

SB 173, As Passed Senate, November 8, 2001

**SUBSTITUTE FOR
SENATE BILL NO. 173**

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 2, 31, 73, 283, 393, 509y, 509aa, 558, 561, 561a, 590f, 686, 691, 706, 727, 737, 745, 769, 782b, 795, 795c, 799a, 803, 804, 842, 880a, 931, and 992 (MCL 168.2, 168.31, 168.73, 168.283, 168.393, 168.509y, 168.509aa, 168.558, 168.561, 168.561a, 168.590f, 168.686, 168.691, 168.706, 168.727, 168.737, 168.745, 168.769, 168.782b, 168.795, 168.795c, 168.799a, 168.803, 168.804, 168.842, 168.880a, 168.931, and 168.992), sections 2, 73, 283, 393, and 686 as amended by 1999 PA 216, section 31 as amended by 1999 PA 220, sections 509y and 509aa as added by 1994 PA 441, section 558 as amended by 1999 PA 217, section 590f as added by 1988 PA 116, sections 706 and 737 as amended by 1985 PA 160, sections 727 and 769 as amended by 1995 PA 261, section 795 as amended by 1999 PA 218, section 795c as amended by 1990

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PA 109, sections 799a and 803 as amended by 1997 PA 137, and section 931 as amended by 1996 PA 583, and by adding sections 560b and 701; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2. As used in this act:

2 (a) "Business day" or "secular day" means a day that is not
3 a Saturday, Sunday, or legal holiday.

4 (b) "Election" means ~~any~~ AN election or primary election
5 ~~,~~ at which the electors of this state or of ~~any~~ A subdivision
6 of this state choose or nominate by ballot AN INDIVIDUAL FOR
7 public ~~officials~~ OFFICE or decide ~~any public~~ A BALLOT ques-
8 tion lawfully submitted to them.

9 (C) "NAME THAT WAS FORMALLY CHANGED" MEANS A NAME CHANGED BY
10 A PROCEEDING UNDER CHAPTER XI OF THE PROBATE CODE OF 1939, 1939
11 PA 288, MCL 711.1 TO 711.3, OR FORMER 1915 PA 314, OR THROUGH A
12 SIMILAR, STATUTORILY SANCTIONED PROCEDURE UNDER THE LAW OF
13 ANOTHER STATE OR COUNTRY.

14 (D) "PROVISIONAL BALLOT" MEANS A VOTED BALLOT SUBJECT TO THE
15 PROCESS PRESCRIBED FOR THAT TYPE OF BALLOT UNDER SECTIONS 745 AND
16 746.

17 Sec. 31. (1) The secretary of state shall do all of the
18 following:

19 (a) Subject to subsection (2), issue instructions and
20 promulgate rules pursuant to the administrative procedures act of
21 1969, 1969 PA 306, MCL 24.201 to 24.328, for the conduct of elec-
22 tions and registrations in accordance with the laws of this
23 state.

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1 (b) Advise and direct local election officials as to the
2 proper methods of conducting elections.

3 (c) Publish and furnish for the use in each election pre-
4 cinct before each state primary and election a manual of instruc-
5 tions that includes specific instructions on assisting voters in
6 casting their ballots, directions on the location of voting sta-
7 tions in polling places, procedures and forms for processing
8 challenges, and procedures on prohibiting campaigning in the
9 polling places as prescribed in this act.

10 (d) Publish indexed pamphlet copies of the registration,
11 primary, and election laws and furnish to the various county,
12 city, township, and village clerks a sufficient number of copies
13 for their own use and to enable them to include 1 copy with the
14 election supplies furnished each precinct board of election
15 inspectors under their respective jurisdictions. The secretary
16 of state may furnish single copies of the publications to organi-
17 zations or individuals who request the same for purposes of
18 instruction or public reference.

19 (e) Prescribe and require uniform forms, notices, and sup-
20 plies the secretary of state considers advisable for use in the
21 conduct of elections and registrations.

22 (f) Prepare the form of ballot for any proposed amendment to
23 the constitution or proposal under the initiative or referendum
24 provision of the constitution to be submitted to the voters of
25 this state.

26 (g) Require reports from the local election officials the
27 secretary of state considers necessary.

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1 (h) Investigate, or cause to be investigated by local
2 authorities, the administration of election laws, and report vio-
3 lations of the election laws and regulations to the attorney gen-
4 eral or prosecuting attorney, or both, for prosecution.

5 (i) Publish in the legislative manual the vote for governor
6 and secretary of state by townships and wards and the vote for
7 members of the state legislature cast at the preceding November
8 election, which shall be returned to the secretary of state by
9 the county clerks on or before the first day of December follow-
10 ing the election. All clerks shall furnish to the secretary of
11 state, promptly and without compensation, any further information
12 requested of them to be used in the compilation of the legisla-
13 tive manual.

14 (j) Establish a curriculum for comprehensive training and
15 accreditation of all county, city, township, village, and school
16 elections officials.

17 (k) Establish and require attendance by all new appointed or
18 elected election officials at an initial course of instruction
19 within 6 months before the date of the election.

20 (l) Establish a comprehensive training curriculum for all
21 precinct inspectors.

22 (m) Create an election day dispute resolution team that has
23 regional representatives of the department of state, which team
24 shall appear on site, if necessary.

25 (N) ISSUE TRAINING REQUIREMENTS TO LOCAL JURISDICTIONS TO
26 IMPROVE THE CONDUCT OF THEIR ELECTIONS. UPON COMPLIANCE WITH

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1 THESE REQUIREMENTS, THE LOCAL JURISDICTION SHALL FORWARD A REPORT
2 TO THE SECRETARY OF STATE DETAILING THE TRAINING.

3 (2) Pursuant to the administrative procedures act of 1969,
4 1969 PA 306, MCL 24.201 to 24.328, the secretary of state may
5 promulgate rules establishing uniform standards for state and
6 local nominating, recall, and ballot question petition
7 signatures. The standards for petition signatures may include,
8 but need not be limited to, standards for all of the following:

9 (a) Determining the validity of registration of a circulator
10 or individual signing a petition.

11 (b) Determining the genuineness of the signature of a circu-
12 lator or individual signing a petition.

13 (c) Proper designation of the place of registration of a
14 circulator or individual signing a petition.

15 Sec. 73. Not more than 24 hours after the conclusion of the
16 fall state convention, the state central committee of each polit-
17 ical party shall canvass the proceedings of the convention and
18 determine the nominees of the convention for the offices of lieu-
19 tenant governor, secretary of state, and attorney general. Not
20 more than 1 business day after the conclusion of the convention,
21 the chairperson and secretary of the state central committee
22 shall forward to the secretary of state ~~and to the board of~~
23 ~~election commissioners of each county, in care of the county~~
24 ~~clerk at the county seat,~~ a typewritten or printed list of the
25 names and residence, including the street address if known, of
26 candidates nominated at the state convention. THE SECRETARY OF
27 STATE SHALL FORWARD A COPY OF A LIST RECEIVED UNDER THIS SECTION

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1 TO THE BOARD OF ELECTION COMMISSIONERS OF EACH COUNTY, IN CARE OF
2 THE COUNTY CLERK AT THE COUNTY SEAT.

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8 Sec. 283. Not more than 24 hours after the conclusion of
9 the fall state convention, the state central committee of each
10 political party shall canvass the proceedings of the convention
11 and determine the nominees of the convention for membership on
12 the state board of education, the board of regents of the univer-
13 sity of Michigan, the board of trustees of Michigan state univer-
14 sity, and the board of governors of Wayne state university. Not
15 more than 1 business day after the conclusion of the state con-
16 vention, the chairperson and secretary of the state central com-
17 mittee shall forward by registered or certified mail to the sec-
18 retary of state ~~and to the board of election commissioners of~~
19 ~~each county, in care of the county clerk at the county seat,~~ a
20 copy of the vignette adopted by the state central committee and a
21 typewritten or printed list of the names and residence, including
22 the street address if known, of the candidates nominated at the
23 convention for the offices specified in this section. THE SECRE-
24 TARY OF STATE SHALL FORWARD A COPY OF A LIST RECEIVED UNDER THIS
25 SECTION TO THE BOARD OF ELECTION COMMISSIONERS OF EACH COUNTY, IN
26 CARE OF THE COUNTY CLERK AT THE COUNTY SEAT.

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1 Sec. 393. Not more than 24 hours after the conclusion of
2 the fall state convention, the state central committee of each
3 political party shall convene and canvass the proceedings of the
4 convention and determine the nominee or nominees of the conven-
5 tion for the office or offices of justice of the supreme court.
6 Not more than 1 business day after the conclusion of the state
7 convention, the chairperson and secretary of the state central
8 committee shall forward by registered or certified mail to the
9 secretary of state ~~and to the board of election commissioners of~~
10 ~~each county, in care of the county clerk at the county seat,~~ a
11 typewritten or printed list of the names and residence, including
12 the street address if known, of the candidate or candidates nomi-
13 nated at the convention for the office or offices of justice of
14 the supreme court. THE SECRETARY OF STATE SHALL FORWARD A COPY
15 OF A LIST RECEIVED UNDER THIS SECTION TO THE BOARD OF ELECTION
16 COMMISSIONERS OF EACH COUNTY, IN CARE OF THE COUNTY CLERK AT THE
17 COUNTY SEAT. ~~The names of the persons so certified~~ NAME OF EACH
18 NOMINEE ON THE LIST shall be printed upon a nonpartisan judicial
19 ballot containing no party designation together with the names of
20 ~~any~~ incumbent justices filing an affidavit ~~pursuant to~~ UNDER
21 section 392a.

