

# HOUSE BILL No. 5216

October 16, 2001, Introduced by Reps. Patterson, Kowall, Stewart, Kuipers, Drolet, Birkholz, Lipsey, Raczkowski, Jacobs, Cassis and Woodward and referred to the Committee on Redistricting and Elections.

A bill to amend 1954 PA 116, entitled  
"Michigan election law,"  
by amending sections 577, 578, 580, 626, 661, 691, 738, 770,  
770a, 771, 772, 773, 776, 781, 786, 789, 790, 791, 792, 793, 795,  
795a, 796a, 797, 797a, 798b, 798c, and 799a (MCL 168.577,  
168.578, 168.580, 168.626, 168.661, 168.691, 168.738, 168.770,  
168.770a, 168.771, 168.772, 168.773, 168.776, 168.781, 168.786,  
168.789, 168.790, 168.791, 168.792, 168.793, 168.795, 168.795a,  
168.796a, 168.797, 168.797a, 168.798b, 168.798c, and 168.799a),  
section 580 as amended by 1985 PA 160, sections 626 and 797a as  
amended by 1996 PA 583, section 661 as amended by 1982 PA 2,  
sections 738 and 786 as amended by 1996 PA 213, section 795 as  
amended by 1999 PA 218, sections 795a and 796a as amended by 1998  
PA 215, section 797 as amended by 1992 PA 8, sections 798b and  
798c as amended by 1990 PA 109, and section 799a as amended by

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1997 PA 137, and by adding section 17; and to repeal acts and parts of acts.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1        SEC. 17. AS USED IN THIS ACT:

2        (A) "AUDIT TRAIL" MEANS A RECORD OF THE VOTES CAST BY EACH  
3 VOTER THAT CAN BE PRINTED, RECORDED, OR VISUALLY REVIEWED AFTER  
4 THE POLLS ARE CLOSED. THE RECORD SHALL NOT ALLOW FOR THE IDENTI-  
5 FICATION OF THE VOTER.

6        (B) "BALLOT" MEANS A CARD, BALLOT LABEL, PAPER BALLOT,  
7 ENVELOPE, OR ANY MEDIUM THROUGH WHICH VOTES ARE RECORDED.

8        (C) "BALLOT LABEL" MEANS THE DISPLAY OR MATERIAL CONTAINING  
9 THE NAMES OF OFFICES AND CANDIDATES OR THE QUESTIONS TO BE VOTED  
10 ON.

11        (D) "COUNTING CENTER" MEANS 1 OR MORE LOCATIONS SELECTED BY  
12 THE BOARD OF ELECTION COMMISSIONERS OF THE CITY, COUNTY, TOWN-  
13 SHIP, VILLAGE, OR SCHOOL DISTRICT AT WHICH BALLOTS ARE COUNTED BY  
14 MEANS OF ELECTRONIC TABULATING EQUIPMENT OR VOTE TOTALS ARE ELEC-  
15 TRONICALLY RECEIVED FROM ELECTRONIC TABULATING EQUIPMENT AND  
16 ELECTRONICALLY COMPILED.

17        (E) "ELECTRONIC TABULATING EQUIPMENT" MEANS AN APPARATUS  
18 THAT ELECTRONICALLY EXAMINES AND COUNTS VOTES RECORDED ON BALLOTS  
19 AND TABULATES THE RESULTS.

20        (F) "ELECTRONIC VOTING SYSTEM" MEANS A SYSTEM IN WHICH VOTES  
21 ARE RECORDED AND COUNTED BY ELECTRONIC TABULATING EQUIPMENT.

22        (G) "ESCROW ACCOUNT" MEANS A THIRD PARTY APPROVED BY THE  
23 SECRETARY OF STATE FOR THE PURPOSE OF TAKING CUSTODY OF ALL

1 SOURCE CODES, INCLUDING ALL REVISIONS OR MODIFICATIONS OF SOURCE  
2 CODES.

3 (H) "MEMORY DEVICE" MEANS A METHOD OR DEVICE USED TO STORE  
4 ELECTRONIC DATA.

5 (I) "SOURCE CODE" MEANS THE ASSEMBLY LANGUAGE OR HIGH LEVEL  
6 LANGUAGE USED TO PROGRAM THE ELECTRONIC VOTING SYSTEM.

7 (J) "VOTING DEVICE" MEANS AN APPARATUS THAT CONTAINS THE  
8 BALLOT LABEL AND ALLOWS THE VOTER TO RECORD HIS OR HER VOTE.

9 (K) "VOTING STATION" MEANS AN ENCLOSURE PROVIDED TO ENSURE  
10 BALLOT SECRECY DURING THE VOTING OF THE BALLOT.

11 (L) "VOTING SYSTEM" MEANS AN OPTICAL SCANNING VOTING SYSTEM  
12 THAT IS APPROVED BY THE BOARD OF STATE CANVASSERS UNDER  
13 SECTION 795A.

14 Sec. 577. ~~The~~ AFTER VOTING, THE elector shall ~~then fold~~  
15 PLACE the ballot IN THE SECRECY ENVELOPE PROVIDED WITH THE BALLOT  
16 so that the perforated corner bearing the number and identifica-  
17 tion ~~shall be~~ IS on the outside, and shall present it to the  
18 proper member of the board of ELECTION inspectors. ~~, who~~ THE  
19 ELECTION INSPECTOR shall tear off the corner bearing the number  
20 and shall RETURN THE BALLOT IN THE SECRECY ENVELOPE TO THE  
21 ELECTOR. THE ELECTOR SHALL deposit the ballot in the ~~ballot~~  
22 ~~box~~ VOTING SYSTEM.

23 Sec. 578. When a duly registered and qualified elector  
24 ~~shall ask~~ ASKS for a ballot, ~~as before provided,~~ the ELECTION  
25 inspector shall enter ~~his~~ THE ELECTOR'S name ~~upon~~ ON the poll  
26 list ~~, and~~ ALONG WITH the number of the ballot given to the  
27 elector. The ELECTION inspector receiving the ballot after the

1 ~~same~~ BALLOT has been voted shall ~~, before depositing it in the~~  
2 ~~box,~~ ascertain by comparison with ~~such~~ THE POLL list whether  
3 the ballot given to him OR HER is the same ballot furnished to  
4 the elector, and if it is not the same ballot, ~~he~~ THE ELECTION  
5 INSPECTOR shall reject it and the elector shall not be allowed to  
6 vote at ~~such~~ THE primary election.

7       Sec. 580. In counting the ballots after the closing of the  
8 polls, only those candidates having ~~crosses or check marks~~  
9 ~~marked in the squares to the left of their names shall be~~ MARKS  
10 IN THE SPACE DESIGNATED BY THE INSTRUCTIONS ARE considered to  
11 have received votes. ~~, and any~~ A ballot upon which more votes  
12 have been recorded for candidates for ~~any~~ AN office than may,  
13 by law, be elected to that office shall be rejected as to all  
14 names appearing on the ballot for that office only.

15       Sec. 626. The board of county election commissioners shall  
16 prepare separate ballots for each of the ~~several~~ political par-  
17 ties for each election precinct in the county. The ballots shall  
18 be numbered consecutively and shall set forth the names of the  
19 candidates for delegates who have filed affidavits of identity  
20 with the county, city, or township clerk under section 624. The  
21 ballot shall be prepared in such a manner that the electors of  
22 each political party may write, print, or paste the name of a  
23 candidate for delegate on the ballot. The delegate ballot at a  
24 partisan primary shall consist of 1 sheet of 70-pound white book  
25 paper, machine finished or equivalent, with 1 of the political  
26 party tickets printed on each side of the ballot. The names on  
27 the delegate ballot shall not be rotated. The ballots shall be

1 delivered to the county clerk for distribution to the election  
2 precincts at least 10 days before the primary election.

