

Senate Fiscal Agency
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SFA**BILL ANALYSIS**

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Senate Bill 201 (as reported without amendment)
Sponsor: Senator Bev Hammerstrom
Committee: Government Operations

Date Completed: 2-23-99

RATIONALE

The Michigan Election Law prescribes the kind of marks on a ballot that are considered valid or invalid, thus determining whether an elector's vote may be counted. While many voting precincts use voting machine/punch card ballots, sometimes precincts use paper ballots, which require the voter to make a mark on the ballot to indicate his or her vote. The Election Law specifies that crosses or check marks are to be used, and that those marks must be placed in a particular position to be considered valid. A cross, whose intersection is within or on the line of the proper circle or square, or a check mark, whose angle is within a circle or square, is valid. It has been pointed out that some voters simply fill-in the circle or square, which by the provisions in the Election Law makes their vote invalid, even though they clearly have indicated their choice. It has been suggested that the Election Law be amended to allow fill-in marks on a ballot to be accepted as a valid vote.

CONTENT

The bill would amend the Michigan Election Law to specify that, in the counting or recounting of votes at an election, "...a marking that fills in the circle or square is valid".

Currently, under the Election Law, crosses or check marks otherwise located on a ballot are void. The bill provides that "fill-in marks" otherwise located on a ballot also would be void. Further, currently marks other than crosses or check marks used to designate the intention of the voter must not be counted. The bill provides that marks other than crosses, check marks, or fill-in marks used to designate the intention of the voter could not be counted.

Currently, a vote must not be counted for any candidate unless a cross or a check mark has been placed by the voter in the circle at the head of the party ticket (if any) on which the name of the candidate has been printed, written, or placed, or unless a cross or a check mark has been placed in the square before the space in which the name of the candidate has been printed, written, or placed. The bill would allow a fill-in mark to be placed in the circle at the head of the party ticket or in the square before

the space in which the name of the candidate had been printed, written, or placed.

MCL 168.803

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

The bill simply would allow electors' votes to count if they used a fill-in mark, in the proper place, rather than a cross or a check mark as is currently required. This would prevent voters, who clearly had expressed their intention, from having their votes or ballots declared invalid.

Legislative Analyst: G. Towne

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: E. Limbs

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.