22 Sec. 509y. (1) If a voter who has applied to register to
23 vote as provided in this chapter on or before the close of regis-
24 tration appears at a polling place on election day and is not
25 listed in the registration records, ~~or~~ precinct voting list, OR
26 QUALIFIED VOTER FILE, the inspectors of election shall allow the

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1 ~~person~~ INDIVIDUAL to vote if 1 of the following requirements is
2 met:

3 (a) The voter presents a receipt issued by a department of
4 state office, a designated voter registration agency, or the
5 office of the voter's county clerk verifying the acceptance of an
6 application, the voter completes a new application, and the voter
7 otherwise meets the qualifications to vote in that city or
8 township.

9 (b) The voter is unable to present a receipt issued under
10 this chapter verifying the acceptance of an application, the
11 voter otherwise meets the qualifications to vote in that city or
12 township, and, at the polling place or at a place as designated
13 by the clerk within that jurisdiction, the voter does all of the
14 following:

15 (i) Signs an affidavit affirming that the person submitted
16 an application to a department of state office, a designated
17 voter registration agency, or the office of his or her county
18 clerk, or mailed an application as provided in this act, on or
19 before the close of registration. ~~A person~~ AN INDIVIDUAL who
20 provides information in a signed affidavit under this subpara-
21 graph that is false is guilty of perjury.

22 (ii) Completes a new application.

23 (iii) Provides ~~proof of~~ PICTURE identification sufficient
24 to ~~satisfy the clerk as to the~~ VERIFY THE VOTER'S identity and
25 residence. ~~of the voter.~~

26 (2) IF AN INDIVIDUAL COMPLIES WITH SUBSECTION (1) SO THAT
27 THE INSPECTORS OF ELECTION ARE REQUIRED TO ALLOW THE PERSON TO

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1 VOTE, THE INDIVIDUAL'S BALLOT IS SUBJECT TO THE PROCEDURES
2 APPLICABLE TO A PROVISIONAL BALLOT.

3 Sec. 509aa. (1) A clerk may use change of address informa-
4 tion ~~supplied by~~ THAT the United States postal service ~~or~~
5 ~~other reliable information received by the clerk that identifies~~
6 ~~registered voters whose addresses~~ SUPPLIES DIRECTLY TO THE CLERK
7 AND THAT IDENTIFIES A REGISTERED VOTER WHOSE ADDRESS may have
8 changed as provided in this section.

9 (2) A clerk shall update the registration of a voter upon
10 the receipt of ~~reliable information~~ CHANGE OF ADDRESS INFORMA-
11 TION SUPPLIED AS DESCRIBED IN SUBSECTION (1) THAT INDICATES that
12 the voter has changed his or her residence within the city or
13 township. The clerk shall send by forwardable mail to the voter
14 a notice of the transfer informing the voter that he or she is
15 registered at the new address. The clerk shall include with the
16 notice a postage prepaid and preaddressed return card on which
17 the voter may verify or correct the address information.

18 (3) Upon the receipt of ~~reliable information~~ CHANGE OF
19 ADDRESS INFORMATION SUPPLIED AS DESCRIBED IN SUBSECTION (1) THAT
20 INDICATES that a registered voter has moved his or her residence
21 to another city or township, the clerk shall send by forwardable
22 mail all of the following to the voter:

23 (a) A notice that the clerk has received information indi-
24 cating that the voter has moved to another city or township.

25 (b) A postage prepaid and preaddressed return card on which
26 the voter may verify or correct the address information.

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1 (c) A notice containing all of the following information:

2 (i) If the address information is incorrect and the voter
3 has not moved to another city or township and wishes to remain
4 registered to vote, the voter should complete and return the card
5 to the clerk with a postmark of 30 days or more before the date
6 of the next election. If the card is not completed and returned
7 with a postmark of 30 days or more before the date of the next
8 election, the voter may be required to affirm his or her current
9 address before being permitted to vote. Further, if the voter
10 does not vote in an election within the period beginning on the
11 date of the notice and ending on the first business day immedi-
12 ately following the second November general election that is held
13 after the date on the notice, the registration of the voter will
14 be canceled and his or her name will be removed from the regis-
15 tration record of that city or township.

16 (ii) If the voter has moved his or her residence to another
17 city or township, information on how the voter can become regis-
18 tered to vote at the next election in his or her new city or
19 township.

20 (4) If a notice sent under this section is returned to the
21 clerk by the post office as undeliverable, the clerk shall iden-
22 tify the registration record of a voter as challenged as provided
23 in this act. The clerk shall instruct the board of election
24 inspectors to challenge that voter at the first election at which
25 the voter appears to vote. If in response to the challenge the
26 voter indicates that he or she resides at the registration
27 address or has changed addresses within the city or township, the

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1 voter shall be permitted to vote a regular ballot rather than a
2 challenged ballot. The voter shall complete a change of address
3 form at the polling place, if applicable. If the person does not
4 appear to vote in an election within the period beginning on the
5 date of the notice and ending on the first business day immedi-
6 ately following the second November general election that is held
7 after the date of the notice, the clerk shall cancel the regis-
8 tration of the voter and remove his or her name from the regis-
9 tration record of the city or township.

10 Sec. 558. (1) When filing a nominating petition, QUALIFYING
11 PETITION, filing fee, or ~~an~~ affidavit of candidacy ~~, or within~~
12 ~~1 business day of being nominated by a political party convention~~
13 ~~or caucus,~~ for a FEDERAL, county, state, ~~national,~~ city, town-
14 ship, village, or school district office in any election, a can-
15 didate shall file with the officer with whom the petitions or fee
16 is filed 2 copies of an affidavit OF IDENTITY. ~~The affidavit~~ A
17 CANDIDATE NOMINATED FOR A FEDERAL, STATE, COUNTY, CITY, TOWNSHIP,
18 OR VILLAGE OFFICE AT A POLITICAL PARTY CONVENTION OR CAUCUS SHALL
19 FILE AN AFFIDAVIT OF IDENTITY WITHIN 1 BUSINESS DAY AFTER BEING
20 NOMINATED WITH THE SECRETARY OF STATE. THE AFFIDAVIT OF IDENTITY
21 FILING REQUIREMENT DOES NOT APPLY TO A CANDIDATE NOMINATED FOR
22 THE OFFICE OF PRESIDENT OF THE UNITED STATES OR VICE PRESIDENT OF
23 THE UNITED STATES.

24 (2) AN AFFIDAVIT OF IDENTITY shall contain the candidate's
25 name, ~~+~~ address, ~~+~~ AND ward and precinct where registered, if
26 qualified to vote at that election; a statement that the
27 candidate is a citizen of the United States; THE CANDIDATE'S

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1 number of years of residence in the state and county; other
2 information that may be required to satisfy the officer as to the
3 identity of the candidate; AND A STATEMENT THAT THE CANDIDATE
4 EITHER IS OR IS NOT USING A NAME, WHETHER A GIVEN NAME, A SUR-
5 NAME, OR OTHERWISE, THAT IS NOT A NAME THAT HE OR SHE WAS GIVEN
6 AT BIRTH. IF A CANDIDATE IS USING A NAME THAT IS NOT A NAME THAT
7 HE OR SHE WAS GIVEN AT BIRTH, THE CANDIDATE SHALL INCLUDE ON THE
8 AFFIDAVIT OF IDENTITY THE CANDIDATE'S FULL FORMER NAME.

9 (3) THE REQUIREMENT TO INDICATE A NAME CHANGE ON THE AFFIDA-
10 VIT OF IDENTITY DOES NOT APPLY IF THE NAME IN QUESTION IS 1 OF
11 THE FOLLOWING:

12 (A) A NAME THAT WAS FORMALLY CHANGED AT LEAST 10 YEARS
13 BEFORE FILING AS A CANDIDATE.

14 (B) A NAME THAT WAS CHANGED IN A CERTIFICATE OF NATURALIZA-
15 TION ISSUED BY A FEDERAL DISTRICT COURT AT THE TIME THE INDIVID-
16 UAL BECAME A NATURALIZED CITIZEN AT LEAST 10 YEARS BEFORE FILING
17 AS A CANDIDATE.

18 (C) A NAME THAT WAS CHANGED BECAUSE OF MARRIAGE.

19 (D) A NAME THAT WAS CHANGED BECAUSE OF DIVORCE, BUT ONLY IF
20 TO A LEGAL NAME BY WHICH THE INDIVIDUAL WAS PREVIOUSLY KNOWN.

