

SENATE BILL No. 1012

May 16, 2018, Introduced by Senator ROBERTSON and referred to the Committee on Elections and Government Reform.

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 736b, 736c, 736d, 736e, 951a, and 952 (MCL 168.736b, 168.736c, 168.736d, 168.736e, 168.951a, and 168.952), sections 736b, 736d, and 736e as added by 2012 PA 128, section 736c as amended by 2015 PA 268, and section 951a as added and section 952 as amended by 2012 PA 417.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 736b. Each ballot secrecy sleeve used at a primary
2 election ~~shall~~**MUST** either contain the following ballot marking
3 instructions printed on the front of the ballot secrecy sleeve or
4 ~~shall~~**MUST** have a clear plastic pocket on the front of the ballot

1 secrecy sleeve that contains a printed copy of the following
2 ballot marking instructions:

3 **PRIMARY ELECTION**

4 **TO VOTE:** Completely darken the oval opposite each choice **AS SHOWN:**
5 **[INSERT GRAPHIC HERE]**.

6 **-- OR --**

7 **TO VOTE:** ~~Complete the arrow~~ **COMPLETELY DARKEN THE BOX** opposite
8 each choice **AS SHOWN:** **[INSERT GRAPHIC HERE]**.

9 **IMPORTANT:** To mark your ballot, use only a black or blue ink pen.
10 **DO NOT USE ANY OTHER INK COLOR!**

11 **PARTISAN SECTION:** There ~~are two~~ **MAY BE MULTIPLE** party sections
12 on the ballot. ~~Republican Party and Democratic party.~~ Select
13 the party section of your choice. **YOU MAY VOTE IN ONE PARTY**
14 **SECTION ONLY; YOU CANNOT "SPLIT YOUR TICKET." IF YOU VOTE IN**
15 **MORE THAN ONE PARTY SECTION, YOUR PARTISAN BALLOT WILL BE**
16 **REJECTED.**

17 **DO NOT** vote for more candidates than indicated under each office
18 title.

19 **WRITE-IN CANDIDATES:** To vote for a candidate whose name is not
20 printed on the ballot, write or place the name of that candidate
21 in the blank space provided and ~~(completely darken the oval) or~~
22 ~~(complete the arrow).~~ **COMPLETELY DARKEN THE VOTING TARGET AREA.**

23 Do not cast a write-in vote for a candidate whose name is
24 already printed on the ballot for that office.

25 **CHECK BOTH SIDES OF BALLOT:** This ballot has two sides. Be certain
26 to check the reverse side of the ballot.

27 **WHEN YOU HAVE COMPLETED VOTING:** Place the ballot in the secrecy
28 sleeve so that votes cannot be seen and the numbered stub is
29 visible. Return the ballot to the election official stationed at
30 the tabulator. (If voting by absentee ballot, follow the

1 instructions provided by the clerk for returning the ballot.)
2 **NOTE:** If you make a mistake, return your ballot to the election
3 official and obtain a new ballot. Do not attempt to erase or
4 correct any marks made in error.

5 Sec. 736c. Each ballot secrecy sleeve used at a general
6 election ~~shall~~**MUST** either contain the following ballot marking
7 instructions printed on the front of the ballot secrecy sleeve or
8 ~~shall~~**MUST** have a clear plastic pocket on the front of the ballot
9 secrecy sleeve that contains a printed copy of the following
10 ballot marking instructions:

11

GENERAL ELECTION

12 **TO VOTE:** Completely darken the oval opposite each choice **AS SHOWN:**
13 **[INSERT GRAPHIC HERE]**.

14

-- OR --

15 **TO VOTE:** ~~Complete the arrow~~**COMPLETELY DARKEN THE BOX** opposite
16 each choice **AS SHOWN:** **[INSERT GRAPHIC HERE]**.

17 **IMPORTANT:** To mark your ballot, use only a black or blue ink pen.

18 **DO NOT USE ANY OTHER INK COLOR!**

19 **PARTISAN SECTION:** To vote the partisan section of the ballot, you
20 may cast a "mixed ticket."

21 **Mixed Ticket:** Vote for the individual candidates of your choice
22 in each office.

