

# SENATE BILL NO. 1187

September 28, 2022, Introduced by Senator HOLLIER and referred to the Committee on Elections.

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 576, 576a, 580, 736b, 736c, 736d, 736e, 736f, 764, and 795 (MCL 168.576, 168.576a, 168.580, 168.736b, 168.736c, 168.736d, 168.736e, 168.736f, 168.764, and 168.795), section 576 as amended by 1996 PA 213, section 580 as amended by 1985 PA 160, 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 sections 20, 51a, 91a, 131a,

161a, 302b, 646e, and 736h.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1           Sec. 20. As used in this act, "ranked choice voting" means a  
2 system of voting for candidates for election to public office in  
3 which an elector expresses the elector's first, second, third, and  
4 fourth choices from among the candidates for election.

5           Sec. 51a. Beginning January 1, 2024, the provisions of this  
6 chapter for the election of the office of governor are subject to  
7 the provisions in section 646e regarding ranked choice voting.

8           Sec. 91a. Beginning January 1, 2024, the provisions of this  
9 chapter for the election of the office of United States Senator are  
10 subject to the provisions in section 646e regarding ranked choice  
11 voting.

12           Sec. 131a. Beginning January 1, 2024, the provisions of this  
13 chapter for the election of the office of Representative in  
14 Congress are subject to the provisions in section 646e regarding  
15 ranked choice voting.

16           Sec. 161a. Beginning January 1, 2024, the provisions of this  
17 chapter for the election of the offices of state senator and state  
18 representative are subject to the provisions in section 646e  
19 regarding ranked choice voting.

20           Sec. 302b. Beginning January 1, 2024, the provisions of this  
21 chapter for the election of school board members are subject to the  
22 provisions in section 646e regarding ranked choice voting.

23           Sec. 576. (1) An elector, after having received a ballot or  
24 ballots, shall enter a booth or voting compartment and, while there  
25 concealed from view, shall vote the ballot or ballots by, **except as**  
26 **otherwise provided in section 646e for ranked choice voting**, making  
27 a cross or a check mark in the square at the left of the names of

1 those candidates for whom the elector desires to vote, but in no  
2 case for more candidates for any office than is indicated under the  
3 title of each office. However, an elector may vote for ~~a person~~**an**  
4 **individual** whose name is not printed on the ballot by inserting the  
5 name in a manner that will substitute it for any name that is  
6 printed on the ballot or where no candidate's name appears upon the  
7 ballot.

8 (2) The elector shall indicate ~~his or her~~**the elector's** choice  
9 of candidates on 1 party ticket only and, after marking the ballot,  
10 the elector shall fold it for deposit pursuant to the provisions of  
11 this act. A ballot on which more than 1 party ticket has been voted  
12 is void.

13 (3) This section is subject to section 736a.

14 Sec. 576a. ~~In~~**Except as otherwise provided in section 646e for**  
15 **ranked choice voting, in** all partisan and nonpartisan primary  
16 elections, the voter ~~shall be~~**is** entitled to vote for a number of  
17 candidates for each office equal to the number of ~~persons~~  
18 **individuals** to be elected for that office.

19 Sec. 580. ~~In~~**Except as otherwise provided in section 646e for**  
20 **ranked choice voting, in** counting the ballots after the closing of  
21 the polls, only those candidates having crosses or check marks  
22 marked in the squares to the left of their names ~~shall be~~**are**  
23 considered to have received votes, and any ballot upon which more  
24 votes have been recorded for candidates for any office than may, by  
25 law, be elected to that office ~~shall~~**must** be rejected as to all  
26 names appearing on the ballot for that office only.

27 **Sec. 646e. (1) Notwithstanding any provision of this act to**  
28 **the contrary, beginning January 1, 2024, elections for school board**  
29 **members must be conducted using ranked choice voting and primary**

1 elections for all of the following public offices must be conducted  
2 using ranked choice voting:

- 3 (a) Office of governor.
- 4 (b) Office of United States Senator.
- 5 (c) Office of Representative in Congress.
- 6 (d) Office of state senator.
- 7 (e) Office of state representative.