3 ~~However, if there is located within a county, subject to the  
4 provisions of this chapter, 1 or more cities or townships, or  
5 parts of cities or townships, in which voting machines are used,  
6 the board of county election commissioners may, in its discre-  
7 tion, dispense with the preparation of ballots for the election  
8 of delegates to the county convention of the several political  
9 parties and provide for their election upon the voting machines.~~

10       Sec. 661. ~~(1) When the voter registration in a precinct  
11 using voting machines is 1,000 or less, there shall be not less  
12 than 1 voting machine for each 500 active registered electors at  
13 the general November election and at the primary immediately pre-  
14 ceding that election. When the registration in a precinct using  
15 voting machines is more than 1,000 and less than 3,000, there  
16 shall be at least 1 voting machine for each 600 active registered  
17 electors at the general November election and at the primary  
18 immediately preceding that election. At other primaries and  
19 elections, the number of voting machines shall be at the discre-  
20 tion of the local election commission. In making this determina-  
21 tion, the local election commission shall take into consideration  
22 the number of choices the voter must make, the percentage of reg-  
23 istered voters who voted at the last similar election in the  
24 jurisdiction, and the intensity of the interest of the electors  
25 in the jurisdiction concerning the candidates and proposals to be  
26 voted upon. When the registration in a precinct using voting~~

1 ~~machines exceeds 2,999, the precinct shall be divided or~~  
2 ~~rearranged.~~

3       (1) ~~(2)~~ Except as provided in subsection ~~(3)~~ (2), city  
4 and township election commissions shall divide precincts accord-  
5 ing to law, not later than 210 days before the primary ~~next~~  
6 ~~preceding~~ IMMEDIATELY BEFORE the general November election, and  
7 shall immediately notify the county clerk of the number of regis-  
8 tered voters in each precinct in the city or township. The  
9 county clerk shall notify the secretary of state not later than  
10 200 days before the primary of a precinct in the clerk's county  
11 ~~which~~ THAT has not been divided according to law, and the sec-  
12 retary of state shall proceed to make divisions as are necessary  
13 at the expense of the city or township involved, not later than  
14 180 days before the primary ~~next preceding~~ IMMEDIATELY BEFORE  
15 the general November election. ~~If the election commission of a~~  
16 ~~city, village, or township using voting machines decides to use~~  
17 ~~paper ballots for a primary or election, the preceding limita-~~  
18 ~~tions shall continue for that election.~~ A division of precincts  
19 shall be made effective not later than 180 days before the pri-  
20 mary election ~~next preceding~~ IMMEDIATELY BEFORE the general  
21 November election.

22       (2) ~~(3)~~ In the second year following each federal census,  
23 precincts shall be divided ~~pursuant to~~ AS PROVIDED IN this  
24 subsection. City and township election commissions shall divide  
25 precincts, not later than 120 days before the primary election  
26 ~~next preceding~~ IMMEDIATELY BEFORE the general November election  
27 in order that a precinct, as far as is practical, is not split

1 between districts and does not exceed 2,999 registered voters. —,  
2 ~~and~~ CITY AND TOWNSHIP ELECTION COMMISSIONERS shall immediately  
3 notify the county clerk of the number of registered voters in  
4 each precinct in each city or township. The county clerk shall  
5 notify the secretary of state not later than 110 days before the  
6 primary of any precincts in the county ~~which~~ THAT have not been  
7 divided, and the secretary of state shall proceed to make the  
8 divisions as are necessary at the expense of the city or township  
9 involved, not later than 90 days before the primary election  
10 ~~next preceding~~ IMMEDIATELY BEFORE the general November  
11 election. The division of precincts ~~shall be made~~ IS effective  
12 not later than 90 days before the primary election. The secre-  
13 tary of state may authorize, upon written request by a city or  
14 township election commission, a later division of a precinct  
15 ~~which~~ THAT contains portions of more than 1 elective district.  
16 All precinct divisions shall be completed not later than 90 days  
17 before the primary election ~~next preceding~~ IMMEDIATELY BEFORE  
18 the general November election.

19       Sec. 691. (1) The ~~said boards~~ BOARD of election commis-  
20 sioners shall ~~cause to be~~ HAVE printed on the ballot ~~(or~~  
21 ~~ballot labels or slips to be placed on a voting machine, when~~  
22 ~~used),~~ the names of the candidates certified to ~~said boards~~  
23 ~~pursuant to this act; but~~ the BOARD OF ELECTION COMMISSIONERS.  
24 THE name of no candidate shall be placed or printed in more than  
25 1 column on the ballot for the same office. ~~∴ Provided, That~~  
26 ~~the~~ THE board of election commissioners in ~~any~~ A county or  
27 city may ~~, if deemed desirable,~~ arrange the ballots with an

1 identification numeral to be placed in the same space with the  
2 name of each of ~~said candidates, the said~~ EACH CANDIDATE. THE  
3 identification numeral ~~to~~ SHALL be rotated with the name of the  
4 candidate, when rotated, regardless of where ~~said~~ THE name may  
5 appear upon the ballot.

6 (2) The name of a candidate shall be printed showing the  
7 given name or abbreviation or initials of the given name of the  
8 candidate. ~~and, in the case of~~ IF THE CANDIDATE IS a married  
9 woman, HER NAME shall not be printed showing the husband's given  
10 name.

11 Sec. 738. (1) Before leaving the booth or voting  
12 ~~compartment~~ STATION, the elector shall ~~fold~~ INSERT his or her  
13 ballot ~~or each of the ballots~~ INTO THE SECRECY ENVELOPE PRO-  
14 VIDED WITH THE BALLOT so that no part of the face ~~shall be~~ OF  
15 THE BALLOT IS exposed, and with the detachable corner on the  
16 outside. Upon leaving the ~~booth~~ VOTING STATION, the elector  
17 shall at once deliver in public view the ballot ~~or ballots~~ to  
18 the ELECTION inspector designated to receive the ballot. ~~or~~  
19 ~~ballots.~~ Except as provided in subsection (2), the ELECTION  
20 inspector shall tear off the corner of the ballot, where per-  
21 forated, containing the number and shall then ~~in the presence~~  
22 ~~of~~ RETURN THE BALLOT TO the elector. ~~and the board of inspec-~~  
23 ~~tors deposit each ballot in the proper ballot box without opening~~  
24 ~~the ballot.~~ THE ELECTOR SHALL THEN IN THE PRESENCE OF THE ELEC-  
25 TION INSPECTOR DEPOSIT HIS OR HER BALLOT IN THE VOTING SYSTEM.

26 (2) If an elector shows his or her ballot or any part of the  
27 ballot to ~~any~~ A person other than a person lawfully assisting



1 him or her in the preparation of the ballot or a minor child  
 2 accompanying that elector in the booth or voting ~~compartment~~  
 3 STATION under section 736a, after the ballot has been marked, to  
 4 disclose any part of the face of the ballot, the ballot shall not  
 5 be deposited in the ballot box, but shall be marked "rejected for  
 6 exposure", and shall be disposed of as are other rejected  
 7 ballots. If an elector exposes his or her ballot, a note of the  
 8 occurrence shall be entered on the poll list opposite his or her  
 9 name and the elector shall not be allowed to vote at the  
 10 election.

11       Sec. 770. (1) At all elections ~~hereafter~~ held in this  
 12 state AFTER THE DATE OF THE AMENDATORY ACT THAT AMENDED THIS  
 13 SECTION, ~~ballots or votes may~~ A BALLOT OR VOTE SHALL be cast,  
 14 registered, recorded, and counted by means of ~~voting machines,~~  
 15 ~~as provided in this chapter~~ AN OPTICAL SCANNING VOTING SYSTEM.

16       (2) The governing body of ~~any governmental unit in~~ A  
 17 POLITICAL SUBDIVISION OF this state may contract with the govern-  
 18 ing body of ~~any other governmental unit in~~ ANOTHER POLITICAL  
 19 SUBDIVISION OF this state with regard to the use of ~~voting~~  
 20 ~~machines~~ AN OPTICAL SCANNING VOTING SYSTEM owned by either of  
 21 the contracting ~~units~~ POLITICAL SUBDIVISIONS.

