

HOUSE BILL No. 6049

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 706, 737, and 782b (MCL 168.706, 168.737, and 168.782b), sections 706 and 737 as amended by 1985 PA 160.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 706. The arrangement of the ballot containing the names
2 of candidates for office shall conform as nearly as possible to
3 the following ~~plan,~~ **FORM** and shall contain the specific
4 instructions ~~there~~ set forth **IN THE FORM** and no others:

5 OFFICIAL BALLOT

6 County of Date

1 INSTRUCTIONS - ~~To~~ **YOU MAY NOT** vote a straight party ticket.
 2 ~~make a cross (X) or check mark (√) in the circle under the name~~
 3 ~~of your party. Nothing further need be done. To vote for a~~
 4 ~~candidate not on your party ticket, make a cross (X) or a check~~
 5 ~~mark (v) in the square [] before the candidate's name.~~

6 Candidates for president and vice-president must be voted for as
 7 a unit, and the vote cannot be split. Candidates for governor and
 8 lieutenant governor must be voted for as a unit, and the vote
 9 cannot be split.

10 ~~—— If 2 or more candidates are to be elected to the same office~~
 11 ~~and you desire to vote for candidates not on your party ticket,~~
 12 ~~make a cross (X) or a check mark (v) in the square [] before the~~
 13 ~~names of the candidates for whom you desire to vote on the other~~
 14 ~~ticket, and strike out an equal number of names on your party~~
 15 ~~ticket, for that office.~~

16 If you do not desire to vote any party ticket, do not make a
 17 ~~cross (X) or check mark (v) in the circle at the head of any~~
 18 ~~ticket, but make **MAKE** a cross (X) or a check mark ~~(v)~~ (√) in the~~
 19 ~~square [] before the name of each candidate for whom you desire~~
 20 ~~to vote.~~

21 If you wish to vote for a candidate not on ~~any ticket,~~ **THE**
 22 **BALLOT**, write or place the name of that candidate on your ballot
 23 ~~opposite~~ **UNDER** the name of the office **AND MAKE A CROSS (X) OR A**
 24 **CHECK MARK (√) IN THE SQUARE [] BEFORE HIS OR HER NAME.**

25 Before leaving the booth, fold the ballot so that the face
 26 of the ballot is not exposed and so that the numbered corner is
 27 visible.

Name of Offices Voted For:	Vignette with Name of Party { }-	Vignette with Name of Party { }-	Vignette with Name of Party { }-
PRESIDENTIAL Electors of President and Vice- President of the United States	Name of Candidate for President. [] Name of Candidate for Vice-President.	Name of Candidate for President. [] Name of Candidate for Vice-President.	Name of Candidate for President. [] Name of Candidate for Vice-President.
STATE Governor and Lieutenant Governor	Governor Name of Candidate [] Lieut. Governor Name of Candidate	Governor Name of Candidate [] Lieut. Governor Name of Candidate	Governor Name of Candidate [] Lieut. Governor Name of Candidate
Secretary of State	Secretary of State [] Name of Candidate	Secretary of State [] Name of Candidate	Secretary of State [] Name of Candidate
CONGRESSIONAL United States Senator	U.S. Senator [] Name of Candidate	U.S. Senator [] Name of Candidate	U.S. Senator [] Name of Candidate
Represent- ative in Congress ...District	U.S. Repre- sentative [] Name of Candidate	U.S. Repre- sentative [] Name of Candidate	U.S. Repre- sentative [] Name of Candidate
LEGISLATIVE Senator ...District	State Senator [] Name of Candidate	State Senator [] Name of Candidate	State Senator [] Name of Candidate
Represent- ative ...District	State Repre- sentative [] Name of Candidate	State Repre- sentative [] Name of Candidate	State Repre- sentative [] Name of Candidate
COUNTY Prosecuting Attorney	Pros. Attorney [] Name of Candidate	Pros. Attorney [] Name of Candidate	Pros. Attorney [] Name of Candidate
Sheriff	Sheriff [] Name of Candidate	Sheriff [] Name of Candidate	Sheriff [] Name of Candidate