21 (4) AN AFFIDAVIT OF IDENTITY SHALL INCLUDE a statement that
22 —, as of the date of the affidavit, all statements, reports,
23 late filing fees, and fines required of the candidate or any can-
24 didate committee organized to support the candidate's election
25 under the Michigan campaign finance act, 1976 PA 388, MCL 169.201
26 to 169.282, have been filed or paid; and a statement that the
27 candidate acknowledges that making a false statement in the

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1 affidavit is perjury, punishable by a fine up to \$1,000.00 or
2 imprisonment for up to 5 years, or both. If a candidate files
3 the affidavit OF IDENTITY with an officer other than the county
4 clerk or secretary of state, the officer shall immediately for-
5 ward to the county clerk 1 copy of the affidavit OF IDENTITY by
6 first-class mail. The county clerk shall immediately forward 1
7 copy of the affidavit OF IDENTITY for state and ~~national~~
8 FEDERAL candidates to the secretary of state by first-class
9 mail. An officer shall not certify to the board of election com-
10 missioners the name of a candidate who fails to comply with this
11 section.

12 (5) ~~(2)~~ If petitions or filing fees are filed by or in
13 behalf of a candidate for more than 1 office, either ~~national~~
14 FEDERAL, state, county, city, village, township, or school dis-
15 trict, the terms of which run concurrently or overlap, the candi-
16 date so filing, or in behalf of whom petitions or fees were so
17 filed, shall select the 1 office to which his or her candidacy is
18 restricted within 3 days after the last day for the filing of
19 petitions or filing fees unless the petitions or filing fees are
20 filed for 2 offices that are combined or for offices that are not
21 incompatible. Failure to make the selection disqualifies a can-
22 didate with respect to ~~any~~ EACH office for which petitions or
23 fees were so filed and the name of the candidate shall not be
24 printed upon the ballot for those offices. A vote cast for that
25 candidate at the ENSUING primary or general election ~~ensuing~~
26 shall not be counted and is void.

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1 SEC. 560B. (1) SUBJECT TO THIS SECTION, THE SECRETARY OF
2 STATE SHALL PRESCRIBE THE MANNER IN WHICH A CANDIDATE MAY SPECIFY
3 HOW THE CANDIDATE'S NAME APPEARS ON THE BALLOT, AND THE FORM IN
4 WHICH A CANDIDATE'S CURRENT NAME AND A FORMER NAME OF THE CANDI-
5 DATE APPEARS ON THE BALLOT.

6 (2) SUBJECT TO SUBSECTIONS (3) AND (4), BOTH A CANDIDATE'S
7 GIVEN NAME AND SURNAME THAT HE OR SHE WAS GIVEN AT BIRTH, AND
8 ONLY THOSE NAMES, SHALL APPEAR ON THE BALLOT, EXCEPT UNDER 1 OF
9 THE FOLLOWING CIRCUMSTANCES:

10 (A) THE NAME IN QUESTION, WHETHER A GIVEN NAME, A SURNAME,
11 OR OTHERWISE, IS A NAME THAT WAS FORMALLY CHANGED.

12 (B) THE SECRETARY OF STATE REQUIRES THE CANDIDATE'S CURRENT
13 NAME AND A FORMER NAME BE PRINTED ON THE BALLOT.

14 (C) THE NAME IN QUESTION, WHETHER A GIVEN NAME, A SURNAME,
15 OR OTHERWISE, IS 1 OF THE FOLLOWING:

16 (i) A NAME THAT WAS CHANGED IN A CERTIFICATE OF NATURALIZA-
17 TION ISSUED BY A FEDERAL DISTRICT COURT AT THE TIME THE INDIVID-
18 UAL BECAME A NATURALIZED CITIZEN AT LEAST 10 YEARS BEFORE FILING
19 AS A CANDIDATE.

20 (ii) A NAME THAT WAS CHANGED BECAUSE OF MARRIAGE.

21 (iii) A NAME THAT WAS CHANGED BECAUSE OF DIVORCE, BUT ONLY
22 IF TO A LEGAL NAME BY WHICH THE INDIVIDUAL WAS PREVIOUSLY KNOWN.

23 (3) A CANDIDATE MAY SPECIFY THAT BOTH HIS OR HER GIVEN NAME
24 AND MIDDLE NAME, OR ONLY A MIDDLE NAME, SHALL APPEAR ON THE
25 BALLOT. A CANDIDATE MAY SPECIFY THAT EITHER AN INITIAL OR A REC-
26 OGNIZED DIMINUTIVE FOR THE CANDIDATE'S GIVEN OR MIDDLE NAME, OR
27 FOR BOTH, SHALL APPEAR ON THE BALLOT.

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1 (4) A CANDIDATE IS PROHIBITED FROM SPECIFYING THAT A
2 NICKNAME THAT IS NOT A RECOGNIZED DIMINUTIVE OF THE CANDIDATE'S
3 GIVEN NAME OR MIDDLE NAME APPEAR ON THE BALLOT. A MARRIED INDI-
4 VIDUAL IS PROHIBITED FROM SPECIFYING THAT HIS OR HER SPOUSE'S
5 GIVEN NAME, OR AN ALTERNATIVE FOR THAT GIVEN NAME OTHERWISE PER-
6 MITTED UNDER SUBSECTION (3), APPEAR ON THE BALLOT.

7 (5) A BALLOT THAT WOULD VIOLATE THIS SECTION SHALL NOT BE
8 PRODUCED, PRINTED, OR DISTRIBUTED.

9 Sec. 561. (1) The ballots prepared by the board of election
10 commissioners in each county for use by the electors of a politi-
11 cal party at a primary election shall include the names of all
12 candidates of the political party for the office of governor,
13 United States senator, and district offices, and, in each county,
14 the names of all candidates of the political party for county
15 offices, and in each township the names of all candidates of the
16 political party for township offices.

17 (2) If, in a district comprised of not more than 1 county, 2
18 or more candidates, including candidates for nonpartisan offices,
19 for the same office have the same or similar surnames, a candi-
20 date may file a written request with the board of county election
21 commissioners for a clarifying designation. The request shall be
22 filed not later than 3 days after the last date for filing nomi-
23 nating petitions. Not later than 3 days after the filing of the
24 request, the board of county election commissioners shall deter-
25 mine whether a similarity exists and whether a clarifying desig-
26 nation should be granted. In a district comprised of more than 1
27 county, the board of state canvassers shall make a like

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1 determination for a clarifying designation upon the written
2 request of a candidate who files nominating petitions with the
3 secretary of state. The request shall be filed with the state
4 board of canvassers not later than 5 days after the last date for
5 filing nominating petitions. The board of state canvassers shall
6 make its determination at the same time it makes a declaration of
7 the sufficiency or insufficiency of nominating petitions in com-
8 pliance with section 552.

9 (3) In each instance the determining board shall notify the
10 requester and the other candidate affected of its determination
11 by first class mail sent within 24 hours after the final date for
12 the determination. A candidate who is dissatisfied with the
13 determination of the board of county election commissioners may
14 file an appeal in the circuit court of the county where the board
15 is located, and a candidate who is dissatisfied with the determi-
16 nation of the board of state canvassers may file an appeal in the
17 circuit court of Ingham county, within 7 days after the final
18 date for determination by the board, and the court shall hear the
19 matter de novo. In case of the same surnames or a final determi-
20 nation by the board, or by the court before the latest date on
21 which the board can arrange for printing of the ballots, of the
22 existence of similarity, the board shall print the occupation or
23 residence of each of the candidates on the ballot or ballot
24 labels under their respective names. The term "occupation" shall
25 be construed to include political office, even though it is not
26 the candidate's principal occupation, but shall not include
27 reference to a previous position or occupation.

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1 ~~(4) The name of a candidate shall be printed showing the~~
2 ~~given name or abbreviation or initials of the given name of the~~
3 ~~candidate, and, in the case of a married woman, shall not be~~
4 ~~printed showing the husband's given name.~~

5 (4) ~~(5)~~ The board of state canvassers shall prepare and
6 issue guidelines to insure fairness and uniformity in the grant-
7 ing of designations, and may prepare and issue guidelines relat-
8 ing to what constitutes same or similar surnames. The board of
9 state canvassers and the boards of county election commissioners
10 shall follow the guidelines issued.

11 Sec. 561a. (1) In ~~any~~ A primary election, ~~whenever any~~
12 IF A candidate for ~~public~~ ELECTIVE office has the same given
13 NAME and surname as the ~~name~~ NAMES of the person last elected
14 to ~~such office, when~~ THAT OFFICE AND IF the person last elected
15 is not seeking renomination, below the name of ~~said~~ THE candi-
16 date on the ballot shall appear the words "not the present
17". ~~and in said space shall be printed the~~ THE
18 title of the office sought SHALL APPEAR IN THE SPACE. The size
19 of type used ~~in any other designation on the ballot shall not be~~
20 ~~reduced in size from~~ FOR A DESIGNATION UNDER THIS SECTION SHALL
21 NOT BE SMALLER THAN the size of type normally used FOR ANY OTHER
22 BALLOT DESIGNATION.