22       Sec. 770a. The secretary of state may permit the use of  
 23 ~~any type of voting device~~ A PARTICULAR OPTICAL SCANNING VOTING  
 24 SYSTEM for election purposes in ~~any~~ AN election upon petition  
 25 for use of the ~~device~~ VOTING SYSTEM by the legislative body of  
 26 the political subdivision desiring to use ~~any new device~~ THE  
 27 PARTICULAR VOTING SYSTEM. Permission granted by the secretary of

1 state shall be valid for 1 election only. ~~Local~~ AS USED IN  
 2 THIS SECTION, "legislative body OF A POLITICAL SUBDIVISION"  
 3 includes A school ~~boards~~ BOARD. Upon authorizing the use of  
 4 the ~~device~~ VOTING SYSTEM, the secretary of state shall prepare  
 5 detailed rules as to election procedures when the ~~device~~ VOTING  
 6 SYSTEM is used. The rules may include prescribing the counting  
 7 of votes and the making of returns by persons other than precinct  
 8 election inspectors. ~~No~~ A rule shall NOT be made ~~which pro-~~  
 9 ~~vides for reducing~~ THAT REDUCES the secrecy of the ballot. In  
 10 partisan general elections, candidates shall be listed under a  
 11 party heading. Rules ~~so~~ promulgated UNDER THIS SECTION shall  
 12 be consistent with the election law.

13       Sec. 771. ~~Hereafter, the~~ THE board of ~~supervisors~~  
 14 COMMISSIONERS of ~~any~~ A county, the legislative body of ~~any~~ AN  
 15 incorporated city or village, or the township board of ~~any~~ A  
 16 township, ~~in the state of Michigan,~~ may, by a majority vote,  
 17 authorize, purchase, and order the use of ~~any thoroughly tested~~  
 18 ~~or reliable~~ A voting machine SYSTEM APPROVED BY THE BOARD OF  
 19 STATE CANVASSERS in ~~any~~ 1 or more voting precincts within  
 20 ~~said~~ THE county, city, village, or township. ~~until otherwise~~  
 21 ~~ordered by the officers adopting the same.~~

22       Sec. 772. (1) A voting ~~machine~~ SYSTEM to be purchased as  
 23 provided in section 771 ~~of this act must be so constructed as~~  
 24 ~~to~~ SHALL BE CONSTRUCTED TO MEET ALL OF THE FOLLOWING  
 25 REQUIREMENTS:

26       (A) TO provide facilities for voting for the candidates of  
 27 at least 7 different parties or organizations. ~~, and must~~

1 (B) TO permit all voters to vote for any person for ~~any~~ AN  
 2 office, whether or not nominated as a candidate by ~~any~~ A party  
 3 or organization. ~~, and must~~

4 (C) TO permit voting in secrecy. ~~It shall also be so con-~~  
 5 ~~structed that~~

6 (D) TO PERMIT votes ~~may~~ TO be cast ~~thereon~~ for constitu-  
 7 tional amendments, ~~or any other~~ A public measure, ~~it must~~  
 8 ~~also be so constructed as to~~ OR OTHER BALLOT QUESTION.

9 (E) TO provide for at least 30 candidates for each party  
 10 organization at ~~any and all elections, and said machine must be~~  
 11 ~~constructed~~ EACH ELECTION.

12 (F) TO BE of good and durable material AND CONSTRUCTED in a  
 13 workmanlike manner. ~~, and also so constructed that it can~~

14 (G) TO be easily and conveniently operated by ELECTION  
 15 inspectors ~~of election~~ and the voters. ~~it must also be so~~  
 16 ~~constructed as to~~

17 (H) TO prevent voting for more than 1 person for the same  
 18 office, except where the voter is entitled to vote for more than  
 19 1 person for that office. ~~, and it must~~ IT SHALL afford ~~him~~  
 20 THE VOTER an opportunity to vote for ~~any and all persons~~ EACH  
 21 PERSON for that office as he OR SHE is by law entitled to vote  
 22 for and no more ~~, at the same time~~ WHILE preventing his OR HER  
 23 voting for the same person twice. ~~∴ Provided, That at any time~~  
 24 ~~when~~

25 (2) IF, WHILE the polls are open, ~~any~~ A voter ~~finding in~~  
 26 ~~his use of the machine~~ FINDS that ~~same~~ THE VOTING SYSTEM does  
 27 not operate in exact accordance with the provisions of this

1 section, ~~shall be entitled to~~ THE VOTER MAY notify the  
 2 ~~chairman~~ CHAIR or ~~any~~ A member of the board ~~thereof, where~~  
 3 ~~upon the member so notified and the other~~ OF ELECTION  
 4 INSPECTORS. ALL members of the board OF ELECTION INSPECTORS  
 5 present shall inspect ~~said machine~~ THE VOTING SYSTEM and deter-  
 6 mine whether or not the alleged irregularity of operation is a  
 7 fact. If it is determined that the ~~machine~~ VOTING SYSTEM is  
 8 not operating in accordance with this section, no further voting  
 9 ~~thereon~~ ON IT shall be permitted until the ~~machine~~ VOTING  
 10 SYSTEM is adjusted. ~~and the~~ THE number of votes recorded  
 11 ~~thereon~~ ON IT shall not be changed during the process of  
 12 adjustment. If the ~~machine~~ VOTING SYSTEM cannot be properly  
 13 adjusted, it shall be locked and no further voting permitted  
 14 ~~thereon~~ ON IT. ~~Any~~ A person charged with the duty of set-  
 15 ting, adjusting, or operating A voting ~~machines~~ SYSTEM shall  
 16 perform that duty in such a manner that the ~~machines~~ VOTING  
 17 SYSTEM will enable voters to use ~~same~~ THE VOTING SYSTEM in  
 18 accordance with the provisions of this section. ~~Any~~ A person  
 19 ~~wilfully~~ WILLFULLY failing to carry out ~~the provisions of~~  
 20 this section ~~shall, upon conviction thereof, be fined~~ IS GUILTY  
 21 OF A MISDEMEANOR PUNISHABLE BY A FINE OF not more than \$500.00  
 22 ~~,~~ or ~~imprisoned~~ IMPRISONMENT for not more than 90 days, or  
 23 both. ~~such fine and imprisonment, in the discretion of the~~  
 24 ~~court.~~

25       Sec. 773. ~~The board of supervisors of any county, the~~  
 26 ~~common council of any city or village, or the township board of~~  
 27 ~~any township adopting a voting machine shall, as soon as~~

1 ~~practicable thereafter, provide for each election district a~~  
2 ~~voting machine in complete working order, and the~~ THE county,  
3 city, township, or village clerk OR SECRETARY OF THE SCHOOL  
4 DISTRICT shall ~~thereafter~~ keep the ~~same~~ VOTING SYSTEM in GOOD  
5 repair and shall have the custody ~~thereof~~ OF THE VOTING SYSTEM,  
6 and of the furniture and equipment of the polling place when not  
7 in use at an election. ~~If it shall be impracticable to supply~~  
8 ~~each and every election district with a voting machine at any~~  
9 ~~election following such adoption, as many may be supplied as it~~  
10 ~~is practicable to procure, and the same may be used in such elec-~~  
11 ~~tion district or districts within the county, city, village or~~  
12 ~~township as the officers adopting same may determine.~~ More than  
13 1 voting ~~machine~~ SYSTEM UNIT may be provided and used in ~~any~~  
14 AN election precinct.

15       Sec. 776. (1) ~~Not to exceed~~ IF BALLOT LABELS ARE USED IN  
16 THE PARTICULAR PRECINCT, NO MORE THAN 3 additional sets of ballot  
17 labels shall be provided for each polling place for each  
18 election. ~~for use on the voting machine, and the same~~ THEY  
19 shall be delivered by the board of election commissioners to the  
20 election board of each voting precinct. Envelopes for the deliv-  
21 ery and return of the keys of the voting ~~machine~~ SYSTEM shall  
22 be furnished by the county, ~~or~~ city, TOWNSHIP, OR VILLAGE  
23 clerk, upon which shall be printed or written the number of the  
24 ~~machine~~ VOTING SYSTEM, the ward or precinct, and the record of  
25 the protective counter, ~~if any,~~ and the numbers of the seals  
26 before and after the election, each of which shall be correctly

1 filled out and be delivered to the proper board or official. ~~→~~  
 2 ~~Provided, however, That in communities where~~

3 (2) IF, IN A POLITICAL SUBDIVISION, the registration books  
 4 and supplies are delivered to their respective boards by the  
 5 local law enforcement agency, a key ring ~~to which is attached~~  
 6 WITH the keys to the voting ~~machine~~ SYSTEM and tags bearing  
 7 the number of the ~~machine~~ VOTING SYSTEM and the ward, ~~and/or~~  
 8 precinct, OR BOTH, may be delivered by ~~said~~ THE LAW ENFORCEMENT  
 9 agency to the proper board or official. The number registered on  
 10 the protective counter, ~~if any,~~ and the numbers of the seals  
 11 before the election, and after, if used, shall be recorded in the  
 12 "statement of returns". At the close of the polls, the key ring  
 13 containing the keys to the voting ~~machine~~ SYSTEM and the tags  
 14 bearing the number of the ~~machine~~ VOTING SYSTEM and of the  
 15 ward, ~~and/or~~ precinct, OR BOTH, shall be returned to the  
 16 COUNTY, city, village, or township clerk.

