HOUSE BILL NO. 5644

December 14, 2021, Introduced by Reps. Thanedar, Aiyash, Weiss, Young, Cavanagh, Hood, Scott, Cynthia Johnson, Brabec, Camilleri, Puri and Jones and referred to the Committee on Elections and Ethics.

A bill to amend 1954 PA 116, entitled

"Michigan election law,"

by amending sections 736b, 736c, 736d, 736e, 736f, 764, and 795
(MCL 168.736b, 168.736c, 168.736d, 168.736e, 168.736f, 168.764, and
168.795), sections 736b, 736c, 736d, and 736e as amended by 2018 PA
190, sections 736f and 764 as added by 2012 PA 128, and section 795
as amended by 2018 PA 127, and by adding section 736h.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1   Sec. 736b. ~~Each~~ **Except as otherwise provided in section 736h**

2 **for ranked choice voting, each** ballot secrecy sleeve used at a

1 primary election must either contain the following ballot marking

2 instructions printed on the front of the ballot secrecy sleeve or

3 must have a clear plastic pocket on the front of the ballot secrecy

4 sleeve that contains a printed copy of the following ballot marking

5 instructions:

6 <center>**PRIMARY ELECTION**</center>

7 **TO VOTE:** Completely darken the oval opposite each choice as

8 shown:

9 [insert graphic here].

10 <center>-- OR --</center>

11 **TO VOTE:** Completely darken the box opposite each choice

12 as shown: [insert graphic here].

13 **IMPORTANT:** To mark your ballot, use only a black or blue ink

14 pen.

15 **DO NOT USE ANY OTHER INK COLOR!**

16 **PARTISAN SECTION:** There may be multiple party sections on the

17 ballot. Select the party section of your choice. **YOU MAY VOTE**

18 **IN ONE PARTY SECTION ONLY; YOU CANNOT "SPLIT YOUR TICKET." IF**

19 **YOU VOTE IN MORE THAN ONE PARTY SECTION, YOUR PARTISAN BALLOT**

20 **WILL BE REJECTED. DO NOT** vote for more candidates than

21 indicated under each office title.

22 **WRITE-IN CANDIDATES:** To vote for a candidate whose name is not

23 printed on the ballot, write or place the name of that

24 candidate in the blank space provided and completely darken

25 the voting target area. Do not cast a write-in vote for a

26 candidate whose name is already printed on the ballot for that

27 office.

28 **CHECK BOTH SIDES OF BALLOT:** This ballot has two sides. Be

29 certain to check the reverse side of the ballot.

1   **WHEN YOU HAVE COMPLETED VOTING**: Place the ballot in the
2   secrecy sleeve so that votes cannot be seen and the numbered
3   stub is visible. Return the ballot to the election official
4   stationed at the tabulator. (If voting by absentee ballot,
5   follow the instructions provided by the clerk for returning
6   the ballot.)
7   **NOTE**: If you make a mistake, return your ballot to the
8   election official and obtain a new ballot. Do not attempt to
9   erase or correct any marks made in error.
10   Sec. 736c. ~~Each~~ **Except as otherwise provided in section 736h**
11 **for ranked choice voting, each** ballot secrecy sleeve used at a
12 general election must either contain the following ballot marking
13 instructions printed on the front of the ballot secrecy sleeve or
14 must have a clear plastic pocket on the front of the ballot secrecy
15 sleeve that contains a printed copy of the following ballot marking
16 instructions:
17   **GENERAL ELECTION**
18   **TO VOTE**: Completely darken the oval opposite each choice as
19   shown:
20   [insert graphic here].
21   **-- OR --**
22   **TO VOTE**: Completely darken the box opposite each choice as
23   shown: [insert graphic here].
24   **IMPORTANT**: To mark your ballot, use only a black or blue ink
25   pen.
26   **DO NOT USE ANY OTHER INK COLOR!**
27   **PARTISAN SECTION**: To vote the partisan section of the ballot,
28   you may cast a "mixed ticket."
29   **Mixed Ticket**: Vote for the individual candidates of your

1   choice in each office.

2   **NONPARTISAN** and **PROPOSAL SECTIONS** of the ballot (if any) must

3   be voted separately.

4   **DO NOT** vote for more candidates than indicated under each

5   office title.

6   **WRITE-IN CANDIDATES:** To vote for a candidate whose name is not

7   printed on the ballot, write or place the name of that

8   candidate in the blank space provided and completely darken

9   the voting target area. Do not cast a write-in vote for a

10 candidate whose name is already printed on the ballot for that

11 office.

12 **CHECK BOTH SIDES OF BALLOT:** This ballot has two sides. Be

13 certain to check the reverse side of the ballot.

14 **WHEN YOU HAVE COMPLETED VOTING:** Place the ballot in the

15 secrecy sleeve so that votes cannot be seen and the numbered

16 stub is visible. Return the ballot to the election official

17 stationed at the tabulator. (If voting by absentee ballot,

18 follow the instructions provided by the clerk for returning

19 the ballot.)

