

Act No. 213
Public Acts of 1996
Approved by the Governor
May 23, 1996
Filed with the Secretary of State
May 28, 1996

**STATE OF MICHIGAN
88TH LEGISLATURE
REGULAR SESSION OF 1996**

Introduced by Senator Byrum

ENROLLED SENATE BILL No. 98

AN ACT to amend sections 576, 579, 738, and 786 of Act No. 116 of the Public Acts of 1954, entitled as amended "An act to reorganize, consolidate, and add to the election laws; to provide for election officials and prescribe their powers and duties; to prescribe the powers and duties of certain state departments, state agencies, and state and local officials and employees; to provide for the nomination and election of candidates for public office; to provide for the resignation, removal, and recall of certain public officers; to provide for the filling of vacancies in public office; to provide for and regulate primaries and elections; to provide for the purity of elections; to guard against the abuse of the elective franchise; to define violations of this act; to provide appropriations; to prescribe penalties and provide remedies; and to repeal certain acts and all other acts inconsistent with this act," section 576 as amended by Act No. 160 of the Public Acts of 1985, being sections 168.576, 168.579, 168.738, and 168.786 of the Michigan Compiled Laws; and to add section 736a.

The People of the State of Michigan enact:

Section 1. Sections 576, 579, 738, and 786 of Act No. 116 of the Public Acts of 1954, section 576 as amended by Act No. 160 of the Public Acts of 1985, being sections 168.576, 168.579, 168.738, and 168.786 of the Michigan Compiled Laws, are amended and section 736a is added to read as follows:

Sec. 576. (1) An elector, after having received a ballot or ballots, shall enter a booth or voting compartment and, while there concealed from view, shall vote the ballot or ballots by making a cross or a check mark in the square at the left of the names of those candidates for whom the elector desires to vote, but in no case for more candidates for any office than is indicated under the title of each office. However, an elector may vote for a person whose name is not printed on the ballot by inserting the name in a manner that will substitute it for any name that is printed on the ballot or where no candidate's name appears upon the ballot.

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

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

Sec. 579. If an elector, after marking his or her ballot, exposes it to any person in a manner likely to reveal the name of any candidate for whom the elector voted, the board of election inspectors shall reject the ballot and the elector shall forfeit the right to vote at the primary. A note of the occurrence shall be made upon the poll list opposite the name of the elector. This section does not apply to an elector who exposes his or her ballot to a minor child accompanying that elector in the booth or voting compartment under section 736a.

Sec. 736a. Notwithstanding any other provision of this act to the contrary, a minor child may accompany an elector in the booth or voting compartment at an election under this act.

Sec. 738. (1) Before leaving the booth or voting compartment, the elector shall fold his or her ballot or each of the ballots so that no part of the face shall be exposed, and with the detachable corner on the outside. Upon leaving the booth, the elector shall at once deliver in public view the ballot or ballots to the inspector designated to receive the ballot or ballots. Except as provided in subsection (2), the inspector shall tear off the corner of the ballot, where perforated, containing the number and shall then in the presence of the elector and the board of inspectors deposit each ballot in the proper ballot box without opening the ballot.

(2) If an elector shows his or her ballot or any part of the ballot to any person other than a person lawfully assisting him or her in the preparation of the ballot or a minor child accompanying that elector in the booth or voting compartment under section 736a, after the ballot has been marked, to disclose any part of the face of the ballot, the ballot shall not be deposited in the ballot box, but shall be marked "rejected for exposure", and shall be disposed of as are other rejected ballots. If an elector exposes his or her ballot, a note of the occurrence shall be entered on the poll list opposite his or her name and the elector shall not be allowed to vote at the election.

Sec. 786. Only 1 voter at a time shall be permitted to pass within the guard rail to vote. The operating of the voting machine by the elector while voting shall be secret and obscure, from all other persons, except as provided by this act in cases of assisted electors or a minor child accompanying an elector in the booth or voting compartment under section 736a. A voter shall not have the right to remain within the voting machine booth longer than 2 minutes and if he or she refuses to leave it after the lapse of 2 minutes, the voter shall be removed by the inspectors. However, the inspectors may grant the voter further time in their discretion.

This act is ordered to take immediate effect.

Secretary of the Senate.

Clerk of the House of Representatives.

Approved -----

Governor.