17 (3) In all ~~general or city~~ elections, ~~where voting~~  
 18 ~~machines are used,~~ there shall be furnished by the board of  
 19 election commissioners ~~,~~ to the election board in each ~~such~~  
 20 precinct ~~,~~ a sufficient number of ~~instruction ballots or~~ wall  
 21 diagrams showing ~~the keyboard of~~ HOW TO USE the voting ~~machine~~  
 22 ~~with the~~ SYSTEM AND INSTRUCTION BALLOTS WITH ALL OF THE FOLLOW-  
 23 ING INFORMATION:

24 (A) THE titles of offices. ~~, names~~

25 (B) THE NAME of ~~candidates,~~ EACH CANDIDATE with designat-  
 26 ing numbers and letters, if any. ~~, and~~

1 (C) COMMON questions. ~~, and with illustrations~~

2 (D) ILLUSTRATIONS and brief instructions on how to vote.

3 Sec. 781. (1) The ELECTION inspectors ~~of election~~ and  
4 poll clerks, if any, of each district shall meet at the polling  
5 place ~~therein,~~ at least 1/2 hour before the time set for the  
6 opening of the polls ~~at such~~ FOR THE election, and shall  
7 ~~proceed to~~ arrange ~~within the guard rail~~ the furniture and  
8 voting ~~machine~~ SYSTEM for the conduct of the election. The  
9 ELECTION inspectors ~~of election~~ shall ~~then and there~~ have the  
10 voting ~~machine~~ SYSTEM, ballots, and ~~stationery~~ OTHER SUPPLIES  
11 required to be delivered to them for ~~such~~ THE election, and the  
12 registry of the electors required to be made and kept ~~therefor~~  
13 FOR THE ELECTION.

14 (2) The ELECTION inspectors shall ~~thereupon cause~~ POST  
15 CONSPICUOUSLY at least 2 instruction cards ~~to be posted~~  
16 ~~conspicuously~~ within the polling place. If BALLOT LABELS ARE  
17 USED IN THE POLLING PLACE AND IF not previously done, they shall  
18 insert in their proper place on the voting ~~machine~~ STATION the  
19 ballot labels containing the names of the offices to be filled at  
20 ~~such~~ THE election, the names of the candidates nominated  
21 ~~therefor~~ FOR THE OFFICES, and the BALLOT question, if any, to  
22 be voted upon.

23 (3) The keys of the voting ~~machines~~ SYSTEM shall be deliv-  
24 ered to the election ~~officers~~ OFFICIALS or ~~chairman~~ CHAIR of  
25 the election board not more than 24 hours nor less than 1/2 hour  
26 before the time set for opening the polls. ~~,~~ THE KEYS SHALL BE  
27 in a sealed envelope, on which shall be written or printed the

1 number and location of the voting ~~machine~~ SYSTEM, the number on  
2 the seal and, if provided with a protective counter, the number  
3 registered on ~~such~~ THE counter as reported by the clerk or  
4 ~~his~~ THE CLERK'S authorized assistants. ~~Provided, That~~  
5 ~~where~~ IF key rings ~~to which are attached~~ WITH the keys to the  
6 voting ~~machines~~ SYSTEM, with tags bearing the numbers of the  
7 ~~machines~~ SYSTEM and of the wards, ~~and/or~~ precincts, OR BOTH,  
8 are delivered by the local law enforcement agency, the number on  
9 the seal and of the protective counter, if any, shall be recorded  
10 in the statement of returns.

11 (4) Before opening the machine, at least 2 of the officers  
12 present shall examine the number of the seal on the ~~machine~~  
13 VOTING SYSTEM, ~~also~~ AND the number registered on the protective  
14 counter, if one is provided, and shall see if they are the same  
15 as recorded on the envelope containing the keys or on the state-  
16 ment of returns. If found not to agree, the ~~machine must~~  
17 VOTING SYSTEM SHALL not be opened until the clerk, or the assist-  
18 ant duly appointed and authorized to act for ~~such~~ THE clerk,  
19 ~~shall have~~ HAS been notified and ~~shall have presented himself~~  
20 ~~at~~ HAS COME TO the polling place for the purpose of  
21 ~~re-examining such machine~~ REEXAMINING THE VOTING SYSTEM and  
22 ~~shall certify~~ HAS CERTIFIED that it is properly arranged. If  
23 the numbers on the seal and the protective counter ~~, if one is~~  
24 ~~provided,~~ are found to agree with the numbers on the envelope or  
25 statement of returns, the ELECTION inspectors shall ~~proceed to~~  
26 open the doors concealing the counters.



1           (5) Before the polls are opened for the election, each  
 2 ELECTION inspector shall carefully examine ~~every~~ EACH candidate  
 3 and BALLOT question counter and see that it registers zero. ~~—~~  
 4 ~~and the same~~ THE CANDIDATE AND BALLOT QUESTION COUNTERS shall be  
 5 subject to the inspection of the official challengers who may be  
 6 present. If ~~any~~ A counter for a candidate or BALLOT question  
 7 is found not to register zero, the ELECTION inspectors ~~of~~  
 8 ~~election~~ shall immediately notify the county, city, or township  
 9 clerk, under whose direction ~~such machine~~ THE VOTING SYSTEM has  
 10 been prepared for election, and ~~said~~ THE clerk or the assistant  
 11 appointed by ~~him~~ THE CLERK shall adjust the counter at zero,  
 12 ~~re-examine~~ REEXAMINE the ~~machine~~ SYSTEM, and certify to its  
 13 proper adjustment for use in the election. During the examina-  
 14 tion of the voting ~~machine~~ SYSTEM by the ELECTION inspectors,  
 15 ~~of election,~~ the ~~machine~~ VOTING SYSTEM shall remain locked  
 16 against voting until the polls are formally opened, and shall not  
 17 be operated except by the electors in voting, or by the ELECTION  
 18 inspectors in recording absent voters' ballots.

19           Sec. 786. (1) ~~Only~~ EXCEPT AS OTHERWISE PROVIDED BY THIS  
 20 ACT, ONLY 1 voter at a time shall be permitted ~~to pass within~~  
 21 ~~the guard rail to vote~~ IN A VOTING STATION. The ~~operating of~~  
 22 the voting ~~machine~~ by the elector ~~while voting~~ shall be  
 23 secret and ~~obscure,~~ CONCEALED from all other persons, except as  
 24 provided ~~by this act~~ in cases of assisted electors or a minor  
 25 child accompanying an elector in the ~~booth or~~ voting  
 26 ~~compartment~~ STATION under section 736a.

1 (2) A voter ~~shall~~ DOES not have the right to remain within  
 2 the voting ~~machine booth~~ STATION longer than 2 minutes and if  
 3 he or she refuses to leave it after the lapse of 2 minutes, the  
 4 voter shall be removed by the inspectors. However, the inspec-  
 5 tors may grant the voter further time in their discretion.

