

HOUSE BILL No. 5761

April 23, 1998, Introduced by Reps. Hammerstrom, Scranton, Horton, Jansen, Raczkowski, Oxender, Rhead, Schauer, Birkholz, Goschka, London, Llewellyn and Voorhees and referred to the Committee on Local Government.

A bill to amend 1954 PA 116, entitled
"Michigan election law,"
by amending section 803 (MCL 168.803), as amended by 1997 PA
137.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 803. (1) Except as otherwise provided in this act, the
2 following rules shall govern the counting and recounting of
3 votes:

4 (a) If it is clearly evident from an examination of any
5 ballot that the ballot has been mutilated for the purpose of dis-
6 tinguishing it or that there has been placed on the ballot some
7 mark, printing, or writing for the purpose of distinguishing it,
8 then that ballot is void and shall not be counted.

9 (b) A cross, the intersection of which is within or on the
10 line of the proper circle or square; ~~—, or~~ a check mark, the

1 angle of which is within a circle or square; ~~—~~ OR A MARKING
2 THAT FILLS IN THE CIRCLE OR SQUARE is valid. Crosses, ~~or~~ check
3 marks, OR FILL-IN MARKS otherwise located on the ballot are
4 void.

5 (c) Marks other than crosses, ~~or~~ check marks, OR FILL-IN
6 MARKS used to designate the intention of the voter shall not be
7 counted.

8 (d) A cross is valid even though 1 or both lines of the
9 cross are duplicated, if the lines intersect within or on the
10 line of the square or circle.

11 (e) Two lines meeting within or on the line of the square or
12 circle, although not crossing each other, are valid if it is
13 apparent that the voter intended to make a cross.

14 (f) A failure to properly mark a ballot as to 1 or more can-
15 didates does not alone invalidate the entire ballot if the ballot
16 has been properly marked as to other candidates, unless the
17 improper marking is determined to be a distinguishing mark as
18 described in this subsection.

19 (g) Erasures and corrections on a ballot made by the elector
20 in a manner frequently used for this purpose shall not be consid-
21 ered distinguishing marks or mutilations.

22 (h) Any ballot or part of a ballot from which it is impossi-
23 ble to determine the elector's choice of candidate is void as to
24 the candidate or candidates affected by that determination.

25 (i) Any votes cast for a deceased candidate are void and
26 shall not be counted, except that votes cast for a candidate for
27 governor who has died, and for whom a replacement has not been

1 made, shall be counted for the candidate for lieutenant governor
2 of that party.

3 (j) All ballots cast that are not counted shall be marked by
4 the inspector "not counted", kept separate from the others by
5 being tied or held in 1 package, and placed in the ballot box
6 with the counted ballots.

7 (k) A vote shall not be counted for any candidate unless a
8 cross, ~~or~~ a check mark, OR A FILL-IN MARK has been placed by
9 the voter in the circle at the head of the party ticket, if any,
10 on which the name of the candidate has been printed, written, or
11 placed or unless a cross, ~~or~~ a check mark, OR A FILL-IN MARK
12 has been placed by the voter in the square before the space in
13 which the name of the candidate has been printed, written, or
14 placed.

15 (2) If an electronic voting system requires that the elector
16 place a mark in a predefined area on the ballot in order to cast
17 a vote, the vote shall not be considered valid unless there is a
18 mark within the predefined area and it is clearly evident that
19 the intent of the voter was to cast a vote. In determining
20 intent of the voter, the board of canvassers or election official
21 shall compare the mark with other marks appearing on the ballot.