20 **NOTE:** If you make a mistake, return your ballot to the

21 election official and obtain a new ballot. Do not attempt to

22 erase or correct any marks made in error.

23 Sec. 736d. ~~Each~~ **Except as otherwise provided in section 736h**

24 **for ranked choice voting, each** ballot secrecy sleeve used at a

25 nonpartisan election must either contain the following ballot

26 marking instructions printed on the front of the ballot secrecy

27 sleeve or must have a clear plastic pocket on the front of the

28 ballot secrecy sleeve that contains a printed copy of the following

29 ballot marking instructions:

1	**NONPARTISAN ELECTION**
2	**TO VOTE:** Completely darken the oval opposite each choice as
3	shown:
4	[insert graphic here].
5	-- OR --
6	**TO VOTE:** Completely darken the box opposite each choice as
7	shown: [insert graphic here].
8	**IMPORTANT:** To mark your ballot, use only a black or blue ink
9	pen.
10	**DO NOT USE ANY OTHER INK COLOR!**
11	**DO NOT** vote for more candidates than indicated under each
12	office title.
13	**WRITE-IN CANDIDATES:** To vote for a candidate whose name is not
14	printed on the ballot, write or place the name of that
15	candidate in the blank space provided and completely darken
16	the voting target area. Do not cast a write-in vote for a
17	candidate whose name is already printed on the ballot for that
18	office.
19	**CHECK BOTH SIDES OF BALLOT:** This ballot has two sides. Be
20	certain to check the reverse side of the ballot.
21	**WHEN YOU HAVE COMPLETED VOTING:** Place the ballot in the
22	secrecy sleeve so that votes cannot be seen and the numbered
23	stub is visible. Return the ballot to the election official
24	stationed at the tabulator. (If voting by absentee ballot,
25	follow the instructions provided by the clerk for returning
26	the ballot.)
27	**NOTE:** If you make a mistake, return your ballot to the
28	election official and obtain a new ballot. Do not attempt to
29	erase or correct any marks made in error.

1   Sec. 736e. ~~Each~~ **Except as otherwise provided in section 736h**

2 **for ranked choice voting, each** ballot secrecy sleeve used at a

3 special election must either contain the following ballot marking

4 instructions printed on the front of the ballot secrecy sleeve or

5 must have a clear plastic pocket on the front of the ballot secrecy

6 sleeve that contains a printed copy of the following ballot marking

7 instructions:

8   **SPECIAL ELECTION**

9   **TO VOTE:** Completely darken the oval opposite each choice as

10   shown:

11   [insert graphic here].

12   -- OR --

13   **TO VOTE:** Completely darken the box opposite each choice

14   as shown: [insert graphic here].

15   **IMPORTANT:** To mark your ballot, use only a black or blue ink

16   pen.

17   **DO NOT USE ANY OTHER INK COLOR!**

18   **CHECK BOTH SIDES OF BALLOT:** This ballot has two sides. Be

19   certain to check the reverse side of the ballot.

20   **WHEN YOU HAVE COMPLETED VOTING:** Place the ballot in the

21   secrecy sleeve so that votes cannot be seen and the numbered

22   stub is visible. Return the ballot to the election official

23   stationed at the tabulator. (If voting by absentee ballot,

24   follow the instructions provided by the clerk for returning

25   the ballot.)

26   **NOTE:** If you make a mistake, return your ballot to the

27   election official and obtain a new ballot. Do not attempt to

28   erase or correct any marks made in error.

29   Sec. 736f. The ballot marking instructions as provided in

1 sections 736b, 736c, 736d, 736e, **736h,** and 764, are the only

2 written ballot marking instructions that shall be provided to an

3 elector.

4 **Sec. 736h. (1) The city clerk shall issue ballot marking**

5 **instructions to be used by a city at an election involving ranked**

6 **choice voting.**

7 **(2) Each ballot secrecy sleeve used at an election involving**

8 **ranked choice voting must either contain the ballot marking**

9 **instructions issued by the city clerk printed on the front of the**

10 **ballot secrecy sleeve or have a clear plastic pocket on the front**

11 **of the ballot secrecy sleeve that contains a printed copy of the**

12 **ballot marking instructions issued by the city clerk.**

13 Sec. 764. In addition to the instructions provided to an

14 absent voter under section 764a, the following ballot marking

15 instructions for an absent voter concerning the method of voting

16 ~~shall~~ **must** be included with each absent voter ballot furnished an

17 absent voter:

18 (a) For a primary election, the ballot marking instructions as

19 provided in section 736b.

20 (b) For a general election, the ballot marking instructions as

21 provided in section 736c.

22 (c) For a nonpartisan election, the ballot marking

23 instructions as provided in section 736d.