6 Sec. 789. ~~In case any~~ IF AN elector, after entering the  
 7 voting ~~machine booth, shall ask~~ STATION ASKS for further  
 8 instructions concerning the manner of voting, 2 inspectors shall  
 9 give ~~such~~ THE instructions to him ~~, but no~~ OR HER. AN  
 10 ELECTION inspector or other election ~~officer~~ OFFICIAL or person  
 11 assisting at ~~any~~ AN election shall ~~set such machines for any~~  
 12 ~~such elector, or move, turn or operate any lever or other part or~~  
 13 ~~mechanism of such machine for such~~ NOT MARK THE BALLOT FOR THE  
 14 elector, or in any manner request, suggest, or seek to persuade  
 15 or induce ~~any such~~ THE elector to vote ~~any~~ A particular  
 16 ticket, ~~or~~ for ~~any~~ A particular candidate, or for or against  
 17 ~~any~~ A particular amendment, BALLOT question, or proposition.  
 18 After ~~receiving such~~ BEING PROVIDED instructions, ~~such~~ THE  
 19 elector shall be left alone in the voting ~~machine booth~~ STATION  
 20 and shall vote as in the case of an unassisted voter, and no  
 21 inspector or other election ~~officer~~ OFFICIAL or person assist-  
 22 ing at ~~any~~ AN election shall be present in ~~such~~ THE voting  
 23 ~~machine booth~~ STATION when ~~any such~~ THE elector ~~sets or~~  
 24 ~~operates such machine~~ CASTS HIS OR HER BALLOT. ~~When~~ IF an  
 25 elector ~~shall make~~ MAKES AN oath that because of physical dis-  
 26 ability he OR SHE cannot ~~set or operate such machine~~ MARK HIS  
 27 OR HER BALLOT, or ~~when~~ IF such disability ~~shall be made~~

1 ~~manifest~~ IS CLEAR to ~~said~~ THE ELECTION inspectors, ~~such~~  
 2 ~~machine shall be set and operated for him and~~ THE BALLOT SHALL  
 3 BE MARKED FOR THE ELECTOR in accordance with the manner in which  
 4 he OR SHE wishes to vote by 2 ELECTION inspectors designated by  
 5 the board OF ELECTION INSPECTORS for that purpose.

6       Sec. 790. ~~No voter or other~~ A person shall NOT deface,  
 7 alter, or injure the voting ~~machine or change position of the~~  
 8 ~~ballot labels thereon~~ SYSTEM, BALLOT, OR OTHER RECORD OR EQUIP-  
 9 MENT OR ATTEMPT TO INTERFERE WITH ITS CORRECT OPERATION. It  
 10 ~~shall be~~ IS the duty of the ELECTION inspectors ~~of election~~  
 11 to enforce the provisions of this section. The ELECTION inspec-  
 12 tors ~~of election~~ shall, at ~~such~~ APPROPRIATE intervals, ~~as~~  
 13 ~~they may deem proper or necessary,~~ examine the ~~face of the~~  
 14 ~~machine to ascertain~~ VOTING SYSTEM OR OTHER RECORD OR EQUIPMENT  
 15 TO DO ALL OF THE FOLLOWING:

16       (A) ASCERTAIN whether it has been defaced, altered, or  
 17 injured. ~~, to detect~~

18       (B) DETECT the ~~wrongdoer and to repair~~ PERSON WHO DEFACED,  
 19 ALTERED, OR INJURED THE VOTING SYSTEM.

20       (C) REPAIR any injury.

21       Sec. 791. (1) As soon as the polls of election are offi-  
 22 cially closed, ~~and~~ the last voter has voted, AND ANY ABSENTEE  
 23 BALLOTS HAVE BEEN ENTERED INTO THE OPTICAL SCANNING VOTING  
 24 SYSTEM, the ELECTION inspectors ~~of election~~ shall seal the  
 25 ~~operating lever of the machine, if any,~~ VOTING SYSTEM against  
 26 voting, with the numbered metal seal provided for that purpose  
 27 and open the counter compartment in the presence of the

1 challengers and all other persons lawfully within the polling  
2 place, giving full view of all the counter numbers. The  
3 ~~chairman~~ CHAIR of the board OF ELECTION INSPECTORS shall then  
4 under the scrutiny of another member, in the order of the offices  
5 as their titles appear on the ~~machine~~ BALLOT, read and announce  
6 in a distinct voice the candidate's name or the designating  
7 number and letter, if any, of each counter for each candidate's  
8 name and the number of votes shown on ~~said~~ THE counter. ~~, and~~  
9 the chair of the board of election inspectors shall then in like  
10 manner read and announce the vote on each constitutional amend-  
11 ment, proposition, or other BALLOT question. ~~He shall also~~  
12 ~~announce the vote as recorded for each office on the irregular~~  
13 ~~ballots, if any.~~ The candidate counters shall be read consecu-  
14 tively along the row or column and the votes as registered and  
15 announced shall be entered in ink by members of the board,  
16 directly into the ELECTION inspectors' statement of returns, in  
17 the space ~~which~~ THAT has the same candidate's name or designat-  
18 ing number and letter. ~~, if any.~~ After recording on the  
19 inspectors' statement of returns ~~, the~~ vote as shown by the  
20 counters, the figures shall be verified by being called off in  
21 the same manner from the counters of the machine by another  
22 inspector. At least 2 copies of the statement of returns shall  
23 be made simultaneously.

24 (2) ~~When~~ IF absent voters' ballots have been returned to  
25 the city clerk and delivered to the precinct board of election  
26 inspectors, ~~such~~ THE election inspectors shall determine the  
27 legality of such ballots as prescribed in this act. ~~, and shall~~

1 ~~count and tally the votes on such ballots on 2 separate tally~~  
2 ~~sheets which shall be provided by the county clerk. The canvass~~  
3 ~~will be performed in the same manner as is provided for paper~~  
4 ~~ballot precincts.~~ THE ELECTION INSPECTORS SHALL ENTER THE LEGAL  
5 ABSENTEE BALLOTS INTO THE OPTICAL SCANNING VOTING SYSTEM AND THE  
6 CHAIR OF THE BOARD OF ELECTION INSPECTORS SHALL READ AND ANNOUNCE  
7 THE VOTE TOTALS AS PROVIDED IN SUBSECTION (1). The totals from  
8 this canvass shall be entered separately on the statement of  
9 returns and also included in the total precinct vote as shown on  
10 the statement.

11 (3) WHEN ABSENT VOTERS' BALLOTS HAVE BEEN CAST IN THE VOTING  
12 PRECINCT, THE OPTICAL SCANNING VOTING SYSTEM SHALL NOT BE CLOSED  
13 AND LOCKED UNTIL THE ABSENT VOTERS' BALLOTS, FROM WHICH THE PER-  
14 FORATED NUMBERED CORNERS HAVE BEEN DETACHED, HAVE BEEN SEALED IN  
15 AN ENVELOPE PROVIDED FOR THAT PURPOSE OR WRAPPED AND TIED AS PRO-  
16 VIDED IN THIS ACT, AND PLACED INSIDE THE VOTING SYSTEM. A CER-  
17 TIFICATE SHALL BE PRINTED ON THE ENVELOPE OR WRAPPER WHICH SHALL  
18 BE SIGNED BY ALL MEMBERS OF THE BOARD OF ELECTION INSPECTORS CER-  
19 TIFYING THAT THE ABSENT VOTERS' BALLOTS CONTAINED IN THE ENVELOPE  
20 OR WRAPPER HAVE BEEN PROPERLY RECORDED ON THE ABSENT VOTERS'  
21 TALLY SHEET AND THE STATEMENT OF RETURNS.

22 (4) The counter compartment of the OPTICAL SCANNING voting  
23 ~~machine~~ SYSTEM shall remain open until the statement of returns  
24 and other records, if any, have been fully completed and signed  
25 by the BOARD OF election ~~board~~ INSPECTORS. During such time  
26 any challenger of any party, duly accredited as provided by the  
27 election law, who may desire to be present shall be admitted to

1 the polling place. Immediately after the canvass has been  
2 completed, the results, stating the total number of votes  
3 received by each person voted for in ~~said~~ THE precinct for  
4 ~~any~~ AN office and the number of votes for and the number of  
5 votes against any proposed constitutional amendment, BALLOT  
6 QUESTION, or other submitted proposition, shall be made available  
7 to interested persons who may be present. Ample opportunity  
8 shall be given to ~~any~~ A person lawfully present to compare the  
9 results with the counterdials of the machine and any necessary  
10 corrections shall ~~then and there~~ be made by the election board  
11 AT THAT TIME, after which ~~the doors of~~ the OPTICAL SCANNING  
12 voting ~~machine~~ SYSTEM shall be closed and locked.

