

DRAFT 3

A bill to amend 1954 PA 116, entitled  
"Michigan election law,"  
by amending sections 321, 576a, 580, 736b, 736c, 736d, 736e,  
736f, 764, and 795 (MCL 168.321, 168.576a, 168.580, 168.736b,  
168.736c, 168.736d, 168.736e, 168.736f, 168.764, and 168.795),  
section 321 as amended by 2003 PA 302, section 580 as amended by  
1985 PA 160, sections 736b, 736d, 736e, 736f, and 764 as added by  
2012 PA 128, section 736c as amended by 2015 PA 268, and section  
795 as amended by 2018 PA 127, and by adding sections 640 and  
736h.

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

- 1 Sec. 321. (1) Except as provided in subsection (3) and
- 2 sections 327, **640**, 641, 642, and 644g, the qualifications,
- 3 nomination, election, appointment, term of office, and removal



1 from office of a city officer ~~shall~~**MUST** be in accordance with  
2 the charter provisions governing the city.

3 (2) Within 3 days after the last day on which a candidate  
4 for a city office may withdraw, the city clerk shall deliver to  
5 the county clerk of the county in which the city is located a  
6 list setting forth the name and address of each candidate for a  
7 city office.

8 (3) If the membership of the legislative body of a city  
9 governed by the home rule city act, 1909 PA 279, MCL 117.1 to  
10 117.38, is reduced to less than a quorum, unless another method  
11 of appointing members of the legislative body is provided by the  
12 city charter, members of the legislative body are appointed as  
13 provided in this subsection. The board of county election  
14 commissioners of the county in which the largest portion of the  
15 population of the city resides shall appoint the number of  
16 members of the legislative body required to constitute a quorum  
17 for the transaction of business by the legislative body. A member  
18 of the legislative body appointed under this subsection shall  
19 hold the office only until the member's successor is elected and  
20 qualified. The successor ~~shall~~**MUST** be elected at a special or  
21 regular election on the next regular election date that is not  
22 less than 60 days after the appointment is made. The successor  
23 shall serve for the balance of the unexpired term. A member who  
24 is appointed under this subsection shall not vote on the  
25 appointment of himself or herself to an elective or appointive  
26 city office.

27 (4) Notwithstanding another provision of law or charter to

1 the contrary, an appointment to an elective or appointive city  
2 office made by a quorum constituted by appointments under this  
3 section expires upon the election and qualification of a  
4 sufficient number of members of the legislative body so that the  
5 elected members constitute a quorum.

6       Sec. 576a. ~~In~~**EXCEPT AS OTHERWISE PROVIDED IN SECTION 640**  
7 **FOR RANKED CHOICE VOTING, IN** all partisan and nonpartisan primary  
8 elections, the voter ~~shall be~~**IS** entitled to vote for a number of  
9 candidates for each office equal to the number of persons to be  
10 elected for that office.

11       Sec. 580. ~~In~~**EXCEPT AS OTHERWISE PROVIDED IN SECTION 640 FOR**  
12 **RANKED CHOICE VOTING, IN** counting the ballots after the closing  
13 of the polls, only those candidates having crosses or check marks  
14 marked in the squares to the left of their names ~~shall be~~**ARE**  
15 considered to have received votes, and any ballot upon which more  
16 votes have been recorded for candidates for any office than may,  
17 by law, be elected to that office ~~shall~~**MUST** be rejected as to  
18 all names appearing on the ballot for that office only.

19       **SEC. 640. (1) NOTWITHSTANDING ANY PROVISION OF THIS ACT, A**  
20 **CITY MAY BY RESOLUTION ADOPTED BY A MAJORITY VOTE OF THE MEMBERS**  
21 **OF THE GOVERNING BODY OF THE CITY AUTHORIZE THE USE OF RANKED**  
22 **CHOICE VOTING FOR THE ELECTION OF OFFICERS OR MEMBERS.**

23       **(2) IF A CITY ADOPTS A RESOLUTION UNDER SUBSECTION (1) TO**  
24 **AUTHORIZE THE USE OF RANKED CHOICE VOTING FOR THE ELECTION OF**  
25 **OFFICERS OR MEMBERS, THE RANKED CHOICE VOTING MUST BE CONDUCTED**  
26 **AS PROVIDED IN THIS SECTION.**