8 (2) The ballot used at a primary election or election with  
9 ranked choice voting must allow an elector to rank the elector's  
10 top 4 choices in order of preference.

11 (3) If a candidate receives a majority of first choices, that  
12 candidate must be declared elected. If a candidate does not receive  
13 a majority of the votes, the candidate who received the fewest  
14 number of first choices is eliminated and each vote cast for that  
15 candidate must be transferred to the next ranked candidate on the  
16 voter's ballot. If after this transfer of votes a candidate has a  
17 majority of the votes, that candidate must be declared elected. If  
18 a candidate does not receive a majority of votes from the  
19 continuing ballots after a candidate has been eliminated and the  
20 candidate's votes have been transferred to the next ranked  
21 candidate, the candidate with the fewest votes from the continuing  
22 ballots is eliminated. All votes for that candidate must be  
23 transferred to the next ranked continuing candidate on each voter's  
24 ballot. The process of eliminating candidates and transferring  
25 votes to the next ranked continuing candidates must be repeated  
26 until, except as otherwise provided in subsection (4), a candidate  
27 receives a majority of the votes from the continuing ballots.

28 (4) If after the ranked choice voting process is complete and  
29 the ranked choice ballot gives equal rank to 2 or more candidates,

1 the tie must be resolved as provided in section 851.

2 (5) The secretary of state shall promulgate rules pursuant to  
3 the administrative procedures act of 1969, 1969 PA 306, MCL 24.201  
4 to 24.328, for the proper and efficient administration of elections  
5 determined by ranked choice voting.

6 Sec. 736b. ~~Each~~ Except as otherwise provided in section 736h  
7 for ranked choice voting, each ballot secrecy sleeve used at a  
8 primary election must either contain the following ballot marking  
9 instructions printed on the front of the ballot secrecy sleeve or  
10 must have a clear plastic pocket on the front of the ballot secrecy  
11 sleeve that contains a printed copy of the following ballot marking  
12 instructions:

13 **PRIMARY ELECTION**

14 **TO VOTE:** Completely darken the oval opposite each choice as  
15 shown:

16 [insert graphic here].

17 -- OR --

18 **TO VOTE:** Completely darken the box opposite each choice  
19 as shown: [insert graphic here].

20 **IMPORTANT:** To mark your ballot, use only a black or blue ink  
21 pen.

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

23 **PARTISAN SECTION:** There may be multiple party sections on the  
24 ballot. Select the party section of your choice. **YOU MAY VOTE**  
25 **IN ONE PARTY SECTION ONLY; YOU CANNOT "SPLIT YOUR TICKET." IF**  
26 **YOU VOTE IN MORE THAN ONE PARTY SECTION, YOUR PARTISAN BALLOT**  
27 **WILL BE REJECTED. DO NOT** vote for more candidates than  
28 indicated under each office title.

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

1 printed on the ballot, write or place the name of that  
 2 candidate in the blank space provided and completely darken  
 3 the voting target area. Do not cast a write-in vote for a  
 4 candidate whose name is already printed on the ballot for that  
 5 office.

6 **CHECK BOTH SIDES OF BALLOT:** This ballot has two sides. Be  
 7 certain to check the reverse side of the ballot.

8 **WHEN YOU HAVE COMPLETED VOTING:** Place the ballot in the  
 9 secrecy sleeve so that votes cannot be seen and the numbered  
 10 stub is visible. Return the ballot to the election official  
 11 stationed at the tabulator. (If voting by absentee ballot,  
 12 follow the instructions provided by the clerk for returning  
 13 the ballot.)

14 **NOTE:** If you make a mistake, return your ballot to the  
 15 election official and obtain a new ballot. Do not attempt to  
 16 erase or correct any marks made in error.

17 Sec. 736c. ~~Each~~ **Except as otherwise provided in section 736h**  
 18 **for ranked choice voting, each** ballot secrecy sleeve used at a  
 19 general election must either contain the following ballot marking  
 20 instructions printed on the front of the ballot secrecy sleeve or  
 21 must have a clear plastic pocket on the front of the ballot secrecy  
 22 sleeve that contains a printed copy of the following ballot marking  
 23 instructions:

24 **GENERAL ELECTION**

25 **TO VOTE:** Completely darken the oval opposite each choice as  
 26 shown:

27 [insert graphic here].