13 ~~When absent voters' ballots have been cast in the voting~~  
14 ~~precinct, the machine shall not be closed and locked until such~~  
15 ~~ballots, from which the perforated numbered corners have been~~  
16 ~~detached, have been sealed in an envelope provided for that pur-~~  
17 ~~pose or wrapped and tied in the manner provided at elections~~  
18 ~~where voting machines are not used, and placed inside the~~  
19 ~~machine, after which the doors shall be securely closed and~~  
20 ~~locked. On the envelope or wrapper shall be printed a certifi-~~  
21 ~~cate which shall be signed by all members of the election board~~  
22 ~~certifying that the absent voters' ballots contained therein have~~  
23 ~~been properly recorded on the absent voters' tally sheet and the~~  
24 ~~statement of returns.~~

25 (5) ~~Such machines~~ THE OPTICAL SCANNING VOTING SYSTEM shall  
26 remain sealed or locked and shall not be operated ~~subsequent to~~  
27 ~~any~~ AFTER A primary, ~~or~~ SPECIAL, OR GENERAL election until the

1 day following the last day for filing petitions for recount of  
 2 ~~any~~ votes cast on ~~such machines, after which period the seals~~  
 3 ~~may be broken and machines released~~ THE PARTICULAR OPTICAL SCAN-  
 4 NING VOTING SYSTEM, unless a recount petition has been filed and  
 5 the recount not completed, or the release of the ~~machine~~  
 6 OPTICAL SCANNING VOTING SYSTEM has been stayed by a court order.  
 7 ~~In any case, the~~ THE seals shall be broken and ~~machines~~ THE  
 8 VOTING SYSTEM released not less than 20 days ~~preceding~~ BEFORE  
 9 an election at which ~~such machines are~~ THE VOTING SYSTEM IS to  
 10 be used. In city, village, and township elections, the legisla-  
 11 tive body may, if not prohibited by the charter of ~~such~~ THE  
 12 city, village, or township, provide for a different period during  
 13 which the ~~machine~~ OPTICAL SCANNING VOTING SYSTEM shall remain  
 14 sealed or locked.

15       Sec. 792. ~~Whenever~~ IF it ~~shall appear~~ APPEARS that  
 16 there is a discrepancy in the returns of ~~any~~ AN election dis-  
 17 trict, the board of canvassers of the county, if it ~~be~~ IS a  
 18 general election at which county or state officers are elected,  
 19 or the board of canvassers of the city, village, or township, if  
 20 it ~~be~~ IS a city, village, or township election at which city,  
 21 village, or township officers only are elected, or the authorized  
 22 representatives of ~~such~~ THE RESPECTIVE board of canvassers,  
 23 shall make a record of the number of the seal, ~~if any,~~ the  
 24 number on the protective counter, ~~if one is provided,~~ and shall  
 25 open the counter compartment of ~~said machine~~ THE VOTING SYSTEM,  
 26 and without unlocking the ~~machine~~ VOTING SYSTEM against voting,  
 27 shall ~~re-canvass~~ RECANVASS the vote cast ~~thereon~~ ON THE

1 VOTING SYSTEM. Before making ~~such re-canvass~~ THE RECANVASS,  
2 the ~~said~~ RESPECTIVE board of canvassers shall give sufficient  
3 notice in writing to the clerk of the time and place where ~~said~~  
4 ~~re-canvass~~ THE RECANVASS is to be made. If, upon ~~such~~  
5 ~~re-canvass~~ THE RECANVASS, it ~~shall be~~ IS found that the origi-  
6 nal canvass of the returns has been correctly made from the  
7 ~~machine~~ VOTING SYSTEM, and that the discrepancy still remains  
8 unaccounted for, the clerk or authorized assistant, in the pres-  
9 ence of the ELECTION inspectors ~~of election~~ and the ~~said~~  
10 board of canvassers, shall unlock the voting and counting mecha-  
11 nism of said ~~machine~~ VOTING SYSTEM and shall proceed to thor-  
12 oughly examine and test the ~~machine~~ VOTING SYSTEM to determine  
13 and reveal the true cause or causes, if any, of the discrepancy  
14 in the return from ~~said machine~~ THE VOTING SYSTEM. Before  
15 testing the ~~machine~~ VOTING SYSTEM, the counters in the party  
16 row or column in which the discrepancy is alleged to have  
17 occurred shall be set at zero after which each of ~~such~~ THE  
18 counters shall be operated at least 100 times. After the comple-  
19 tion of ~~said~~ THE examination, the clerk or authorized assistant  
20 shall ~~then and there~~ IMMEDIATELY prepare a statement in writing  
21 giving the result ~~thereof~~ OF THE EXAMINATION, and ~~said~~ THE  
22 statement shall be witnessed by the persons present and shall be  
23 filed with the board of canvassers. ~~Any~~ A candidate voted for  
24 at ~~any~~ AN election who ~~conceives~~ BELIEVES himself OR HERSELF  
25 aggrieved on account of ~~any~~ fraud, error, or mistake in the  
26 canvass of the vote by the inspectors or in the returns made by  
27 the ELECTION inspectors, ~~of election,~~ may file a written



1 petition for a recount with the board of canvassers. ~~, as~~  
 2 ~~provided in cases where voting machines are not used.~~

3       Sec. 793. (1) The proper board of election commissioners  
 4 shall furnish the necessary ELECTION inspectors' statement of  
 5 returns sheets and the certificates and envelopes suitable to the  
 6 ~~machine~~ PARTICULAR VOTING SYSTEM used, ~~together~~ ALONG with  
 7 ballot labels and other election supplies for each election, to  
 8 be delivered to the respective boards of election inspectors to  
 9 make returns. ~~where voting machines are to be used.~~ The form of  
 10 the ELECTION inspectors' statement of returns sheets shall be  
 11 suitable to the type of ~~machine~~ VOTING SYSTEM used and the  
 12 ELECTION inspectors' certificate contained ~~therein~~ IN THE  
 13 STATEMENT OF RETURNS shall in addition certify ~~to the machine~~  
 14 ALL OF THE FOLLOWING:

15       (A) THE VOTING SYSTEM number. ~~, the~~

16       (B) THE number on the protective counter, if any. ~~, the~~

17       (C) THE number on the seal. ~~, and that~~

18       (D) THAT all candidate counters, question counters, and the  
 19 public counter registered zero before the polls opened. ~~; also~~  
 20 the

21       (E) THE record on the protective counter and on the seal ~~,~~  
 22 ~~if any,~~ with which the ~~machine~~ VOTING SYSTEM is sealed by the  
 23 ELECTION inspectors. ~~, the~~

24       (F) THE number on the public counter. ~~and the~~

25       (G) THE number of names on the poll list after the polls  
 26 close. ~~; also a~~

1 (H) A record of the disposition of the absent voters'  
2 ballots as provided in section 791. ~~of this act.~~

3 (2) As soon as the names of all candidates for the ~~several~~  
4 offices to be elected at that election are filed as required by  
5 law, the board or official whose duty it is to prepare the BALLOT  
6 OR ballot ~~labels~~ LABEL for the ~~machine~~ VOTING SYSTEM, shall  
7 forthwith have the names of each regularly nominated candidate,  
8 ~~together~~ ALONG with the designating number and letter, if any,  
9 corresponding to each of the candidate's ~~counter~~ NAMES on the  
10 ~~voting machine~~ BALLOT, printed in the space provided  
11 ~~therefor:~~ Provided, That in FOR THE NAME. IN case of the  
12 death, resignation, or failure to qualify of any of ~~such~~ THE  
13 LISTED candidates after ~~such~~ THE ELECTION inspectors' statement  
14 of returns are printed, a slip may be furnished giving the name,  
15 designating number and letter, if any, of the candidate substi-  
16 tuted ~~therefor~~ FOR THE CANDIDATE WHO DIED, RESIGNED, OR FAILED  
17 TO QUALIFY and ~~same~~ THE SLIP shall be pasted, before the deliv-  
18 ery of the ELECTION inspectors' statement of returns to the board  
19 of ELECTION inspectors, over the candidate's name who died,  
20 resigned, or failed to qualify.

