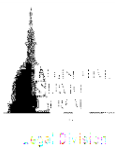


HOUSE BILL NO. 5282

December 05, 2019, Introduced by Reps. Rabhi, Hoadley, Warren, Cherry, Kennedy, Hood, Guerra, Camilleri and Hammoud and referred to the Committee on Elections and Ethics.

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 321, 576a, 580, 736b, 736c, 736d, 736e, 736f, 764, and 795 (MCL 168.321, 168.576a, 168.580, 168.736b, 168.736c, 168.736d, 168.736e, 168.736f, 168.764, and 168.795), section 321 as amended by 2018 PA 627, 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 640 and 736h.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:



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1 Sec. 321. (1) Except as provided in subsection (3) and
2 sections 322, 327, **640**, 641, 642, 644e, 644f, 644g, and 646a, the
3 qualifications, nomination, election, appointment, term of office,
4 and removal from office of a city officer must be in accordance
5 with the charter provisions governing the city.

6 (2) Within 3 days after the last day on which a candidate for
7 a city office may withdraw, the city clerk shall deliver to the
8 county clerk of the county in which the city is located a list
9 setting forth the name and address of each candidate for a city
10 office.

11 (3) If the membership of the legislative body of a city
12 governed by the home rule city act, 1909 PA 279, MCL 117.1 to
13 117.38, is reduced to less than a quorum, unless another method of
14 appointing members of the legislative body is provided by the city
15 charter, members of the legislative body are appointed as provided
16 in this subsection. The board of county election commissioners of
17 the county in which the largest portion of the population of the
18 city resides shall appoint the number of members of the legislative
19 body required to constitute a quorum for the transaction of
20 business by the legislative body. A member of the legislative body
21 appointed under this subsection shall hold the office only until
22 the member's successor is elected and qualified. The successor
23 ~~shall~~**must** be elected at a special or regular election on the next
24 regular election date that is not less than 60 days after the
25 appointment is made. The successor shall serve for the balance of
26 the unexpired term. A member who is appointed under this subsection
27 shall not vote on the appointment of himself or herself to an
28 elective or appointive city office.

29 (4) Notwithstanding another provision of law or charter to the



1 contrary, an appointment to an elective or appointive city office
 2 made by a quorum constituted by appointments under this section
 3 expires upon the election and qualification of a sufficient number
 4 of members of the legislative body so that the elected members
 5 constitute a quorum.

6 Sec. 576a. ~~In-Except as otherwise provided in section 640 for~~
 7 **ranked choice voting, in** all partisan and nonpartisan primary
 8 elections, the voter ~~shall be~~**is** entitled to vote for a number of
 9 candidates for each office equal to the number of ~~persons~~
 10 **individuals** to be elected for that office.

11 Sec. 580. ~~In-Except as otherwise provided in section 640 for~~
 12 **ranked choice voting, in** counting the ballots after the closing of
 13 the polls, only those candidates having ~~crosses or check marks~~
 14 ~~marked in the squares~~**the oval or box completely darkened next** to
 15 ~~the left of their names shall be~~**are** considered to have received
 16 votes, and any ballot upon which more votes have been recorded for
 17 candidates for any office than may, by law, be elected to that
 18 office ~~shall must~~ be rejected as to all names appearing on the
 19 ballot for that office only.

20 Sec. 640. (1) **If a city authorizes in its charter the use of**
 21 **ranked choice voting for the election of city officers, the ranked**
 22 **choice voting must be conducted in accordance with the city charter**
 23 **as provided in this section.**

24 (2) **The ballot used at an election with ranked choice voting**
 25 **must allow an elector to rank a number of choices in order of**
 26 **preference equal to the total number of candidates for each office.**
 27 **However, if the voting system used by a city at the election cannot**
 28 **accommodate choices equal to the total number of candidates running**
 29 **for each office, the city clerk shall follow the procedures**



1 governing ranked choice voting that are provided for in the city
2 charter. In addition, the ballot used must allow an elector to cast
3 a vote for a write-in candidate.