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2 Sec. 737. The elector shall then go directly into a ~~AN~~
3 **UNOCCUPIED VOTING** booth ~~which is unoccupied~~ and indicate in the
4 following manner, with pencil or pen on the proper ballot, the
5 candidate or candidates for whom the elector desires to vote:

6 (a) ~~If the~~ **THE** elector ~~desires to~~ **SHALL NOT** vote a straight
7 ticket. ~~, the elector may make a cross (X) or a check mark () in~~
8 ~~the circle under the name of that party at the head of the~~
9 ~~ballot. Nothing further need be done.~~

10 ~~(b) If only 1 candidate is to be elected to an office and~~
11 ~~the elector desires to vote for a candidate not on the elector's~~
12 ~~party ticket, the elector should make a cross (X) or a check mark~~
13 ~~() in the circle under the name of the elector's party, and also~~
14 ~~make a cross (X) or a check mark () in the square before the~~
15 ~~name of the candidate for whom the elector desires to vote on the~~
16 ~~other ticket. In such case, it shall not be necessary to cross~~
17 ~~off the name of the candidate on the elector's party ticket. If~~
18 ~~the elector votes for more than 1 candidate for the same office~~
19 ~~where only 1 candidate is to be elected to the office, the ballot~~
20 ~~shall not be counted for either of the candidates and shall be as~~
21 ~~to those candidates considered null and void.~~

22 ~~(c) If 2 or more candidates are to be elected to the same or~~
23 ~~like office, such as coroners, and the elector desires to vote~~
24 ~~for a candidate or candidates not on the elector's party ticket~~
25 ~~for the office, the elector should mark a cross (X) or a check~~
26 ~~mark () in the circle under the elector's party name, and mark a~~
27 ~~cross (X) or a check mark () in the square before the name or~~

1 ~~names of the candidate or candidates for whom the elector desires~~
 2 ~~to vote on the other ticket or tickets, and also cross off an~~
 3 ~~equal number of names of the candidates for the office on the~~
 4 ~~elector's party ticket; but if the elector fails to cross off the~~
 5 ~~names of an equal number of candidates for the office on the~~
 6 ~~elector's party ticket, the elector shall be considered to have~~
 7 ~~crossed off the name of each candidate for the office which is~~
 8 ~~printed on the elector's party ticket opposite the name of the~~
 9 ~~candidate on some other party ticket in front of which name the~~
 10 ~~elector has made a cross (X) or a check mark (-).~~

11 (B) ~~(d)~~ If the elector wishes to vote for a candidate not on
 12 ~~any ticket, THE BALLOT~~, the elector may write or place the name
 13 of that candidate on the elector's ballot opposite the name of
 14 the office and make a cross (X) or a check mark (-) (✓) in the
 15 ~~circle under the party~~ **SQUARE [] BEFORE THE CANDIDATE'S** name.

16 (C) ~~(e)~~ A ballot marked with a cross (X) or a check mark (-)
 17 ~~in a circle under a party name shall be considered a vote for~~
 18 ~~each of the candidates named in the party column whose name is~~
 19 ~~not crossed off, except those candidates where a cross (X) or a~~
 20 ~~check mark (-) is placed (✓) in the square before the name of~~
 21 ~~some opposing~~ **A candidate PRINTED on another ticket, THE BALLOT**
 22 ~~or where there~~ **BEFORE A NAME THAT** is written or pasted on the
 23 ~~party ticket a name which is not printed on any party~~
 24 ~~ticket.~~ **BALLOT IS CONSIDERED A VOTE FOR THAT CANDIDATE EXCEPT IF**
 25 **AN ELECTOR HAS VOTED FOR MORE CANDIDATES FOR THE OFFICE THAN ARE**
 26 **TO BE ELECTED.**