21 Sec. 795. (1) ~~An electronic~~ A voting system acquired or  
22 used ~~pursuant to sections 794 to 799a~~ UNDER THIS ACT shall meet  
23 all of the following requirements:

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

26 (b) Permit each elector to vote at an election for all  
27 persons and offices for whom and for which the elector is

1 lawfully entitled to vote; to vote for as many persons for an  
2 office as the elector is entitled to vote for; and to vote for or  
3 against any question upon which the elector is entitled to vote.  
4 Except as otherwise provided in this subdivision, the electronic  
5 tabulating equipment shall reject all choices recorded on the  
6 elector's ballot for an office or a question if the number of  
7 choices exceeds the number that the elector is entitled to vote  
8 for on that office or question. ~~Electronic tabulating~~  
9 ~~equipment~~ A VOTING SYSTEM that can detect and inform an elector  
10 voting in person that the choices recorded on the elector's  
11 ballot for an office or a BALLOT question exceeds the number that  
12 the elector is entitled to vote for on that office or BALLOT  
13 question shall offer the elector an opportunity to correct the  
14 error before rejecting the choices recorded on the elector's  
15 ballot.

16 (c) Permit an elector, at a presidential election, by a  
17 single selection to vote for the candidates of a party for presi-  
18 dent, vice-president, and presidential electors.

19 (d) Permit an elector at other than a primary election to  
20 vote for all of the candidates of a political party by a single  
21 selection or to vote a split or mixed ticket.

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  
24 as otherwise provided in this subdivision, the ~~electronic tabu-~~  
25 ~~lating equipment~~ VOTING SYSTEM shall reject each ballot on which  
26 votes are cast for candidates of more than 1 political party.  
27 ~~Electronic tabulating equipment~~ A VOTING SYSTEM that can detect

1 and inform an elector voting in person that the elector has voted  
2 for candidates of more than 1 political party shall offer the  
3 elector an opportunity to correct the error before rejecting the  
4 elector's ballot.

5 (f) Prevent an elector from voting for the same person more  
6 than once for the same office.

7 (g) Be suitably designed for the purpose used, ~~it~~ be dura-  
8 bly constructed, ~~it~~ and be designed to provide for safety, accu-  
9 racy, and efficiency AS PROVIDED IN SECTION 772.

10 (h) ~~Beginning June 18, 1990, be~~ BE designed to accommodate  
11 the needs of an elderly voter or a person with 1 or more  
12 disabilities.

13 (i) Record correctly and count accurately each vote properly  
14 cast.

15 (j) Provide an audit trail.

16 (k) Provide an acceptable method for an elector to vote for  
17 a person whose name does not appear on the ballot.

18 (l) Allow for accumulation of vote totals from the precincts  
19 in the jurisdiction. The accumulation software must meet speci-  
20 fications prescribed by the secretary of state and must be certi-  
21 fied by the secretary of state as meeting these specifications.

22 (2) ~~Electronic tabulating equipment~~ A VOTING SYSTEM that  
23 counts votes at the precinct before the close of the polls shall  
24 provide a method for rendering the equipment inoperable if vote  
25 totals are revealed before the close of the polls.

26 Sec. 795a. (1) ~~An electronic~~ A voting system shall not be  
27 used in an election unless it is approved by the board of state

1 canvassers as meeting the requirements of ~~sections 794 and~~  
2 SECTION 795 and instructions regarding recounts of ballots cast  
3 on that ~~electronic~~ voting system that have been issued by the  
4 secretary of state, unless section 797c has been complied with,  
5 and unless it meets 1 of the following conditions:

6 (a) Is certified by an independent testing authority accred-  
7 ited by the national association of state election directors and  
8 by the board of state canvassers.

9 (b) In the absence of an accredited independent testing  
10 authority, is certified by the manufacturer of the voting system  
11 as meeting or exceeding the performance and test standards refer-  
12 enced in subdivision (a) in a manner prescribed by the board of  
13 state canvassers.

14 (2) The vendor or representative seeking approval of ~~an~~  
15 ~~electronic~~ A voting system shall do all of the following:

16 (a) Deposit with the secretary of state a nonrefundable  
17 application fee of \$1,500.00 for a new voting system and a fee of  
18 \$500.00 for an upgrade to any existing system.

19 (b) File with the secretary of state a list of all states in  
20 which the voting system has been approved for use. This list  
21 shall state how long the system has been used in the state and  
22 shall disclose any reports compiled by any state or local govern-  
23 ment concerning the performance of the system. The vendor shall  
24 remain responsible for filing this information on an ongoing  
25 basis.

26 (c) File with the secretary of state copies of all standard  
27 contracts and maintenance agreements used in connection with the

1 sale of the voting system. All changes to standard contracts and  
2 maintenance agreements shall be filed with the secretary of  
3 state.

4 (d) Pay the cost for any field test required by the board of  
5 state canvassers.

6 (e) State the number of voters each component of the voting  
7 system can process per hour under each of the following  
8 circumstances:

9 (i) An election in which there are 10 or fewer items to be  
10 voted on the ballot by each voter.

11 (ii) An election in which the ballot consists of the number  
12 of items typically voted on at a presidential general election in  
13 this state.

14 (3) The board of state canvassers shall conduct a field test  
15 of all new voting systems as part of the certification process.  
16 The field test shall involve Michigan electors and election offi-  
17 cials in simulated election day conditions. The test shall be  
18 designed to gauge voter reaction to the system, problems that  
19 voters have with the system, and the number of voting stations  
20 required for the efficient operation of an election based upon  
21 the vendor's statement provided under subsection (2)(e).

22 (4) The board of state canvassers shall approve ~~an~~  
23 ~~electronic~~ A voting system for use in this state only if it  
24 meets the conditions of subsection (1) except that in an emer-  
25 gency situation that threatens the ability of a county, city, or  
26 township to conduct a scheduled election, the board of state

1 canvassers may approve a correction of software or firmware after  
2 testing the software or firmware performance.

3 (5) If ~~an electronic~~ A voting system is approved for use  
4 before January 1, 1997 by the board of state canvassers, it may  
5 be used in an election. However, if the ~~electronic~~ voting  
6 system has its software or firmware improved or changed, the  
7 system shall comply with the requirements of subsection (1).

8 (6) After ~~an electronic~~ A voting system is approved, an  
9 improvement or change in the ~~electronic~~ voting system shall be  
10 submitted to the board of state canvassers for approval ~~pursuant~~  
11 ~~to~~ UNDER this section. This subsection does not apply to the  
12 technical capability of a general purpose computer, reader, or  
13 printer to electronically record and count votes.

14 (7) A county, city, township, village, or school district  
15 shall file "an intent to purchase statement" with the secretary  
16 of state 30 days before any purchase agreement is made to pur-  
17 chase a new voting system. The secretary of state shall provide  
18 all information concerning the operation of the voting system in  
19 Michigan or any other state to the local unit of government  
20 within 25 days after receiving the "intent to purchase  
21 statement".

22 (8) The secretary of state shall instruct local election  
23 officials regarding the operation and use of an approved elec-  
24 tronic voting system in order to carry out the purposes of  
25 ~~sections 794 to 799a~~ THIS ACT and the rules promulgated  
26 ~~pursuant to sections 794 to 799a~~ UNDER THIS ACT.

1           (9) If the board of state canvassers determines that ~~an~~  
2 ~~electronic~~ A voting system that was approved under  
3 subsection (1) no longer meets the requirements described in that  
4 subsection, the board of state canvassers may disapprove that  
5 voting system. ~~An electronic~~ A voting system that has been  
6 disapproved by the board of state canvassers under this subsec-  
7 tion shall not be used in an election, unless it is reapproved by  
8 the board of state canvassers under subsection (1).

9           Sec. 796a. (1) Before an election, ~~at which an electronic~~  
10 ~~voting system is used,~~ the board of election commissioners of  
11 the county, city, village, township, or school district shall  
12 have the VOTING system prepared for the election. The board  
13 shall provide the election board of each voting precinct with the  
14 necessary equipment and supplies.