4 (3) If a candidate receives a majority of the first choices,
5 that candidate must be declared elected. Subject to subsections (4)
6 and (5), if no candidate receives a majority of the votes, the
7 candidate who received the fewest number of first choices must be
8 eliminated and each vote cast for that candidate must be
9 transferred to the next ranked candidate on the elector's ballot.
10 If after this transfer of votes any candidate has a majority of the
11 votes from the continuing ballots, that candidate must be declared
12 elected. Subject to subsection (4), if no candidate receives a
13 majority of the votes from the continuing ballots after a candidate
14 has been eliminated and his or her votes have been transferred to
15 the next ranked candidate, the continuing candidate with the fewest
16 votes from the continuing ballots must be eliminated. Subject to
17 subsection (5), all votes for that candidate must be transferred to
18 the next ranked continuing candidate on each elector's ballot. This
19 process of eliminating candidates and transferring their votes to
20 the next ranked continuing candidates must be repeated until,
21 except as otherwise provided in subsection (6), a candidate
22 receives a majority of the votes from the continuing ballots. The
23 ranked choice voting process is complete if no additional choices
24 can be eliminated or there are no further choices indicated on the
25 ballot.

26 (4) If the total number of votes of the 2 or more candidates
27 credited with the lowest number of votes is less than the number of
28 votes credited to the candidate with the next highest number of
29 votes, those candidates with the lowest number of votes must be



1 eliminated simultaneously and their votes transferred to the next
2 ranked continuing candidate of each ballot in a single counting
3 operation.

4 (5) If an elector skips a rank, the elector's vote must be
5 transferred to the elector's next ranked choice.

6 (6) If after the ranked choice voting process described in
7 subsection (3) is complete and the ranked choice ballot gives equal
8 rank to 2 or more candidates, the tie must be resolved as provided
9 in section 851.

10 (7) If a city authorizes in its charter the use of ranked
11 choice voting for the election of city officers, the city clerk
12 shall conduct a voter education campaign to familiarize electors in
13 that city with the ranked choice voting method.

14 (8) If a city authorizes in its charter the use of ranked
15 choice voting for the election of city officers, the city is
16 responsible for any costs associated with the certification and
17 testing of the voting system used by that city for ranked choice
18 voting.

19 (9) Any voting system used by a city for ranked choice voting
20 must be able to tally and tabulate the results and must not require
21 anyone to perform any calculations or distribute any votes among
22 the candidates.

23 Sec. 736b. ~~Each~~ Except as otherwise provided in section 736h
24 for ranked choice voting, each ballot secrecy sleeve used at a
25 primary election must either contain the following ballot marking
26 instructions printed on the front of the ballot secrecy sleeve or
27 must have a clear plastic pocket on the front of the ballot secrecy
28 sleeve that contains a printed copy of the following ballot marking
29 instructions:



PRIMARY ELECTION

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

[insert graphic here].

-- OR --

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

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

DO NOT USE ANY OTHER INK COLOR!

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

WRITE-IN CANDIDATES: To vote for a candidate whose name is not printed on the ballot, write or place the name of that candidate in the blank space provided and completely darken the voting target area. Do not cast a write-in vote for a candidate whose name is already printed on the ballot for that office.

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

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

1 the ballot.)

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

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

12 **GENERAL ELECTION**

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

15 [insert graphic here].

16 -- OR --

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

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

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

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

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

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

28 **DO NOT** vote for more candidates than indicated under each
29 office title.



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

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

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

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

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

25 **NONPARTISAN ELECTION**

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

28 [insert graphic here].

29 **-- OR --**

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

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

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

6 **DO NOT** vote for more candidates than indicated under each
7 office title.

8 **WRITE-IN CANDIDATES:** To vote for a candidate whose name is not
9 printed on the ballot, write or place the name of that
10 candidate in the blank space provided and completely darken
11 the voting target area. Do not cast a write-in vote for a
12 candidate whose name is already printed on the ballot for that
13 office.

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

16 **WHEN YOU HAVE COMPLETED VOTING:** Place the ballot in the
17 secrecy sleeve so that votes cannot be seen and the numbered
18 stub is visible. Return the ballot to the election official
19 stationed at the tabulator. (If voting by absentee ballot,
20 follow the instructions provided by the clerk for returning
21 the ballot.)

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

25 Sec. 736e. ~~Each~~ **Except as otherwise provided in section 736h**
26 **for ranked choice voting, each** ballot secrecy sleeve used at a
27 special election must either contain the following ballot marking
28 instructions printed on the front of the ballot secrecy sleeve or
29 must have a clear plastic pocket on the front of the ballot secrecy



1 sleeve that contains a printed copy of the following ballot marking
2 instructions:

3 **SPECIAL ELECTION**

4 **TO VOTE:** Completely darken the oval opposite each choice as
5 shown:

6 [insert graphic here].

7 -- OR --

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

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

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

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

15 **WHEN YOU HAVE COMPLETED VOTING:** Place the ballot in the
16 secrecy sleeve so that votes cannot be seen and the numbered
17 stub is visible. Return the ballot to the election official
18 stationed at the tabulator. (If voting by absentee ballot,
19 follow the instructions provided by the clerk for returning
20 the ballot.)