24 (d) For a special election, the ballot marking instructions as

25 provided in section 736e.

26 **(e) For an election involving ranked choice voting, the ballot**

27 **marking instructions as provided in section 736h.**

28 Sec. 795. (1) An electronic voting system acquired or used

29 under sections 794 to 799a must meet all of the following

1 requirements:

2   (a) Provide for voting in secrecy, except in the case of

3 voters who receive assistance as provided by this act.

4   (b) Utilize a paper ballot for tabulating purposes.

5   (c) Permit each elector to vote at an election for all ~~persons~~

6 **individuals** and offices for whom and for which the elector is

7 lawfully entitled to vote; to vote for as many ~~persons~~ **individuals**

8 for an office as the elector is entitled to vote for; and to vote

9 for or against any question upon which the elector is entitled to

10 vote. Except as otherwise provided in this subdivision **and section**

11 **640,** the electronic tabulating equipment must reject all choices

12 recorded on the elector's ballot for an office or a question if the

13 number of choices exceeds the number that the elector is entitled

14 to vote for on that office or question. ~~Electronic~~ **Except as**

15 **otherwise provided in section 640 for ranked choice voting,**

16 **electronic** tabulating equipment that can detect that the choices

17 recorded on an elector's ballot for an office or a question exceeds

18 the number that the elector is entitled to vote for on that office

19 or question must be located at each polling place and programmed to

20 reject a ballot containing that type of an error. If a choice on a

21 ballot is rejected as provided in this subdivision, an elector must

22 be given the opportunity to have that ballot considered a spoiled

23 ballot and to vote another ballot.

24   (d) Permit an elector, at a presidential election, by a single

25 selection to vote for the candidates of a party for ~~president,~~

26 ~~vice-president,~~ **President, Vice President,** and presidential

27 electors.

28   (e) Permit an elector in a primary election to vote for the

29 candidates in the party primary of the elector's choice. Except as

1 otherwise provided in this subdivision, the electronic tabulating

2 equipment must reject each ballot on which votes are cast for

3 candidates of more than 1 political party. Electronic tabulating

4 equipment that can detect that the elector has voted for candidates

5 of more than 1 political party must be located at each polling

6 place and programmed to reject a ballot containing that type of an

7 error. If a choice on a ballot is rejected as provided in this

8 subdivision, an elector must be given the opportunity to have that

9 ballot considered a spoiled ballot and to vote another ballot.

10 (f) Prevent an elector from voting for the same ~~person~~

11 **individual** more than once for the same office.

12 (g) Reject a ballot on which no valid vote is cast. Electronic

13 tabulating equipment must be programmed to reject a ballot on which

14 no valid vote is cast.

15 (h) Be suitably designed for the purpose used; be durably

16 constructed; and be designed to provide for safety, accuracy, and

17 efficiency.

18 (i) Be designed to accommodate the needs of an elderly voter

19 or ~~a person~~ **an individual** with 1 or more disabilities.

20 (j) Record correctly and count accurately each vote properly

21 cast.

22 (k) Provide an audit trail.

23 (*l*) Provide an acceptable method for an elector to vote for ~~a~~

24 ~~person~~ **an individual** whose name does not appear on the ballot.

25 (m) Allow for accumulation of vote totals from the precincts

26 in the jurisdiction. The accumulation software must meet

27 specifications prescribed by the secretary of state and must be

28 certified by the secretary of state as meeting these

29 specifications.

1   (n) Be compatible with or include at least 1 voting device

2 that is accessible for an individual with disabilities to vote in a

3 manner that provides the same opportunity for access and

4 participation, including secrecy and independence, as provided for

5 other voters. The voting device must include nonvisual

6 accessibility for the blind and visually impaired.

7   (2) Electronic tabulating equipment that counts votes at the

8 precinct before the close of the polls must provide a method for

9 rendering the equipment inoperable if vote totals are revealed

10 before the close of the polls. ~~Electronic~~ **Except as otherwise**

11 **provided in section 640 for ranked choice voting, electronic**

12 tabulating equipment that tabulates ballots, including absentee

13 ballots, at a central location must be programmed to reject a

14 ballot if the choices recorded on an elector's ballot for an office

15 or a question exceed the number that the elector is entitled to

16 vote for on that office or question, if no valid choices are

17 recorded on an elector's ballot, or if, in a primary election,

18 votes are recorded for candidates of more than 1 political party.

19   (3) Each jurisdiction in this state conducting an election

20 shall equip each polling place with at least 1 accessible voting

21 device as required under subsection (1)(n).

22   Enacting section 1. This amendatory act does not take effect

23 unless all of the following bills of the 101st Legislature are

24 enacted into law:

25   (a) Senate Bill No.____ or House Bill No. 5645 (request no.

26 01745'21 *).

27   (b) Senate Bill No.____ or House Bill No. 5646 (request no.

28 01767'21 *).