15           (2) Before an election, the board of election commissioners  
16 of a county, city, village, township, or school district shall  
17 provide a sufficient number of voting stations needed to ensure  
18 the orderly conduct of the election taking into consideration the  
19 projected turnout, the length of the ballot, and the number of  
20 voters the voting system can process per hour. ~~as determined~~  
21 ~~under section 795a.~~ As a minimum for each election, the board of  
22 election commissioners shall provide at least 1 voting station  
23 for each ~~400 registered voters in each precinct through August~~  
24 ~~31, 1998 and at least 1 voting station for each~~ 300 registered  
25 voters. ~~on and after September 1, 1998.~~ If counting centers are  
26 used, the board of election commissioners of the county, city,



1 village, township, or school district shall establish 1 or more  
2 counting centers as needed before the election.

3       Sec. 797. Not less than 30 minutes before the opening of  
4 the polls, the ELECTION inspectors ~~of election~~ shall arrive at  
5 the polling place and prepare the polling place for voting. The  
6 ELECTION inspectors ~~of election~~ shall determine that the cor-  
7 rect ballot has been provided to the precinct by comparing the  
8 ballot provided with the sample ballot and any other documents  
9 provided to the precinct. The ELECTION inspectors ~~of election~~  
10 shall complete required tests of the ~~equipment of the~~  
11 ~~electronic~~ voting system and certify in writing that the  
12 ~~equipment~~ VOTING SYSTEM is operating properly. The written  
13 certification shall be on a form prescribed by the secretary of  
14 state and shall include pertinent information regarding seal num-  
15 bers, counters, and the operation and use of the particular  
16 ~~equipment~~ VOTING SYSTEM.

17       Sec. 797a. (1) Before entering the voting station, each  
18 elector shall be offered instruction in the proper method of  
19 voting on the ~~electronic~~ voting system. If the elector needs  
20 additional instruction after entering the voting station, 2 elec-  
21 tion inspectors from different political parties may, if neces-  
22 sary, enter the voting station and provide the additional  
23 instructions.

24       (2) ~~If the electronic voting system provides for the use of~~  
25 ~~a ballot that is processed through electronic tabulating equip-~~  
26 ~~ment after~~ AFTER the elector ~~votes~~ COMPLETES HIS OR HER  
27 BALLOT, the elector shall transport the ballot to the ~~ballot~~

1 ~~box, or other approved ballot container~~ OPTICAL SCANNING VOTING  
2 SYSTEM, without exposing ~~any votes~~ THE BALLOT. An election  
3 inspector shall ascertain, by comparing the number appearing on  
4 the ballot stub with the number recorded on the poll list, that  
5 the ballot delivered by the voter is the same ballot that was  
6 issued to the elector. If the numbers do not agree, the ballot  
7 shall be marked as "rejected", and the elector shall not be  
8 allowed to vote. If the numbers agree, an election inspector  
9 shall remove and discard the stub. ~~Except as otherwise provided~~  
10 ~~in this subsection, the election inspector shall deposit the~~  
11 ~~ballot in the ballot box or other approved ballot container. If~~  
12 ~~electronic tabulating equipment that deposits the voted ballot~~  
13 ~~into the ballot box or other approved ballot container is used at~~  
14 ~~the precinct, the~~ THE election inspector shall return the ballot  
15 to the elector ~~,~~ and the elector shall then deposit the ballot  
16 into the ~~electronic tabulating equipment~~ VOTING SYSTEM. The  
17 ~~electronic tabulating equipment~~ VOTING SYSTEM shall be arranged  
18 so that the secrecy of the ballot is not violated. If required  
19 for the proper operation of the ~~electronic tabulating equipment~~  
20 VOTING SYSTEM, 2 election inspectors from different political  
21 parties may periodically open the equipment to rearrange voted  
22 ballots and may transfer voted ballots to another approved ballot  
23 container.

24 (3) A ballot from which the stub is detached shall not be  
25 accepted by the election inspector in charge of the ~~ballot box~~  
26 OPTICAL SCANNING VOTING SYSTEM or other approved ballot  
27 container. An elector who spoils his or her ballot may return it

1 and secure another ballot. The word "spoiled" shall be written  
 2 across the face of the ballot, and the ballot shall be marked and  
 3 secured for later return.

4 (4) A ballot of a challenged voter that has the names of  
 5 candidates and questions printed directly on the voted ballot  
 6 shall be processed in the manner prescribed for challenging a  
 7 vote cast by paper ballot. A challenge to a voter voting on ~~an~~  
 8 ~~electronic~~ A voting system that does not use an individual hard  
 9 copy ballot shall be processed in the manner prescribed ~~for~~  
 10 ~~challenging a vote cast on a voting machine~~ IN  
 11 SECTION \_\_\_\_\_.

12 (5) Except as otherwise provided in this act, an election  
 13 inspector shall not allow any portion of a ballot, including a  
 14 ballot stub, to be removed by ~~any~~ A person other than an elec-  
 15 tion inspector from the polling place.

16 Sec. 798b. Before the conduct of the official count, the  
 17 clerk may conduct an unofficial count in order to provide early  
 18 unofficial returns to the public. Upon completion of the count,  
 19 the official returns shall be open to the public. The return of  
 20 the ~~electronic tabulating equipment~~ VOTING SYSTEM, to which  
 21 have been added the write-in and absentee votes if necessary,  
 22 shall constitute, after being duly certified, the official return  
 23 of each precinct or election district. ~~If it becomes impracti-~~  
 24 ~~cable to count all or a part of the ballots with tabulating~~  
 25 ~~equipment, the clerk may direct that they be counted manually,~~  
 26 ~~following as far as practicable the provisions governing the~~  
 27 ~~counting of paper ballots.~~

1           Sec. 798c. (1) ~~Absentee votes may~~ AN ABSENTEE VOTE SHALL  
2 be cast on A paper ~~ballots~~ BALLOT or ballot ~~cards or both~~  
3 CARD COMPATIBLE WITH THE OPTICAL SCANNING VOTING SYSTEM. Absent  
4 voter ballots may be counted in the various voting precincts or  
5 may be counted by absent voter counting boards. ~~Absentee votes~~  
6 ~~cast on paper ballots may be recorded by election inspections on~~  
7 ~~ballot cards for counting by tabulating equipment.~~

8           (2) In an election held under this act, absent voters' bal-  
9 lots ~~may~~ SHALL be voted and processed in the manner provided by  
10 this chapter.

11           Sec. 799a. (1) This section governs the recounting of a  
12 ballot. ~~on which a voter has made a selection by means of a~~  
13 ~~punch, mark, or stamp.~~ (2) ~~If the electronic voting system~~  
14 ~~requires that the elector cast a vote by punching out a hole in a~~  
15 ~~ballot, the vote shall not be considered valid unless the portion~~  
16 ~~of the ballot designated as a voting position is completely~~  
17 ~~removed or is hanging by 1 or 2 corners or the equivalent.~~ (3)  
18 ~~If the electronic~~ THE voting system ~~requires~~ SHALL REQUIRE  
19 that the elector cast a vote by marking ~~or stamping~~ a prede-  
20 fined area on the ballot ~~,~~ AND the vote shall not be considered  
21 valid unless there is a mark ~~or stamp~~ within the predefined  
22 area and it is clearly evident that the intent of the voter was  
23 to cast a vote. In determining intent of the voter, the board of  
24 canvassers or election official shall compare the mark ~~or stamp~~  
25 subject to recount with other marks ~~or stamps~~ appearing on the  
26 ballot.

1           (2) ~~(4)~~ Unless a petition for recount has been filed and  
2 the recount has not been completed, ballots, ballot labels,  
3 programs, test results, and other sealed materials may be  
4 released from their original seal after 7 days following the  
5 final determination of the board of canvassers with respect to  
6 the election at which the ballots were voted. However, the  
7 released materials shall be secured and preserved for the time  
8 period required by this act and the rules promulgated by the sec-  
9 retary of state.

10           Enacting section 1. Sections 584, 585, 586, 587, 717a, 739,  
11 769a, 775, 779, 782a, 782b, 783, 784, 787, 788, 792a, 794, 794a,  
12 794b, 794c, and 799 of the Michigan election law, 1954 PA 116,  
13 MCL 168.584, 168.585, 168.586, 168.587, 168.717a, 168.739,  
14 168.769a, 168.775, 168.779, 168.782a, 168.782b, 168.783, 168.784,  
15 168.787, 168.788, 168.792a, 168.794, 168.794a, 168.794b,  
16 168.794c, and 168.799, are repealed.