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

24 Sec. 736f. The ballot marking instructions as provided in
25 sections 736b, 736c, 736d, 736e, **736h**, and 764, are the only
26 written ballot marking instructions that shall be provided to an
27 elector.

28 **Sec. 736h. (1) The city clerk shall issue ballot marking**
29 **instructions to be used by a city at an election involving ranked**



1 choice voting.

2 (2) Each ballot secrecy sleeve used at an election involving
3 ranked choice voting must either contain the ballot marking
4 instructions issued by the city clerk printed on the front of the
5 ballot secrecy sleeve or have a clear plastic pocket on the front
6 of the ballot secrecy sleeve that contains a printed copy of the
7 ballot marking instructions issued by the city clerk.

8 Sec. 764. In addition to the instructions provided to an
9 absent voter under section 764a, the following ballot marking
10 instructions for an absent voter concerning the method of voting
11 shall ~~shall~~ **must** be included with each absent voter ballot furnished an
12 absent voter:

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

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

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

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

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

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

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

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

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



1 and offices for whom and for which the elector is lawfully entitled
 2 to vote; to vote for as many persons for an office as the elector
 3 is entitled to vote for; and to vote for or against any question
 4 upon which the elector is entitled to vote. Except as otherwise
 5 provided in this subdivision **and section 640**, the electronic
 6 tabulating equipment must reject all choices recorded on the
 7 elector's ballot for an office or a question if the number of
 8 choices exceeds the number that the elector is entitled to vote for
 9 on that office or question. ~~Electronic~~ **Except as otherwise provided**
 10 **in section 640 for ranked choice voting, electronic** tabulating
 11 equipment that can detect that the choices recorded on an elector's
 12 ballot for an office or a question exceeds the number that the
 13 elector is entitled to vote for on that office or question must be
 14 located at each polling place and programmed to reject a ballot
 15 containing that type of an error. If a choice on a ballot is
 16 rejected as provided in this subdivision, an elector must be given
 17 the opportunity to have that ballot considered a spoiled ballot and
 18 to vote another ballot.

19 (d) Permit an elector, at a presidential election, by a single
 20 selection to vote for the candidates of a party for president,
 21 ~~vice-president,~~ **vice president**, and presidential electors.

22 (e) Permit an elector in a primary election to vote for the
 23 candidates in the party primary of the elector's choice. Except as
 24 otherwise provided in this subdivision, the electronic tabulating
 25 equipment must reject each ballot on which votes are cast for
 26 candidates of more than 1 political party. Electronic tabulating
 27 equipment that can detect that the elector has voted for candidates
 28 of more than 1 political party must be located at each polling
 29 place and programmed to reject a ballot containing that type of an



1 error. If a choice on a ballot is rejected as provided in this
2 subdivision, an elector must be given the opportunity to have that
3 ballot considered a spoiled ballot and to vote another ballot.

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

6 (g) Reject a ballot on which no valid vote is cast. Electronic
7 tabulating equipment must be programmed to reject a ballot on which
8 no valid vote is cast.

9 (h) Be suitably designed for the purpose used; be durably
10 constructed; and be designed to provide for safety, accuracy, and
11 efficiency.

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

14 (j) Record correctly and count accurately each vote properly
15 cast.

16 (k) Provide an audit trail.

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

19 (m) Allow for accumulation of vote totals from the precincts
20 in the jurisdiction. The accumulation software must meet
21 specifications prescribed by the secretary of state and must be
22 certified by the secretary of state as meeting these
23 specifications.

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



1 (2) Electronic tabulating equipment that counts votes at the
2 precinct before the close of the polls must provide a method for
3 rendering the equipment inoperable if vote totals are revealed
4 before the close of the polls. ~~Electronic~~ **Except as otherwise**
5 **provided in section 640 for ranked choice voting, electronic**
6 tabulating equipment that tabulates ballots, including absentee
7 ballots, at a central location must be programmed to reject a
8 ballot if the choices recorded on an elector's ballot for an office
9 or a question exceed the number that the elector is entitled to
10 vote for on that office or question, if no valid choices are
11 recorded on an elector's ballot, or if, in a primary election,
12 votes are recorded for candidates of more than 1 political party.

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

16 Enacting section 1. This amendatory act does not take effect
17 unless Senate Bill No. ____ or House Bill No. 5281 (request no.
18 03030'19) of the 100th Legislature is enacted 5281into law.

