



HOUSE BILL No. 4955

July 15, 1993, Introduced by Reps. Profit and DeMars and referred to the Committee on House Oversight and Ethics.

A bill to amend sections 577, 578, 738, 745, and 797a of Act No. 116 of the Public Acts of 1954, entitled "Michigan election law," section 797a as amended by Act No. 8 of the Public Acts of 1992, being sections 168.577, 168.578, 168.738, 168.745, and 168.797a of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 577, 578, 738, 745, and 797a of Act
2 No. 116 of the Public Acts of 1954, section 797a as amended by
3 Act No. 8 of the Public Acts of 1992, being sections 168.577,
4 168.578, 168.738, 168.745, and 168.797a of the Michigan Compiled
5 Laws, are amended to read as follows:

6 Sec. 577. The elector shall then fold the ballot so that
7 the perforated corner bearing the number and identification
8 ~~shall be~~ IS on the outside, and shall present it to the proper

1 member of the board of inspectors, who shall tear off the corner
 2 bearing the number and RETURN THE BALLOT TO THE ELECTOR. THE
 3 ELECTOR shall THEN deposit the ballot in the ballot box.

4 Sec. 578. When a duly registered and qualified elector
 5 ~~shall ask for~~ REQUESTS a ballot, ~~as before provided,~~ the
 6 inspector shall enter ~~his name~~ upon the poll list ~~THE~~
 7 ELECTOR'S NAME and the number of the ballot given to the
 8 elector. ~~The~~ AFTER THE BALLOT HAS BEEN VOTED, THE inspector
 9 receiving the ballot ~~after the same has been voted shall, before~~
 10 ~~depositing it in the box,~~ SHALL ascertain by comparison with
 11 ~~such~~ THE POLL list whether the ballot ~~given to him~~ RECEIVED
 12 is the same ballot furnished to the elector. ~~and if~~ IF it is
 13 not the same ballot, ~~he~~ THE INSPECTOR shall reject it and the
 14 elector shall not be allowed to vote at ~~such~~ THE primary
 15 election.

16 Sec. 738. Before leaving the booth, the elector shall fold
 17 ~~his~~ EACH ballot ~~or each of his ballots~~ so that no part of the
 18 face ~~shall be~~ IS exposed, and with the detachable corner on the
 19 outside, and on leaving the booth shall at once deliver in public
 20 view ~~such~~ THE ballot ~~or ballots~~ to the inspector designated
 21 to receive the ~~same~~ BALLOT. The inspector shall tear off the
 22 corner of the ballot, where perforated, containing the number and
 23 shall RETURN THE BALLOT TO THE ELECTOR. THE ELECTOR SHALL then
 24 in the presence of ~~the elector and~~ the board of inspectors
 25 deposit ~~each of said ballots~~ THE BALLOT in the proper ballot
 26 box without opening the ~~same: Provided, however, That~~ BALLOT.
 27 HOWEVER, if, ~~any~~ AFTER THE BALLOT IS MARKED, AN elector ~~shall~~

~~1 show his~~ SHOWS THE ballot or any part ~~thereof~~ OF THE BALLOT to
 2 any person other than one lawfully assisting ~~him~~ THE ELECTOR in
 3 the preparation ~~thereof, after the same shall have been marked~~
 4 OF THE BALLOT, so as to disclose any part of the face ~~thereof,~~
 5 ~~such ballot shall not be deposited~~ OF THE BALLOT, THE ELECTOR
 6 SHALL NOT DEPOSIT THE BALLOT in the ballot box. ~~, but shall be~~
 7 ~~marked~~ THE INSPECTOR SHALL MARK THE BALLOT "rejected for
 8 exposure" ~~, and shall be disposed of as are other rejected~~
 9 ~~ballots. In case such~~ DISPOSE OF THE BALLOT AS A REJECTED
 10 BALLOT. IF AN elector shall so expose his OR HER ballot, a
 11 minute of ~~such~~ THE occurrence shall be entered on the poll list
 12 opposite ~~his~~ THE ELECTOR'S name and ~~such~~ THE elector shall
 13 not be allowed to vote ~~thereafter~~ at ~~such~~ THE election.