23 (2) FOR THE PURPOSE OF THIS SECTION, A CANDIDATE'S AND AN
24 OFFICEHOLDER'S SURNAMES SHALL NOT BE CONSIDERED DIFFERENT SOLELY
25 BECAUSE 1 OR BOTH OF THE SURNAMES INCLUDE A GENERATIONAL
26 DESIGNATION.

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1 Sec. 590f. (1) Except as provided in subsections (2) and
2 (3), sections 544c, 545, 552, 553, 555, 556, ~~557,~~ and 558 are
3 applicable to a qualifying petition, a person filing a qualifying
4 petition, and an officer receiving a qualifying petition.

5 (2) The board of state canvassers shall canvass a qualifying
6 petition filed with the secretary of state and shall make an
7 official declaration of the sufficiency or insufficiency of the
8 qualifying petition at least 60 days before the election. A
9 hearing under this subsection by the board of state canvassers
10 shall be held as provided in section 552.

11 (3) A filing officer who receives a qualifying petition from
12 a candidate who has met the requirements of this act shall cer-
13 tify to the proper board or boards of election commissioners the
14 candidate's name, post office address, and office sought. If the
15 election for the office is held at the general ~~November~~ elec-
16 tion, the filing officer shall make the certification not later
17 than 60 days before the general ~~November~~ election.

18 Sec. 686. Within 24 hours after the conclusion of the state
19 convention ~~prior to any~~ BEFORE A general election, the state
20 central committee of each political party shall canvass the pro-
21 ceedings of the convention and determine the nominees of the
22 convention. Not more than 1 business day after the state conven-
23 tion, the chairperson and secretary of the state central commit-
24 tee shall forward ~~to the board of election commissioners of each~~
25 ~~county, in care of the county clerk at the county seat, and~~ to
26 the secretary of state ~~,~~ a typewritten or printed list of the
27 names and residence, including the street address if known, of

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1 all candidates nominated at the state convention. In each
2 presidential election year, the state central committee of each
3 political party shall, at the same time, forward ~~to the board of~~
4 ~~election commissioners of each county and~~ to the secretary of
5 state the typewritten or printed names of the candidates of
6 ~~such~~ THAT party ~~at the forthcoming election~~ for the offices
7 of president of the United States and vice-president of the
8 United States certified to by the chairman and secretary of the
9 committees. A party is not required to certify nominations made
10 at an official primary election. THE SECRETARY OF STATE SHALL
11 FORWARD A COPY OF A LIST RECEIVED UNDER THIS SECTION TO THE BOARD
12 OF ELECTION COMMISSIONERS OF EACH COUNTY, IN CARE OF THE COUNTY
13 CLERK AT THE COUNTY SEAT.

14 Sec. 691. (1) ~~The said boards~~ EACH BOARD of election commis-
15 sioners shall ~~cause to be~~ HAVE printed on the ballot, ~~(~~ or ON
16 ballot labels or slips to be placed on a voting machine, when
17 used, ~~)~~, the names of the candidates certified to ~~said boards~~
18 pursuant to THAT BOARD UNDER this act. ~~;~~ but the name of no
19 candidate shall A CANDIDATE'S NAME SHALL NOT be placed or
20 printed in more than 1 column on the ballot for the same office.
21 ~~;~~ ~~Provided, That the~~ A board of election commissioners ~~in~~
22 any FOR A county or city may ~~, if deemed desirable,~~ arrange
23 the ballots with an identification numeral ~~to be~~ placed in the
24 same space with the name of each of ~~said~~ THE candidates. ~~,~~ the
25 ~~said~~ THAT identification numeral ~~to~~ SHALL be rotated with the
26 name of the candidate, AND when rotated, SHALL APPEAR IN THE SAME

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1 SPACE WITH THE SAME CANDIDATE regardless of where ~~said name may~~
2 ~~appear upon~~ THE CANDIDATE'S NAME APPEARS ON the ballot.

3 (2) The name of a candidate ~~shall be printed showing the~~
4 ~~given name or abbreviation or initials of the given name of the~~
5 ~~candidate and, in the case of a married woman, shall not be~~
6 ~~printed showing the husband's given name~~ APPEARING ON A BALLOT
7 SHALL COMPLY WITH SECTIONS 560B AND 561.

8 SEC. 701. IN AN ELECTION TO CHOOSE THE OFFICEHOLDERS FOR
9 MORE THAN 1 ELECTIVE OFFICE, AN ELECTOR IS PROHIBITED FROM VOTING
10 A STRAIGHT POLITICAL PARTY TICKET, THAT IS, FROM VOTING FOR ALL
11 OF THE CANDIDATES FOR ELECTIVE OFFICE WHO ARE ON THE BALLOT REP-
12 RESENTING A SINGLE POLITICAL PARTY BY A SINGLE SELECTION ON THE
13 BALLOT. A BALLOT THAT WOULD VIOLATE THIS SECTION SHALL NOT BE
14 PRODUCED, PRINTED, OR DISTRIBUTED.

15 Sec. 706. The arrangement of the ballot containing the
16 names of candidates for office shall conform as nearly as possi-
17 ble to the following ~~plan~~ FORM, and shall contain the specific
18 instructions ~~there~~ set forth IN THE FORM and no others:

19

20

OFFICIAL BALLOT

21 County of Date

22 INSTRUCTIONS - ~~To vote a straight party ticket make a cross~~
23 ~~(X) or check mark (Q/) in the circle under the name of your~~
24 ~~party. Nothing further need be done. To vote for a candidate~~
25 ~~not on your party ticket, make a cross (X) or a check mark (Q/)~~
26 ~~in the square [] before the candidate's name. Candidates for~~

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1 president and vice-president must be voted for as a unit, and the
2 vote cannot be split. Candidates for governor and lieutenant
3 governor must be voted for as a unit, and the vote cannot be
4 split.

5 ~~If 2 or more candidates are to be elected to the same~~
6 ~~office and you desire to vote for candidates not on your party~~
7 ~~ticket, make a cross (X) or a check mark (Q/) in the square []~~
8 ~~before the names of the candidates for whom you desire to vote on~~
9 ~~the other ticket, and strike out an equal number of names on your~~
10 ~~party ticket, for that office.~~

11 ~~If you do not desire to vote any party ticket, do not make a~~
12 ~~cross (X) or check mark (Q/) in the circle at the head of any~~
13 ~~ticket, but make~~ MAKE a cross (X) or a check mark (Q/) in the
14 square [] before the name of each candidate for whom you desire
15 to vote.

16 If you wish to vote for a candidate not on ~~any ticket~~ THE
17 BALLOT, write or place the name of that candidate on your ballot
18 ~~opposite~~ UNDER the name of the office AND MAKE A CROSS (X) OR A
19 CHECK MARK (Q/) IN THE SQUARE [] BEFORE HIS OR HER NAME.

20 Before leaving the booth, fold the ballot so that the face
21 of the ballot is not exposed and so that the numbered corner is
22 visible.

23 =====

24	Name of	Vignette	Vignette	Vignette
25	Offices	with	with	with
26	Voted For:	Name of Party	Name of Party	Name of Party
27		[]	[]	[]

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1	=====				=====
2		Name of	Name of	Name of	
3	PRESIDENTIAL	Candidate for	Candidate for	Candidate for	
4	Electors of	President.	President.	President.	
5	President				
6	and Vice-	<input type="checkbox"/> Name of	<input type="checkbox"/> Name of	<input type="checkbox"/> Name of	
7	President of	Candidate for	Candidate for	Candidate for	
8	the United	Vice-President.	Vice-President.	Vice-President.	
9	States				
10					
11		Governor	Governor	Governor	
12	STATE	Name of	Name of	Name of	
13	Governor and	Candidate	Candidate	Candidate	
14	Lieutenant	<input type="checkbox"/> Lieut. Governor	<input type="checkbox"/> Lieut. Governor	<input type="checkbox"/> Lieut. Governor	
15	Governor	Name of	Name of	Name of	
16		Candidate	Candidate	Candidate	
17					
18		Secretary of	Secretary of	Secretary of	
19		State	State	State	
20	Secretary of	<input type="checkbox"/> Name of	<input type="checkbox"/> Name of	<input type="checkbox"/> Name of	
21	State	Candidate	Candidate	Candidate	
22					
23	CONGRESSIONAL	U.S. Senator	U.S. Senator	U.S. Senator	
24	United States	<input type="checkbox"/> Name of	<input type="checkbox"/> Name of	<input type="checkbox"/> Name of	
25	Senator	Candidate	Candidate	Candidate	
26					
27	Represent-	U.S. Repre-	U.S. Repre-	U.S. Repre-	
28	ative in	sentative	sentative	sentative	
29	Congress	<input type="checkbox"/> Name of	<input type="checkbox"/> Name of	<input type="checkbox"/> Name of	
30	.....District	Candidate	Candidate	Candidate	
31					
32	LEGISLATIVE	State Senator	State Senator	State Senator	
33	Senator	<input type="checkbox"/> Name of	<input type="checkbox"/> Name of	<input type="checkbox"/> Name of	
34	.....District	Candidate	Candidate	Candidate	
35					
36		State Repre-	State Repre-	State Repre-	
37	Represent-	sentative	sentative	sentative	
38	ative	<input type="checkbox"/> Name of	<input type="checkbox"/> Name of	<input type="checkbox"/> Name of	
39	.....District	Candidate	Candidate	Candidate	
40					
41	COUNTY	Pros. Attorney	Pros. Attorney	Pros. Attorney	
42	Prosecuting	<input type="checkbox"/> Name of	<input type="checkbox"/> Name of	<input type="checkbox"/> Name of	
43	Attorney	Candidate	Candidate	Candidate	
44					
45		Sheriff	Sheriff	Sheriff	
46	Sheriff	<input type="checkbox"/> Name of	<input type="checkbox"/> Name of	<input type="checkbox"/> Name of	
47		Candidate	Candidate	Candidate	
48					
49					