28 -- OR --

29 **TO VOTE:** Completely darken the box opposite each choice as

1 shown: [insert graphic here].

2 **IMPORTANT:** To mark your ballot, use only a black or blue ink  
3 pen.

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

5 **PARTISAN SECTION:** To vote the partisan section of the ballot,  
6 you may cast a "mixed ticket."

7 **Mixed Ticket:** Vote for the individual candidates of your  
8 choice in each office.

9 **NONPARTISAN** and **PROPOSAL SECTIONS** of the ballot (if any) must  
10 be voted separately.

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 stub is visible. Return the ballot to the election official  
2 stationed at the tabulator. (If voting by absentee ballot,  
3 follow the instructions provided by the clerk for returning  
4 the ballot.)

5 **NOTE:** If you make a mistake, return your ballot to the  
6 election official and obtain a new ballot. Do not attempt to  
7 erase or correct any marks made in error.

8 Sec. 736e. ~~Each~~ **Except as otherwise provided in section 736h**  
9 **for ranked choice voting, each** ballot secrecy sleeve used at a  
10 special election must either contain the following ballot marking  
11 instructions printed on the front of the ballot secrecy sleeve or  
12 must have a clear plastic pocket on the front of the ballot secrecy  
13 sleeve that contains a printed copy of the following ballot marking  
14 instructions:

15 **SPECIAL ELECTION**

16 **TO VOTE:** Completely darken the oval opposite each choice as  
17 shown:

18 [insert graphic here].

19 -- OR --

20 **TO VOTE:** Completely darken the box opposite each choice  
21 as shown: [insert graphic here].

22 **IMPORTANT:** To mark your ballot, use only a black or blue ink  
23 pen.

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

25 **CHECK BOTH SIDES OF BALLOT:** This ballot has two sides. Be  
26 certain to check the reverse side of the ballot.

27 **WHEN YOU HAVE COMPLETED VOTING:** Place the ballot in the  
28 secrecy sleeve so that votes cannot be seen and the numbered  
29 stub is visible. Return the ballot to the election official

1           stationed at the tabulator. (If voting by absentee ballot,  
2           follow the instructions provided by the clerk for returning  
3           the ballot.)

4           **NOTE:** If you make a mistake, return your ballot to the  
5           election official and obtain a new ballot. Do not attempt to  
6           erase or correct any marks made in error.

7           Sec. 736f. The ballot marking instructions as provided in  
8           sections 736b, 736c, 736d, 736e, **736h**, and 764, are the only  
9           written ballot marking instructions that shall be provided to an  
10          elector.

11          **Sec. 736h. Each ballot secrecy sleeve used at a primary**  
12          **election or election involving ranked choice voting must contain**  
13          **ballot marking instructions, as prescribed by the secretary of**  
14          **state, for voting a ranked choice ballot.**

15          Sec. 764. In addition to the instructions provided to an  
16          absent voter under section 764a, the following ballot marking  
17          instructions for an absent voter concerning the method of voting  
18          ~~shall~~**must** be included with each absent voter ballot furnished an  
19          absent voter:

20               (a) For a primary election, the ballot marking instructions as  
21               provided in section 736b.

22               (b) For a general election, the ballot marking instructions as  
23               provided in section 736c.

24               (c) For a nonpartisan election, the ballot marking  
25               instructions as provided in section 736d.

26               (d) For a special election, the ballot marking instructions as  
27               provided in section 736e.

