks shall not be applied to a  
7 ballot unless the secretary of state issued the instruction not  
8 less than 63 days before the date of the election.

9       Sec. 804. In the canvass of votes cast for candidates for  
10 public office, the board shall ~~first select and count the straight~~  
11 ~~tickets and shall cause to be credited on the tally sheets the~~  
12 ~~number to each candidate voted for on a straight ticket. All other~~  
13 ~~ballots shall be counted and tallied~~ **COUNT AND TALLY EACH BALLOT** in  
14 ~~such~~ **THE** manner as will best ~~insure~~ **ENSURE** accuracy and promptness  
15 in determining the result. ~~and the~~ **THE** inspectors of election  
16 shall see that proper credit is given on the tally sheets to the  
17 candidates voted for on ~~such~~ **THE** ballots. All computations and  
18 tallies shall be made upon the tally sheets used at ~~such~~ **THE**  
19 election.

20       Enacting section 1. This amendatory act does not take effect  
21 unless Senate Bill No. \_\_\_\_ or House Bill No. 6049 (request no.  
22 01117'11) of the 96th Legislature is enacted into law.