50 Sec. 727. (1) An election inspector shall challenge ~~a~~
51 ~~person~~ AN INDIVIDUAL applying for ballots if the ELECTION
52 inspector knows or has good reason to suspect THAT the applicant

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1 is not a qualified and registered elector of the precinct, IF THE
2 APPLICANT'S NAME DOES NOT APPEAR IN AT LEAST 1 OF THE REGISTRA-
3 TION BOOK, PRECINCT VOTING LIST, OR QUALIFIED VOTER FILE, or if a
4 challenge appears in connection with the applicant's name in the
5 registration book. A registered elector of the precinct present
6 in the polling place may challenge the right of anyone attempting
7 to vote if the elector knows or has good reason to suspect that
8 ~~person~~ THE INDIVIDUAL is not a registered elector in that
9 precinct. An election inspector or other qualified challenger
10 may challenge the right of ~~a person~~ AN INDIVIDUAL attempting to
11 vote who has previously applied for an absent voter ballot and
12 who on election day is claiming to have never received the absent
13 voter ballot or to have lost or destroyed the absent voter
14 ballot.

15 (2) Upon a challenge being made under subsection (1), an
16 election inspector shall immediately do all of the following:

17 (a) Identify ~~pursuant to section~~ AS PROVIDED IN
18 SECTIONS 745 AND 746 ~~any~~ A ballot voted by the challenged indi-
19 vidual, if any.

20 (b) Make a written report including all of the following
21 information:

22 (i) All election disparities or infractions complained of or
23 believed to have occurred.

24 (ii) The name of the ~~person~~ INDIVIDUAL making the
25 challenge.

26 (iii) The time of the challenge.

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1 (iv) The name, telephone number, and address of the
2 challenged individual.

3 (v) ~~Any other~~ OTHER information considered appropriate by
4 the election inspector.

5 (c) Retain the written report created under subdivision (b)
6 and make it a part of the election record.

7 (3) A challenger shall not make a challenge indiscriminately
8 and without good cause. A challenger shall not handle the poll
9 books while observing election procedures or the ballots during
10 the counting of the ballots. A challenger shall not interfere
11 with or unduly delay the work of the election inspectors. A
12 person who challenges a qualified and registered elector of a
13 voting precinct for the purpose of annoying or delaying voters is
14 guilty of a misdemeanor.

15 Sec. 737. ~~The~~ AFTER RECEIVING THE BALLOTS AS PROVIDED IN
16 SECTION 736, THE elector shall then go directly into ~~a~~ AN UNOC-
17 CUPIED VOTING booth ~~which is unoccupied~~ and indicate in the
18 following manner, with pencil or pen on the proper ballot, the
19 candidate or candidates for whom the elector desires to vote:

20 ~~(a) If the elector desires to vote a straight ticket, the~~
21 ~~elector may make a cross (X) or a check mark (Q/) in the circle~~
22 ~~under the name of that party at the head of the ballot. Nothing~~
23 ~~further need be done.~~

24 ~~(b) If only 1 candidate is to be elected to an office and~~
25 ~~the elector desires to vote for a candidate not on the elector's~~
26 ~~party ticket, the elector should make a cross (X) or a check mark~~
27 ~~(Q/) in the circle under the name of the elector's party, and~~

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1 ~~also make a cross (X) or a check mark (Q/) in the square before~~
2 ~~the name of the candidate for whom the elector desires to vote on~~
3 ~~the other ticket. In such case, it shall not be necessary to~~
4 ~~cross off the name of the candidate on the elector's party~~
5 ~~ticket. If the elector votes for more than 1 candidate for the~~
6 ~~same office where only 1 candidate is to be elected to the~~
7 ~~office, the ballot shall not be counted for either of the candi=~~
8 ~~dates and shall be as to those candidates considered null and~~
9 ~~void.~~

10 ~~(c) If 2 or more candidates are to be elected to the same or~~
11 ~~like office, such as coroners, and the elector desires to vote~~
12 ~~for a candidate or candidates not on the elector's party ticket~~
13 ~~for the office, the elector should mark a cross (X) or a check~~
14 ~~mark (Q/) in the circle under the elector's party name, and mark~~
15 ~~a cross (X) or a check mark (Q/) in the square before the name or~~
16 ~~names of the candidate or candidates for whom the elector desires~~
17 ~~to vote on the other ticket or tickets, and also cross off an~~
18 ~~equal number of names of the candidates for the office on the~~
19 ~~elector's party ticket; but if the elector fails to cross off the~~
20 ~~names of an equal number of candidates for the office on the~~
21 ~~elector's party ticket, the elector shall be considered to have~~
22 ~~crossed off the name of each candidate for the office which is~~
23 ~~printed on the elector's party ticket opposite the name of the~~
24 ~~candidate on some other party ticket in front of which name the~~
25 ~~elector has made a cross (X) or a check mark (Q/).~~

26 ~~(A) (d) If the elector wishes to vote for a candidate not~~
27 ~~on any ticket THE BALLOT, the elector may write or place the~~

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1 name of that candidate on the elector's ballot opposite the name
2 of the office and make a cross (X) or a check mark (Q/) in the
3 ~~circle under the party~~ SQUARE [] BEFORE THE CANDIDATE'S name.

4 (B) ~~(e) A ballot marked with a cross (X) or a check mark~~
5 ~~(Q/) in a circle under a party name shall be considered a vote~~
6 ~~for each of the candidates named in the party column whose name~~
7 ~~is not crossed off, except those candidates where a cross (X) or~~
8 ~~a check mark (Q/) is placed in the square before the name of~~
9 ~~some opposing~~ A candidate PRINTED on ~~another ticket,~~ THE
10 BALLOT or ~~where there~~ BEFORE A NAME THAT is written or pasted
11 on the ~~party ticket~~ a name which is not printed on any party
12 ~~ticket~~ BALLOT IS CONSIDERED A VOTE FOR THAT CANDIDATE EXCEPT IF
13 AN ELECTOR HAS VOTED FOR MORE CANDIDATES FOR THE OFFICE THAN ARE
14 TO BE ELECTED.

15 ~~(f) If the name of any person who is not a candidate on any~~
16 ~~ticket is written or placed on the party ticket opposite the name~~
17 ~~of the office and there is a cross (X) or a check mark (Q/) in~~
18 ~~the circle under the party name, the name so written or placed~~
19 ~~shall be counted 1 vote for the person, whether the original name~~
20 ~~on the party ticket is erased or not, excepting cases where there~~
21 ~~is a cross (X) or a check mark (Q/) in the square before the name~~
22 ~~of some opposite candidate on some other party ticket.~~

23 (g) ~~If a cross (X) or a check mark (Q/) is not placed in the~~
24 ~~circle under the party name, a cross (X) or a check mark (Q/) in~~
25 ~~the square before the name of any candidate shall be considered a~~
26 ~~vote for that candidate except in cases where the elector votes~~
27 ~~for more candidates for the same office than are to be elected.~~

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1 (C) ~~(h)~~ An elector shall indicate the elector's preference
2 on ~~any~~ A constitutional amendment or other submitted question
3 by making a cross (X) or a check mark (Q/) in the square in front
4 of the word "Yes" or in the square in front of the word "No"
5 opposite or below the question on the proper ballots.

6 Sec. 745. (1) ~~Whenever at any election the ballot of any~~
7 ~~person who has been challenged as an unqualified voter and who~~
8 ~~has taken the oath provided by law in such case to be taken shall~~
9 ~~be received by the inspectors of election, said inspectors shall~~
10 ~~cause to be plainly endorsed on said ballot, with pencil, before~~
11 ~~depositing the same in the ballot box, the number corresponding~~
12 ~~to the number placed after such voter's name on the poll lists~~
13 ~~without opening the same: Provided, That in case a ballot shall~~
14 ~~be~~ IF AN INDIVIDUAL WHO IS CHALLENGED AT AN ELECTION AS AN
15 UNQUALIFIED VOTER TAKES THE OATH PROVIDED BY LAW FOR THAT CIRCUM-
16 STANCE, IS GIVEN A BALLOT, AND VOTES, AN ELECTION INSPECTOR SHALL
17 PLAINLY ENDORSE IN PENCIL ON THAT INDIVIDUAL'S BALLOT THE NUMBER
18 CORRESPONDING TO THE NUMBER PLACED AFTER THE INDIVIDUAL'S NAME ON
19 THE POLL LISTS. THE ELECTION INSPECTOR SHALL EXECUTE THE
20 ENDORSEMENT BEFORE DEPOSITING THE BALLOT IN THE BALLOT BOX AND
21 WITHOUT OPENING THE BALLOT.