23 **NONPARTISAN** and **PROPOSAL SECTIONS** of the ballot (if any) must be
24 voted separately.

25 **DO NOT** vote for more candidates than indicated under each office
26 title.

27 **WRITE-IN CANDIDATES:** To vote for a candidate whose name is not
28 printed on the ballot, write or place the name of that candidate

1 in the blank space provided and ~~(completely darken the oval) or~~
 2 ~~(complete the arrow)~~. **COMPLETELY DARKEN THE VOTING TARGET AREA.**
 3 Do not cast a write-in vote for a candidate whose name is
 4 already printed on the ballot for that office.
 5 **CHECK BOTH SIDES OF BALLOT:** This ballot has two sides. Be certain
 6 to check the reverse side of the ballot.
 7 **WHEN YOU HAVE COMPLETED VOTING:** Place the ballot in the secrecy
 8 sleeve so that votes cannot be seen and the numbered stub is
 9 visible. Return the ballot to the election official stationed at
 10 the tabulator. (If voting by absentee ballot, follow the
 11 instructions provided by the clerk for returning the ballot.)
 12 **NOTE:** If you make a mistake, return your ballot to the election
 13 official and obtain a new ballot. Do not attempt to erase or
 14 correct any marks made in error.

15 Sec. 736d. Each ballot secrecy sleeve used at a nonpartisan
 16 election ~~shall~~**MUST** either contain the following ballot marking
 17 instructions printed on the front of the ballot secrecy sleeve or
 18 ~~shall~~**MUST** have a clear plastic pocket on the front of the ballot
 19 secrecy sleeve that contains a printed copy of the following
 20 ballot marking instructions:

21 **NONPARTISAN ELECTION**

22 **TO VOTE:** Completely darken the oval opposite each choice **AS SHOWN:**
 23 **[INSERT GRAPHIC HERE]** .

24 **-- OR --**

25 **TO VOTE:** ~~Complete the arrow~~**COMPLETELY DARKEN THE BOX** opposite
 26 each choice **AS SHOWN:** **[INSERT GRAPHIC HERE]** .

27 **IMPORTANT:** To mark your ballot, use only a black or blue ink pen.
 28 **DO NOT USE ANY OTHER INK COLOR!**

1 **DO NOT** vote for more candidates than indicated under each office
2 title.
3 **WRITE-IN CANDIDATES:** To vote for a candidate whose name is not
4 printed on the ballot, write or place the name of that candidate in
5 the blank space provided and ~~(completely darken the oval)~~ or
6 ~~(complete the arrow)~~. **COMPLETELY DARKEN THE VOTING TARGET AREA.**
7 Do not cast a write-in vote for a candidate whose name is
8 already printed on the ballot for that office.
9 **CHECK BOTH SIDES OF BALLOT:** This ballot has two sides. Be certain
10 to check the reverse side of the ballot.
11 **WHEN YOU HAVE COMPLETED VOTING:** Place the ballot in the secrecy
12 sleeve so that votes cannot be seen and the numbered stub is
13 visible. Return the ballot to the election official stationed at
14 the tabulator. (If voting by absentee ballot, follow the
15 instructions provided by the clerk for returning the ballot.)
16 **NOTE:** If you make a mistake, return your ballot to the election
17 official and obtain a new ballot. Do not attempt to erase or
18 correct any marks made in error.

19 Sec. 736e. Each ballot secrecy sleeve used at a special
20 election ~~shall~~**MUST** either contain the following ballot marking
21 instructions printed on the front of the ballot secrecy sleeve or
22 ~~shall~~**MUST** have a clear plastic pocket on the front of the ballot
23 secrecy sleeve that contains a printed copy of the following
24 ballot marking instructions:

25 **SPECIAL ELECTION**
26 **TO VOTE:** Completely darken the oval opposite each choice **AS SHOWN:**
27 **[INSERT GRAPHIC HERE]**.
28 -- OR --