14 Sec. 745. ~~Whenever at any election~~ IF the ballot of ~~any~~
 15 A person who has been challenged as an unqualified voter and who
 16 has taken the oath provided by law in such case to be taken
 17 ~~shall be~~ IS received by ~~the inspectors~~ AN INSPECTOR of elec-
 18 tion, ~~said inspectors shall cause to be plainly endorsed on~~
 19 ~~said~~ BEFORE RETURNING THE BALLOT TO THE ELECTOR FOR DEPOSIT IN
 20 THE BALLOT BOX, THE INSPECTOR SHALL PLAINLY ENDORSE ON THE
 21 ballot, with pencil, ~~before depositing the same in the ballot~~
 22 ~~box,~~ the number corresponding to the number placed after ~~such~~
 23 THE voter's name on the poll lists without opening the ~~same:~~
 24 ~~Provided, That in case~~ BALLOT. HOWEVER, IF a ballot ~~shall be~~
 25 IS so folded, defaced, printed, or prepared that ~~such~~ THE
 26 number cannot be legibly and permanently written on the back

1 ~~thereof, said inspectors~~ OF THE BALLOT, THE INSPECTOR shall
2 refuse to accept ~~such~~ THE ballot.

3 Sec. 797a. (1) Before entering the voting station, each
4 elector shall be offered instruction in the proper method of
5 voting on the electronic voting system. If the elector needs
6 additional instruction after entering the voting station, 2 elec-
7 tion inspectors may, if necessary, enter the voting station and
8 provide the additional instructions.

9 (2) If the electronic voting system provides for the use of
10 a ballot that is processed through electronic tabulating equip-
11 ment after the elector votes, the elector shall transport the
12 ballot to the ballot box, or other approved ballot container,
13 without exposing any votes. An election inspector shall ascer-
14 tain, by comparing the number appearing on the ballot stub with
15 the number recorded on the poll list, that the ballot delivered
16 by the voter is the same ballot that was issued to the elector.
17 If the numbers do not agree, AN ELECTION INSPECTOR SHALL MARK the
18 ballot ~~shall be marked~~ as "rejected", and the elector shall not
19 be allowed to vote. If the numbers agree, an election inspector
20 shall remove the stub AND RETURN THE BALLOT TO THE ELECTOR.

21 ~~Except as otherwise provided in this subsection, the election~~
22 ~~inspector~~ THE ELECTOR shall deposit the ballot in the ballot box
23 or other approved ballot container ~~. If~~ OR, IF electronic tab-
24 ulating equipment that deposits the voted ballot into the ballot
25 box or other approved ballot container is used at the precinct,
26 ~~the election inspector shall return the ballot to the elector,~~
27 ~~and the elector shall then~~ deposit the ballot into the

1 electronic tabulating equipment. The electronic tabulating
2 equipment shall be arranged so that the secrecy of the ballot is
3 not violated. If required for the proper operation of the elec-
4 tronic tabulating equipment, 2 election inspectors may periodi-
5 cally open the equipment to rearrange voted ballots and may
6 transfer voted ballots to another approved ballot container.

7 (3) A ballot from which the stub is detached shall not be
8 accepted by the election inspector in charge of the ballot box or
9 other approved ballot container. An elector who spoils his or
10 her ballot may return it and secure another ballot. The word
11 "spoiled" shall be written across the face of the ballot, and the
12 ballot shall be marked and secured for later return.

13 (4) A ballot of a challenged voter that has the names of
14 candidates and questions printed directly on the voted ballot
15 shall be processed in the manner prescribed for challenging a
16 vote cast by paper ballot. A challenge to a voter voting on an
17 electronic voting system that does not use an individual hard
18 copy ballot shall be processed in the manner prescribed for chal-
19 lenging a vote cast on a voting machine.