22 (2) IF AN INDIVIDUAL BALLOT IS CONSIDERED A PROVISIONAL
23 BALLOT UNDER SECTION 509Y OR 769, AN ELECTION INSPECTOR SHALL
24 MAKE THE SAME ENDORSEMENT ON THAT INDIVIDUAL'S BALLOT AS FOR A
25 CHALLENGED ELECTOR UNDER SUBSECTION (1).

26 (3) IF A BALLOT REQUIRING AN ENDORSEMENT UNDER SUBSECTION
27 (1) OR (2) IS so folded, defaced, printed, or prepared that

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1 ~~such~~ THE number cannot be legibly and permanently written on
2 the ~~back thereof, said~~ BALLOT, THE ELECTION inspectors shall
3 refuse to accept ~~such~~ THE ballot.

4 (4) A BALLOT THAT IS A PROVISIONAL BALLOT SHALL BE DEALT
5 WITH IN THE SAME MANNER AS A CHALLENGED BALLOT UNDER THIS ACT.

6 Sec. 769. (1) An absent voter may vote in person within his
7 or her precinct at an election, notwithstanding that he or she
8 applies for an absent voter ballot and the ballot is mailed or
9 otherwise delivered to the absent voter by the clerk. This sub-
10 section only applies if the absent voter does not vote the absent
11 voter ballot mailed or otherwise delivered by the clerk.

12 (2) Before voting in person, except as otherwise provided in
13 this section, the absent voter shall return the absent voter
14 ballot to the board of election inspectors in his or her
15 precinct. If an absent voter ballot is returned under this sub-
16 section, the board of election inspectors shall mark it
17 "CANCELED" and place it in the regular box with other canceled
18 ballots.

19 (3) An absent voter who did not receive an absent voter
20 ballot that he or she applied for or lost or destroyed an absent
21 voter ballot he or she received, and who desires to vote in
22 person in his or her precinct on election day, shall sign an
23 affidavit to that effect before an election inspector. ~~and be~~
24 ~~allowed to vote as otherwise provided in this act. However, a~~
25 ~~voter being allowed to vote under this subsection is subject to~~
26 ~~challenge as provided in section 727.~~ IF THE VOTER SIGNS THE

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1 AFFIDAVIT, THE VOTER SHALL BE ALLOWED TO VOTE A BALLOT THAT IS
2 PROCESSED AS A PROVISIONAL BALLOT UNDER SECTIONS 745 AND 746.

3 (4) A person who votes at an election both in person and by
4 means of an absent voter ballot or a person who attempts to vote
5 both in person and by means of an absent voter ballot is guilty
6 of a felony.

7 (5) An election official who becomes aware of a person who
8 votes or attempts to vote both in person and by means of an
9 absent voter ballot shall report that information to the prose-
10 cuting attorney for that county and to the secretary of state.

11 Sec. 782b. If there is no reserve machine available, emer-
12 gency ballots may also be provided by the COUNTY board of elec-
13 tion commissioners. ~~of the county, having~~ EMERGENCY BALLOTS
14 SHALL HAVE suitable blank spaces to permit the voter to vote ~~a~~
15 ~~straight party ticket, or if he desires to split his party~~
16 ~~ticket, to indicate the party ticket the majority of whose candi-~~
17 ~~dates he favors, together with the names of such other~~ FOR THE
18 candidates for whom ~~he~~ THE ELECTOR desires to vote. The bal-
19 lots shall be used only in emergency and upon special permission
20 of the board or official whose duty it is to provide ballots for
21 the election. ~~and who~~ THE BOARD OR OFFICIAL shall prepare
22 ~~such~~ THE EMERGENCY ballots ~~which~~ THAT shall be held by the
23 city, township, or village clerk, subject to the order of the
24 county clerk or other authorized person. It shall not be neces-
25 sary to provide emergency ballots for each election unless ~~same~~
26 ~~shall~~ PREVIOUSLY PROVIDED BALLOTS have been used, destroyed, or
27 lost, in which case similar ballots shall again be provided. If

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1 at any time during the election, the voting machine is disabled
2 and cannot be repaired and no other voting machine ~~can be had to~~
3 ~~supply its place~~ IS AVAILABLE, an emergency shall be declared to
4 exist and the voting ~~thereafter~~ AFTER AN EMERGENCY IS DECLARED
5 at that election in that voting precinct shall be by EMERGENCY
6 ballot, in the manner provided in this section. The board or
7 official ~~having the~~ THAT HAS custody of the emergency ballots,
8 when so directed, shall supply a sufficient number of ~~such~~
9 EMERGENCY ballots to the election board for use by the voters.
10 One of the ballots shall be delivered by the election board to
11 each voter who ~~may thereafter appear~~ ARRIVES to vote ~~and~~
12 AFTER AN EMERGENCY IS DECLARED. EMERGENCY BALLOTS shall be voted
13 and counted subject to the provisions relative to voting by
14 ballot at general elections, except as ~~herein~~ otherwise pro-
15 vided IN THIS SECTION. The ballots shall be numbered consecu-
16 tively from 1 up, which number and identification shall be
17 printed upon a perforated stub as in the case where only regular
18 ballots are used at elections.

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

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

24 (b) Permit each elector to vote at an election for all per-
25 sons and offices for whom and for which the elector is lawfully
26 entitled to vote; to vote for as many persons for an office as
27 the elector is entitled to vote for; and to vote for or against

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1 any question upon which the elector is entitled to vote. Except
2 as otherwise provided in this subdivision, the electronic tabu-
3 lating equipment shall reject all choices recorded on the
4 elector's ballot for an office or a question if the number of
5 choices exceeds the number that the elector is entitled to vote
6 for on that office or question. Electronic tabulating equipment
7 that can detect ~~and inform an elector voting in person~~ that the
8 choices recorded on ~~the~~ AN elector's ballot for an office or a
9 question exceeds the number that the elector is entitled to vote
10 for on that office or question shall ~~offer the elector an oppor-~~
11 ~~tunity to correct the error before rejecting the choices recorded~~
12 ~~on the elector's ballot~~ BE PROGRAMMED TO PROHIBIT THE
13 TABULATOR'S ACCEPTANCE OF A BALLOT CONTAINING THAT TYPE OF AN
14 ERROR WITHOUT THE MANUAL OPERATION OF A BALLOT ACCEPTANCE
15 FEATURE. IF THE ELECTOR IS PRESENT, THE ELECTOR SHALL BE OFFERED
16 THE OPPORTUNITY TO CORRECT THE ERROR BY VOTING A REPLACEMENT
17 BALLOT. IF THE ELECTOR IS NOT PRESENT, THE REJECTED BALLOT SHALL
18 BE INSPECTED TO CONFIRM THE PRESENCE OF THE ERROR BEFORE THE
19 BALLOT IS TABULATED.

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

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

26 (D) ~~(e)~~ Permit an elector in a primary election to vote
27 for the candidates in the party primary of the elector's choice.

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1 Except as otherwise provided in this subdivision, the electronic
2 tabulating equipment shall reject each ballot on which votes are
3 cast for candidates of more than 1 political party. Electronic
4 tabulating equipment that can detect ~~and inform an elector~~
5 ~~voting in person~~ that the elector has voted for candidates of
6 more than 1 political party shall ~~offer the elector an opportu-~~
7 ~~nity to correct the error before rejecting the elector's ballot~~
8 BE PROGRAMMED TO PROHIBIT THE TABULATOR'S ACCEPTANCE OF A BALLOT
9 CONTAINING THAT TYPE OF AN ERROR WITHOUT THE MANUAL OPERATION OF
10 A BALLOT ACCEPTANCE FEATURE. IF THE ELECTOR IS PRESENT, THE
11 ELECTOR SHALL BE OFFERED THE OPPORTUNITY TO CORRECT THE ERROR BY
12 VOTING A REPLACEMENT BALLOT. IF THE ELECTOR IS NOT PRESENT, THE
13 REJECTED BALLOT SHALL BE INSPECTED TO CONFIRM THE PRESENCE OF THE
14 ERROR BEFORE THE BALLOT IS TABULATED.

15 (E) ~~(f)~~ Prevent an elector from voting for the same person
16 more than once for the same office.

17 (F) ~~(g)~~ Be suitably designed for the purpose used; be
18 durably constructed; and be designed to provide for safety, accu-
19 racy, and efficiency.

20 (G) ~~(h)~~ ~~Beginning June 18, 1990, be~~ BE designed to accom-
21 modate the needs of an elderly voter or a person with 1 or more
22 disabilities.

23 (H) ~~(i)~~ Record correctly and count accurately each vote
24 properly cast.

25 (I) ~~(j)~~ Provide an audit trail.

26 (J) ~~(k)~~ Provide an acceptable method for an elector to
27 vote for a person whose name does not appear on the ballot.