1 **TO VOTE:** ~~Complete the arrow~~ **COMPLETELY DARKEN THE BOX** opposite
2 each choice **AS SHOWN:** [INSERT GRAPHIC HERE].
3 **IMPORTANT:** To mark your ballot, use only a black or blue ink pen.
4 **DO NOT USE ANY OTHER INK COLOR!**
5 **CHECK BOTH SIDES OF BALLOT:** This ballot has two sides. Be certain
6 to check the reverse side of the ballot.
7 **WHEN YOU HAVE COMPLETED VOTING:** Place the ballot in the secrecy
8 sleeve so that votes cannot be seen and the numbered stub is
9 visible. Return the ballot to the election official stationed at
10 the tabulator. (If voting by absentee ballot, follow the
11 instructions provided by the clerk for returning the ballot.)
12 **NOTE:** If you make a mistake, return your ballot to the election
13 official and obtain a new ballot. Do not attempt to erase or
14 correct any marks made in error.

15 Sec. 951a. (1) A petition for the recall of an officer
16 listed in section 959 ~~shall~~ **MUST** meet all of the following
17 requirements:
18 (a) Comply with section 544c(1) and (2).
19 (b) Be printed.
20 (c) State factually and clearly each reason for the recall.
21 Each reason for the recall ~~shall~~ **MUST** be based upon the officer's
22 conduct during his or her current term of office. The reason for
23 the recall may be typewritten. If any reason for the recall is
24 based on the officer's conduct in connection with specific
25 legislation, the reason for the recall ~~shall~~ **MUST** not
26 misrepresent the content of the specific legislation.
27 (d) Contain a certificate of the circulator. The certificate
28 of the circulator may be printed on the reverse side of the

1 petition.

2 (e) Be in a form prescribed by the secretary of state.

3 (2) Before being circulated, a petition for the recall of an
4 officer under subsection (1) ~~shall~~**MUST** be submitted to the board
5 of state canvassers.

6 (3) The board of state canvassers, not less than 10 days or
7 more than 20 days after submission to it of a petition for the
8 recall of an officer under subsection (1), shall meet and shall
9 determine by an affirmative vote of 3 of the members serving on
10 the board of state canvassers whether each reason for the recall
11 stated in the petition is factual and of sufficient clarity to
12 enable the officer whose recall is sought and the electors to
13 identify the course of conduct that is the basis for the recall.
14 If any reason for the recall is not factual or of sufficient
15 clarity, the entire recall petition ~~shall~~**MUST** be rejected.
16 Failure of the board of state canvassers to meet as required by
17 this subsection ~~shall constitute~~**CONSTITUTES** a determination that
18 each reason for the recall stated in the petition is factual and
19 of sufficient clarity to enable the officer whose recall is being
20 sought and the electors to identify the course of conduct that is
21 the basis for the recall.

22 (4) The board of state canvassers, not later than ~~24 hours~~**3**
23 **BUSINESS DAYS** after receipt of a petition for the recall of an
24 officer as provided under subsection (2), shall notify the
25 officer whose recall is sought of each reason stated in the
26 recall petition and of the date of the meeting of the board of
27 state canvassers to consider whether each reason is factual and

1 of sufficient clarity.

2 (5) The officer whose recall is sought and the sponsors of
3 the recall petition may appear at the meeting and present
4 arguments on whether each reason is factual and of sufficient
5 clarity.

6 (6) The determination by the board of state canvassers may
7 be appealed by the officer whose recall is sought or by the
8 sponsors of the recall petition drive to the ~~Michigan~~-court of
9 appeals. The appeal ~~shall~~**MUST** be filed not more than 10 days
10 after the determination of the board of state canvassers. If a
11 determination of the board of state canvassers is appealed to the
12 ~~Michigan~~-court of appeals, the recall petition is not valid for
13 circulation and ~~shall~~**MUST** not be circulated until a
14 determination of whether each reason is factual and of sufficient
15 clarity is made by the ~~Michigan~~-court of appeals or until 40 days
16 after the date of the appeal, whichever is sooner.

17 (7) A petition is not valid for circulation if at any time
18 the ~~Michigan~~-court of appeals determines that each reason on the
19 recall petition is not factual and of sufficient clarity.

20 (8) A recall petition is valid for 180 days after either of
21 the following, whichever occurs later:

22 (a) The date of determination of whether each reason is
23 factual and of sufficient clarity by the board of state
24 canvassers.