28               **(e) For an election involving ranked choice voting, the ballot**  
29               **marking instructions as provided in section 736h.**

1           Sec. 795. (1) An electronic voting system acquired or used  
2 under sections 794 to 799a must meet all of the following  
3 requirements:

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

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

7           (c) Permit each elector to vote at an election for all ~~persons~~  
8 **individuals** and offices for whom and for which the elector is  
9 lawfully entitled to vote; to vote for as many ~~persons~~**individuals**  
10 for an office as the elector is entitled to vote for; and to vote  
11 for or against any question upon which the elector is entitled to  
12 vote. Except as otherwise provided in this subdivision **and section**  
13 **646e**, the electronic tabulating equipment must reject all choices  
14 recorded on the elector's ballot for an office or a question if the  
15 number of choices exceeds the number that the elector is entitled  
16 to vote for on that office or question. ~~Electronic~~**Except as**  
17 **otherwise provided in section 646e for ranked choice voting,**  
18 **electronic** tabulating equipment that can detect that the choices  
19 recorded on an elector's ballot for an office or a question exceeds  
20 the number that the elector is entitled to vote for on that office  
21 or question must be located at each polling place and programmed to  
22 reject a ballot containing that type of an error. If a choice on a  
23 ballot is rejected as provided in this subdivision, an elector must  
24 be given the opportunity to have that ballot considered a spoiled  
25 ballot and to vote another ballot.

26           (d) Permit an elector, at a presidential election, by a single  
27 selection to vote for the candidates of a party for ~~president,~~  
28 ~~vice-president,~~**President, Vice President,** and presidential  
29 electors.

1 (e) Permit an elector in a primary election to vote for the  
2 candidates in the party primary of the elector's choice. Except as  
3 otherwise provided in this subdivision, the electronic tabulating  
4 equipment must reject each ballot on which votes are cast for  
5 candidates of more than 1 political party. Electronic tabulating  
6 equipment that can detect that the elector has voted for candidates  
7 of more than 1 political party must be located at each polling  
8 place and programmed to reject a ballot containing that type of an  
9 error. If a choice on a ballot is rejected as provided in this  
10 subdivision, an elector must be given the opportunity to have that  
11 ballot considered a spoiled ballot and to vote another ballot.

12 (f) Prevent an elector from voting for the same ~~person~~  
13 **individual** more than once for the same office.

14 (g) Reject a ballot on which no valid vote is cast. Electronic  
15 tabulating equipment must be programmed to reject a ballot on which  
16 no valid vote is cast.

17 (h) Be suitably designed for the purpose used; be durably  
18 constructed; and be designed to provide for safety, accuracy, and  
19 efficiency.

20 (i) Be designed to accommodate the needs of an elderly voter  
21 or a ~~person~~**an individual** with 1 or more disabilities.

22 (j) Record correctly and count accurately each vote properly  
23 cast.

24 (k) Provide an audit trail.

25 (l) Provide an acceptable method for an elector to vote for a  
26 ~~person~~**an individual** whose name does not appear on the ballot.

27 (m) Allow for accumulation of vote totals from the precincts  
28 in the jurisdiction. The accumulation software must meet  
29 specifications prescribed by the secretary of state and must be

1 certified by the secretary of state as meeting these  
2 specifications.

3 (n) Be compatible with or include at least 1 voting device  
4 that is accessible for an individual with disabilities to vote in a  
5 manner that provides the same opportunity for access and  
6 participation, including secrecy and independence, as provided for  
7 other voters. The voting device must include nonvisual  
8 accessibility for the blind and visually impaired.

9 (2) Electronic tabulating equipment that counts votes at the  
10 precinct before the close of the polls must provide a method for  
11 rendering the equipment inoperable if vote totals are revealed  
12 before the close of the polls. ~~Electronic~~ **Except as otherwise**  
13 **provided in section 646e for ranked choice voting, electronic**  
14 tabulating equipment that tabulates ballots, including absentee  
15 ballots, at a central location must be programmed to reject a  
16 ballot if the choices recorded on an elector's ballot for an office  
17 or a question exceed the number that the elector is entitled to  
18 vote for on that office or question, if no valid choices are  
19 recorded on an elector's ballot, or if, in a primary election,  
20 votes are recorded for candidates of more than 1 political party.

21 (3) Each jurisdiction in this state conducting an election  
22 shall equip each polling place with at least 1 accessible voting  
23 device as required under subsection (1)(n).