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1 (K) ~~(I)~~ Allow for accumulation of vote totals from the
2 precincts in the jurisdiction. The accumulation software must
3 meet specifications prescribed by the secretary of state and must
4 be certified by the secretary of state as meeting these
5 specifications.

6 (2) Electronic tabulating equipment that counts votes at the
7 precinct before the close of the polls shall provide a method for
8 rendering the equipment inoperable if vote totals are revealed
9 before the close of the polls.

10 Sec. 795c. The different parts of the ballot, such as par-
11 tisan, nonpartisan, and questions, shall be prominently indicated
12 on the ballot label, and, if practicable, each part may be placed
13 on a separate page, column, or display. If 2 or more elections
14 are held on the same day, the ballot label shall be clearly
15 marked to indicate the ballot for each election. ~~In partisan
16 elections the ballot label shall include a position by which the
17 voter may by a single selection record a straight party ticket
18 vote for all the candidates of 1 party. The voter may vote a
19 split or mixed ticket.~~

20 Sec. 799a. (1) This section governs the recounting of a
21 ballot on which a voter has made a selection by means of a punch,
22 mark, or stamp.

23 (2) If the electronic voting system requires that the elec-
24 tor cast a vote by punching out a hole in a ballot, the vote
25 shall not be considered valid unless the portion of the ballot
26 designated as a voting position is completely removed or is
27 hanging by 1 or 2 corners or the equivalent.

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1 (3) If the electronic voting system requires that the
2 elector ~~cast a vote by marking or stamping~~ PLACE A MARK IN a
3 predefined area on the ballot IN ORDER TO CAST A VOTE, the vote
4 shall not be considered valid unless there is a mark ~~or stamp~~
5 within the predefined area. ~~and it is clearly evident that the~~
6 ~~intent of the voter was to cast a vote. In determining intent of~~
7 ~~the voter~~ A STRAY MARK MADE WITHIN THE PREDEFINED AREA IS NOT A
8 VALID VOTE. IN DETERMINING WHETHER A MARK WITHIN A PREDEFINED
9 AREA IS A STRAY MARK, the board of canvassers or election offi-
10 cial shall compare the mark ~~or stamp~~ subject to recount with
11 other marks ~~or stamps~~ appearing on the ballot.

12 (4) Unless a petition for recount has been filed and the
13 recount has not been completed, ballots, ballot labels, programs,
14 test results, and other sealed materials may be released from
15 their original seal after 7 days following the final determina-
16 tion of the board of canvassers with respect to the election at
17 which the ballots were voted. However, the released materials
18 shall be secured and preserved for the time period required by
19 this act and the rules promulgated by the secretary of state.

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

23 (a) If it is clearly evident from an examination of ~~any~~ A
24 ballot that the ballot has been mutilated for the purpose of dis-
25 tinguishing it or that there has been placed on the ballot some
26 mark, printing, or writing for the purpose of distinguishing it,
27 then that ballot is void and shall not be counted.

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1 (b) A cross, the intersection of which is within or on the
2 line of the proper circle or square, or a check mark, the angle
3 of which is within a circle or square, is valid. Crosses or
4 check marks otherwise located on the ballot are void.

5 (c) Marks other than crosses or check marks used to desig-
6 nate the intention of the voter shall not be counted.

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

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

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

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

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

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

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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 has been placed by the voter in the circle~~
9 ~~at the head of the party ticket, if any, on which the name of the~~
10 ~~candidate has been printed, written, or placed or unless~~ a cross
11 or a check mark has been placed by the voter in the square before
12 the space in which the name of the candidate has been printed,
13 written, or placed.

14 (2) If an electronic voting system requires that the elector
15 place a mark in a predefined area on the ballot in order to cast
16 a vote, the vote shall not be considered valid unless there is a
17 mark within the predefined area. ~~and it is clearly evident that~~
18 ~~the intent of the voter was to cast a vote. In determining~~
19 ~~intent of the voter~~ A STRAY MARK MADE WITHIN THE PREDEFINED AREA
20 IS NOT A VALID VOTE. IN DETERMINING WHETHER A MARK WITHIN A PRE-
21 DEFINED AREA IS A STRAY MARK, the board of canvassers or election
22 official shall compare the mark with other marks appearing on the
23 ballot.

24 Sec. 804. In the canvass of votes cast for candidates for
25 public office, the board shall ~~first select and count the~~
26 ~~straight tickets and shall cause to be credited on the tally~~
27 ~~sheets the number to each candidate voted for on a straight~~

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1 ~~ticket. All other ballots shall be counted and tallied~~ COUNT
2 AND TALLY ALL BALLOTS in ~~such~~ THE manner as will best ~~insure~~
3 ENSURE accuracy and promptness in determining the result. ~~, and~~
4 ~~the~~ THE inspectors of election shall see that proper credit is
5 given on the tally sheets to the candidates voted for on ~~such~~
6 THE ballots. All computations and tallies shall be made upon the
7 tally sheets used at ~~such~~ THE election.

8 Sec. 842. (1) The board of state canvassers, for the pur-
9 pose of canvassing the returns and ascertaining and determining
10 the result of ~~any such~~ AN election, shall meet at the office of
11 the secretary of state on or before the twentieth day after
12 ~~such~~ THE election. The secretary of state shall appoint the
13 day of ~~such~~ THE meeting and shall notify the other members of
14 the board. ~~thereof.~~ The board ~~shall have~~ HAS power to adjourn
15 from time to time to await the receipt or correction of returns,
16 or for other necessary purposes, but shall complete the canvass
17 and announce their determination ~~thereof~~ not later than the
18 fortieth day after ~~such~~ THE election. ~~Provided, That the~~
19 THE board may at the time of its meeting, or an adjournment
20 ~~thereof~~ OF ITS MEETING, canvass the returns for any office
21 ~~where~~ FOR WHICH the complete returns ~~for that office~~ have
22 been received.

23 (2) WHEN THE UNOFFICIAL ELECTION RETURNS SHOW THAT THE ELEC-
24 TION OF ELECTORS OF PRESIDENT AND VICE PRESIDENT IS DETERMINED BY
25 A VOTE DIFFERENTIAL BETWEEN THE FIRST PLACE AND SECOND PLACE CAN-
26 DIDATES FOR PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES OF
27 LESS THAN 1/2 OF 1% OF THE TOTAL VOTE CAST FOR ALL CANDIDATES FOR

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1 THE OFFICE OF PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES,
2 THE SECRETARY OF STATE SHALL DIRECT THE BOARDS OF COUNTY CANVASS-
3 ERS TO CANVASS RETURNS FOR ELECTORS OF PRESIDENT AND VICE PRESI-
4 DENT ON AN EXPEDITED SCHEDULE. THE SECRETARY OF STATE SHALL
5 DIRECT THE BOARDS OF COUNTY CANVASSERS TO COMPLETE THE STATEMENTS
6 FOR ELECTORS OF PRESIDENT AND VICE PRESIDENT REQUIRED BY
7 SECTION 824 AND CERTIFY THE STATEMENTS AS REQUIRED BY SECTION 828
8 TO THE SECRETARY OF STATE BY THE SEVENTH DAY AFTER THE ELECTION
9 OR BY A DATE BEFORE THE FOURTEENTH DAY AFTER THE ELECTION.

10 (3) THE SECRETARY OF STATE SHALL APPOINT THE DAY FOR THE
11 BOARD OF STATE CANVASSERS TO CONDUCT THE EXPEDITED CANVASS OF THE
12 RETURNS FOR ELECTORS OF PRESIDENT AND VICE PRESIDENT AND DETER-
13 MINE THE RESULTS OF THAT ELECTION. THE DAY APPOINTED FOR THE
14 EXPEDITED CANVASS SHALL BE AS SOON AS PRACTICABLE AFTER RECEIPT
15 OF THE RETURNS FROM THE BOARDS OF COUNTY CANVASSERS, BUT NO LATER
16 THAN THE TWENTIETH DAY AFTER THE ELECTION.

17 Sec. 880a. (1) A recount of all precincts in the state
18 shall be conducted at any time a statewide primary or election
19 ~~shall be~~ IS certified by the board of state canvassers as
20 having been determined by a vote differential ~~of 2,000 votes or~~
21 ~~less~~ EQUAL TO OR LESS THAN 1/2 OF 1% OF THE VOTES CAST IN THAT
22 ELECTION. This section ~~shall~~ DOES not apply to partisan
23 offices to which more than 1 person is to be elected.

24 (2) If the election is an election involving candidates, the
25 board of state canvassers forthwith shall notify all candidates
26 whose vote could be affected by the recount that a recount

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1 ~~shall~~ WILL be conducted and of the time and place the board of
2 state canvassers will meet to determine recount procedures.

3 (3) If the election involves a proposition, the board of
4 state canvassers shall meet on the seventh day following certifi-
5 cation at the office of the secretary of state for the purpose of
6 determining procedures. Persons or groups interested in being
7 authorized to have challengers and observers at the recount shall
8 petition the board at that meeting to be considered interested
9 parties for ~~such~~ THAT purpose. The board at that meeting shall
10 determine which persons or groups shall be considered interested
11 parties for the recount of the proposition.