25 (b) The sooner of the following:

26 (i) The date of determination of whether each reason is
27 factual and of sufficient clarity by the ~~Michigan~~-court of

1 appeals.

2 (ii) Subject to subsection (7), 40 days after the date of the
3 appeal under subsection (6).

4 (9) A recall petition that is filed after the 180-day period
5 described in subsection (8) is not valid and ~~shall~~**MUST** not be
6 accepted by the filing official under section 961. This
7 subsection does not prohibit a person from resubmitting a recall
8 petition for a determination of sufficient clarity and
9 factualness under this section.

10 Sec. 952. (1) A petition for the recall of an officer listed
11 in section 960 ~~shall~~**MUST** meet all of the following requirements:

12 (a) Comply with section 544c(1) and (2).

13 (b) Be printed.

14 (c) State factually and clearly each reason for the recall.

15 Each reason for the recall ~~shall~~**MUST** be based upon the officer's
16 conduct during his or her current term of office. The reason for
17 the recall may be typewritten.

18 (d) Contain a certificate of the circulator. The certificate
19 of the circulator may be printed on the reverse side of the
20 petition.

21 (e) Be in a form prescribed by the secretary of state.

22 (2) Before being circulated, a petition for the recall of an
23 officer under subsection (1) ~~shall~~**MUST** be submitted to the board
24 of county election commissioners of the county in which the
25 officer whose recall is sought resides.

26 (3) The board of county election commissioners, not less
27 than 10 days or more than 20 days after submission to it of a

1 petition for the recall of an officer under subsection (1), shall
2 meet and shall determine whether each reason for the recall
3 stated in the petition is factual and of sufficient clarity to
4 enable the officer whose recall is sought and the electors to
5 identify the course of conduct that is the basis for the recall.
6 If any reason for the recall is not factual or of sufficient
7 clarity, the entire recall petition ~~shall~~**MUST** be rejected.
8 Failure of the board of county election commissioners to meet as
9 required by this subsection ~~shall constitute~~**CONSTITUTES** a
10 determination that each reason for the recall stated in the
11 petition is factual and of sufficient clarity to enable the
12 officer whose recall is being sought and the electors to identify
13 the course of conduct that is the basis for the recall.

14 (4) The board of county election commissioners, not later
15 than ~~24 hours~~**3 BUSINESS DAYS** after receipt of a petition for the
16 recall of an officer as provided under subsection (2), shall
17 notify the officer whose recall is sought of each reason stated
18 in the recall petition and of the date of the meeting of the
19 board of county election commissioners to consider whether each
20 reason is factual and of sufficient clarity.

21 (5) The officer whose recall is sought and the sponsors of
22 the recall petition may appear at the meeting and present
23 arguments on whether each reason is factual and of sufficient
24 clarity.

25 (6) The determination by the board of county election
26 commissioners may be appealed by the officer whose recall is
27 sought or by the sponsors of the recall petition drive to the

1 circuit court in the county. The appeal ~~shall~~**MUST** be filed not
2 more than 10 days after the determination of the board of county
3 election commissioners. If a determination of the board of county
4 election commissioners is appealed to the circuit court in the
5 county, the recall petition is not valid for circulation and
6 ~~shall~~**MUST** not be circulated until a determination of whether
7 each reason is factual and of sufficient clarity is made by the
8 circuit court or until 40 days after the date of the appeal,
9 whichever is sooner.

10 (7) A petition is not valid for circulation if at any time a
11 circuit court determines that each reason on the recall petition
12 is not factual and of sufficient clarity.

13 (8) A recall petition is valid for 180 days after either of
14 the following, whichever occurs later:

15 (a) The date of determination of whether each reason is
16 factual and of sufficient clarity by the board of county election
17 commissioners.

18 (b) The sooner of the following:

19 (i) The date of determination of whether each reason is
20 factual and of sufficient clarity by the circuit court.

21 (ii) Subject to subsection (7), 40 days after the date of the
22 appeal under subsection (6).

23 (9) A recall petition that is filed after the 180-day period
24 described in subsection (8) is not valid and ~~shall~~**MUST** not be
25 accepted by the filing official under section 961. This
26 subsection does not prohibit a person from resubmitting a recall
27 petition for a determination of sufficient clarity and

1 factualness under this section.