27 ~~(f)~~ If the name of any person who is not a candidate on any

1 ~~ticket is written or placed on the party ticket opposite the name~~
 2 ~~of the office and there is a cross (X) or a check mark () in the~~
 3 ~~circle under the party name, the name so written or placed shall~~
 4 ~~be counted 1 vote for the person, whether the original name on~~
 5 ~~the party ticket is erased or not, excepting cases where there is~~
 6 ~~a cross (X) or a check mark () in the square before the name of~~
 7 ~~some opposite candidate on some other party ticket.~~

8 ~~—— (g) If a cross (X) or a check mark () is not placed in the~~
 9 ~~circle under the party name, a cross (X) or a check mark () in~~
 10 ~~the square before the name of any candidate shall be considered a~~
 11 ~~vote for that candidate except in cases where the elector votes~~
 12 ~~for more candidates for the same office than are to be elected.~~

13 (D) ~~(h)~~ An elector shall indicate the elector's preference
 14 on ~~any~~ A constitutional amendment or other submitted question by
 15 making a cross (X) or a check mark ~~()~~ (✓) in the square in front
 16 of the word "Yes" or in the square in front of the word "No"
 17 opposite or below the question on the proper ballots.

18 Sec. 782b. If there is no reserve machine available,
 19 emergency ballots may also be provided by the **COUNTY** board of
 20 election commissioners. ~~of the county, having~~ **EMERGENCY BALLOTS**
 21 **SHALL HAVE** suitable blank spaces to permit the voter to vote a
 22 ~~straight party ticket, or if he desires to split his party~~
 23 ~~ticket, to indicate the party ticket the majority of whose~~
 24 ~~candidates he favors, together with the names of such other~~ **FOR**
 25 **THE** candidates for whom ~~he~~ **THE ELECTOR** desires to vote. The
 26 ballots shall be used only in emergency and upon special
 27 permission of the board or official whose duty it is to provide

1 ballots for the election. ~~and who~~ **THE BOARD OR OFFICIAL** shall
 2 prepare ~~such~~ **THE EMERGENCY** ballots ~~which~~ **THAT** shall be held by
 3 the city, township, or village clerk, subject to the order of the
 4 county clerk or other authorized person. It ~~shall~~ **IS** not be
 5 necessary to provide emergency ballots for each election unless
 6 ~~same shall~~ **PREVIOUSLY PROVIDED BALLOTS** have been used, destroyed,
 7 or lost, in which case similar ballots shall again be provided.
 8 If at any time during the election, the voting machine is
 9 disabled and cannot be repaired and no other voting machine ~~can~~
 10 ~~be had to supply its place,~~ **IS AVAILABLE**, an emergency shall be
 11 declared to exist and the voting thereafter ~~thereafter~~ **AFTER AN EMERGENCY IS**
 12 **DECLARED** at that election in that voting precinct shall be by
 13 **EMERGENCY** ballot, in the manner provided in this section. The
 14 board or official ~~having the~~ **THAT HAS** custody of the emergency
 15 ballots, when so directed, shall supply a sufficient number of
 16 ~~such~~ **EMERGENCY** ballots to the election board for use by the
 17 voters. One of the ballots shall be delivered by the election
 18 board to each voter who ~~may thereafter appear~~ **APPEARS** to vote ~~and~~
 19 **AFTER AN EMERGENCY IS DECLARED. EMERGENCY BALLOTS** shall be voted
 20 and counted subject to the provisions relative to voting by
 21 ballot at general elections, except as ~~herein~~ otherwise provided
 22 **IN THIS SECTION**. The ballots shall be numbered consecutively from
 23 1 up, ~~which~~ **AND THE** number and identification shall be printed
 24 ~~upon~~ **ON** a perforated stub as in the case where only regular
 25 ballots are used at elections.

26 Enacting section 1. This amendatory act does not take effect
 27 unless Senate Bill No. ____ or House Bill No. 6048 (request no.

1 01118'11) of the 96th Legislature is enacted into law.