12 Sec. 931. (1) A person who violates 1 or more of the fol-
13 lowing subdivisions is guilty of a misdemeanor:

14 (a) A person shall not, either directly or indirectly, give,
15 lend, or promise valuable consideration, to or for any person, as
16 an inducement to influence the manner of voting by a person rela-
17 tive to a candidate or ballot question, or as a reward for
18 refraining from voting.

19 (b) A person shall not, either before, on, or after an elec-
20 tion, for the person's own benefit or on behalf of any other
21 person, receive, agree, or contract for valuable consideration
22 for 1 or more of the following:

23 (i) Voting or agreeing to vote, or inducing or attempting to
24 induce another to vote, at an election.

25 (ii) Refraining or agreeing to refrain, or inducing or
26 attempting to induce another to refrain, from voting at an
27 election.

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1 (iii) Doing anything prohibited by this act.

2 (iv) Both distributing absent voter ballot applications to
3 voters and receiving signed applications from voters for delivery
4 to the appropriate clerk or assistant of the clerk. This sub-
5 paragraph does not apply to an authorized election official.

6 (c) A person shall not solicit any valuable consideration
7 from a candidate for nomination for, or election to, an office
8 described in this act. This subdivision does not apply to
9 requests for contributions of money by or to an authorized repre-
10 sentative of the political party committee of the organization to
11 which the candidate belongs. This subdivision does not apply to
12 a regular business transaction between a candidate and any other
13 person that is not intended for, or connected with, the securing
14 of votes or the influencing of voters in connection with the nom-
15 ination or election.

16 (d) A person shall not, either directly or indirectly, dis-
17 charge or threaten to discharge an employee of the person for the
18 purpose of influencing the employee's vote at an election.

19 (e) A priest, pastor, curate, or other officer of a reli-
20 gious society shall not for the purpose of influencing a voter at
21 an election, impose or threaten to impose upon the voter a pen-
22 alty of excommunication, dismissal, or expulsion, or command or
23 advise the voter, under pain of religious disapproval.

24 (f) A person shall not hire a motor vehicle or other convey-
25 ance or cause the same to be done, for conveying voters, other
26 than voters physically unable to walk, to an election.

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1 (g) In a city, township, village, or school district that
2 has a board of election commissioners authorized to appoint
3 inspectors of election, an inspector of election, a clerk, or
4 other election official who accepts an appointment as an inspec-
5 tor of election shall not fail to report at the polling place
6 designated on election morning at the time specified by the board
7 of election commissioners, unless excused as provided in this
8 subdivision. A person who violates this subdivision is guilty of
9 a misdemeanor, punishable by a fine of not more than \$10.00 or
10 imprisonment for not more than 10 days, or both. An inspector of
11 election, clerk, or other election official who accepts an
12 appointment as an inspector of election is excused for failing to
13 report at the polling place on election day and is not subject to
14 a fine or imprisonment under this subdivision if 1 or more of the
15 following requirements are met:

16 (i) The inspector of election, clerk, or other election
17 official notifies the board of election commissioners or other
18 officers in charge of elections of his or her inability to serve
19 at the time and place specified, 3 days or more before the
20 election.

21 (ii) The inspector of election, clerk, or other election
22 official is excused from duty by the board of election commis-
23 sioners or other officers in charge of elections for cause
24 shown.

25 (h) A person shall not willfully fail to perform a duty
26 imposed upon that person by this act, or disobey a lawful
27 instruction or order of the secretary of state as chief state

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1 election officer or of a board of county election commissioners,
2 board of city election commissioners, or board of inspectors of
3 election.

4 (i) A delegate or member of a convention shall not solicit a
5 candidate for nomination before the convention for money, reward,
6 position, place, preferment, or other valuable consideration in
7 return for support by the delegate or member in the convention.
8 A candidate or other person shall not promise or give to a dele-
9 gate money, reward, position, place, preferment, or other valu-
10 able consideration in return for support by or vote of the dele-
11 gate in the convention.

12 (j) A person elected to the office of delegate to a conven-
13 tion shall not accept or receive any money or other valuable con-
14 sideration for his or her vote as a delegate.

15 (k) A person shall not, while the polls are open on an elec-
16 tion day, solicit votes in a polling place or within 100 feet
17 from an entrance to the building in which a polling place is
18 located.

19 (l) A person shall not keep a room or building for the pur-
20 pose, in whole or in part, of recording or registering bets or
21 wagers, or of selling pools upon the result of a political nomi-
22 nation, appointment, or election. A person shall not wager prop-
23 erty, money, or thing of value, or be the custodian of money,
24 property, or thing of value, staked, wagered, or pledged upon the
25 result of a political nomination, appointment, or election.

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1 (m) A person shall not participate in a meeting or a portion
2 of a meeting of more than 2 persons, other than the person's
3 immediate family, at which an absent voter ballot is voted.

4 (n) A person, other than an authorized election official,
5 shall not, either directly or indirectly, give, lend, or promise
6 any valuable consideration to or for a person to induce that
7 person to both distribute absent voter ballot applications to
8 voters and receive signed absent voter ballot applications from
9 voters for delivery to the appropriate clerk.

10 (O) A PERSON SHALL NOT PROMISE OR GIVE VALUABLE CONSIDERA-
11 TION IN EXCHANGE FOR STEALING A YARD SIGN OR FOR A STOLEN YARD
12 SIGN.

13 (P) A PERSON SHALL NOT STEAL, OR RECEIVE VALUABLE CONSIDERA-
14 TION FOR STEALING, A YARD SIGN.

15 (Q) A PERSON SHALL NOT PROMISE OR GIVE VALUABLE CONSIDERA-
16 TION TO A PAID FULL-TIME EMPLOYEE OF A COUNTY, CITY, VILLAGE, OR
17 TOWNSHIP CLERK FOR CAMPAIGN OR ELECTION RELATED ACTIVITY, OTHER
18 THAN THE EMPLOYEE'S REGULAR COMPENSATION FOR EMPLOYMENT FROM THAT
19 GOVERNMENTAL UNIT.

20 (R) A PAID FULL-TIME EMPLOYEE OF A COUNTY, CITY, VILLAGE, OR
21 TOWNSHIP SHALL NOT ACCEPT VALUABLE CONSIDERATION FOR CAMPAIGN OR
22 ELECTION RELATED ACTIVITY, OTHER THAN THE EMPLOYEE'S REGULAR COM-
23 PENSATION FOR EMPLOYMENT FROM THAT GOVERNMENTAL UNIT.

24 (2) A person who violates a provision of this act for which
25 a penalty is not otherwise specifically provided in this act, is
26 guilty of a misdemeanor.

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1 (3) A person or a person's agent who knowingly makes,
2 publishes, disseminates, circulates, or places before the public,
3 or knowingly causes directly or indirectly to be made, published,
4 disseminated, circulated, or placed before the public, in this
5 state, either orally or in writing, an assertion, representation,
6 or statement of fact concerning a candidate for public office at
7 an election in this state, that is false, deceptive, scurrilous,
8 or malicious, without the true name of the author being sub-
9 scribed to the assertion, representation, or statement if writ-
10 ten, or announced if unwritten, is guilty of a misdemeanor.

11 (4) As used in this section, "valuable consideration"
12 includes, but is not limited to, money, property, a gift, a prize
13 or chance for a prize, a fee, a loan, an office, a position, an
14 appointment, or employment.

15 Sec. 992. (1) This act shall become effective on June 1,
16 1955.

17 (2) IF FEDERAL MONEY FOR ELECTION SYSTEM IMPROVEMENTS IS
18 AVAILABLE IN THE FISCAL YEAR ENDING SEPTEMBER 30, 2002, THAT FED-
19 ERAL MONEY IS APPROPRIATED TO THE DEPARTMENT OF STATE FOR THE
20 FISCAL YEAR ENDING SEPTEMBER 30, 2002, IN AN AMOUNT NOT TO EXCEED
21 \$14,000,000.00. THE MONEY APPROPRIATED UNDER THIS SUBSECTION
22 SHALL BE USED FOR THE IMPLEMENTATION OF A STATEWIDE UNIFORM
23 VOTING SYSTEM.

24 (3) MONEY APPROPRIATED UNDER SUBSECTION (1) IS NOT AVAILABLE
25 FOR EXPENDITURE UNTIL TRANSFERRED TO AN APPROPRIATION LINE ITEM
26 IN THE ACT MAKING THE GENERAL GOVERNMENT APPROPRIATIONS, 2001

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1 PA 83, AS REQUIRED BY SECTION 393 OF THE MANAGEMENT AND BUDGET

2 ACT, 1984 PA 431. MCL 18.1393.

(4) MONEY APPROPRIATED UNDER SUBSECTION (1) IS NOT AN APPROPRIATION
FOR PURPOSES OF ARTICLE II, SECTION 9, OF THE CONSTITUTION OF 1963.

3 Enacting section 1. Section 557 of the Michigan election

4 law, 1954 PA 116, MCL 168.557, is repealed.