27       **(3) THE BALLOT USED AT AN ELECTION WITH RANKED CHOICE VOTING**

1 MUST ALLOW AN ELECTOR TO RANK A NUMBER OF CHOICES IN ORDER OF  
2 PREFERENCE EQUAL TO THE TOTAL NUMBER OF CANDIDATES FOR EACH  
3 OFFICE. HOWEVER, IF THE VOTING SYSTEM USED AT THE ELECTION CANNOT  
4 ACCOMMODATE CHOICES EQUAL TO THE TOTAL NUMBER OF CANDIDATES  
5 RUNNING FOR EACH OFFICE, THE CITY CLERK MAY LIMIT THE NUMBER OF  
6 CHOICES AN ELECTOR MAY RANK TO NO FEWER THAN 3 CHOICES. IN  
7 ADDITION, THE BALLOT USED MUST ALLOW AN ELECTOR TO CAST A VOTE  
8 FOR A WRITE-IN CANDIDATE.

9 (4) IF A CANDIDATE RECEIVES A MAJORITY OF THE FIRST CHOICES,  
10 THAT CANDIDATE MUST BE DECLARED ELECTED. SUBJECT TO SUBSECTIONS  
11 (5) AND (6), IF NO CANDIDATE RECEIVES A MAJORITY OF THE VOTES,  
12 THE CANDIDATE WHO RECEIVED THE FEWEST NUMBER OF FIRST CHOICES  
13 MUST BE ELIMINATED AND EACH VOTE CAST FOR THAT CANDIDATE MUST BE  
14 TRANSFERRED TO THE NEXT RANKED CANDIDATE ON THE ELECTOR'S BALLOT.  
15 IF AFTER THIS TRANSFER OF VOTES ANY CANDIDATE HAS A MAJORITY OF  
16 THE VOTES FROM THE CONTINUING BALLOTS, THAT CANDIDATE MUST BE  
17 DECLARED ELECTED. SUBJECT TO SUBSECTION (5), IF NO CANDIDATE  
18 RECEIVES A MAJORITY OF THE VOTES FROM THE CONTINUING BALLOTS  
19 AFTER A CANDIDATE HAS BEEN ELIMINATED AND HIS OR HER VOTES HAVE  
20 BEEN TRANSFERRED TO THE NEXT RANKED CANDIDATE, THE CONTINUING  
21 CANDIDATE WITH THE FEWEST VOTES FROM THE CONTINUING BALLOTS MUST  
22 BE ELIMINATED. SUBJECT TO SUBSECTION (6), ALL VOTES FOR THAT  
23 CANDIDATE MUST BE TRANSFERRED TO THE NEXT RANKED CONTINUING  
24 CANDIDATE ON EACH ELECTOR'S BALLOT. THIS PROCESS OF ELIMINATING  
25 CANDIDATES AND TRANSFERRING THEIR VOTES TO THE NEXT RANKED  
26 CONTINUING CANDIDATES MUST BE REPEATED UNTIL, EXCEPT AS OTHERWISE  
27 PROVIDED IN SUBSECTION (7), A CANDIDATE RECEIVES A MAJORITY OF

1 THE VOTES FROM THE CONTINUING BALLOTS. THE RANKED CHOICE VOTING  
2 PROCESS IS COMPLETE IF ALL OF THE CHOICES HAVE BEEN ELIMINATED OR  
3 THERE ARE NO FURTHER CHOICES INDICATED ON THE BALLOT.

4 (5) IF THE TOTAL NUMBER OF VOTES OF THE 2 OR MORE CANDIDATES  
5 CREDITED WITH THE LOWEST NUMBER OF VOTES IS LESS THAN THE NUMBER  
6 OF VOTES CREDITED TO THE CANDIDATE WITH THE NEXT HIGHEST NUMBER  
7 OF VOTES, THOSE CANDIDATES WITH THE LOWEST NUMBER OF VOTES MUST  
8 BE ELIMINATED SIMULTANEOUSLY AND THEIR VOTES TRANSFERRED TO THE  
9 NEXT RANKED CONTINUING CANDIDATE OF EACH BALLOT IN A SINGLE  
10 COUNTING OPERATION.

11 (6) IF AN ELECTOR SKIPS A RANK, THE ELECTOR'S VOTE MUST BE  
12 TRANSFERRED TO THE ELECTOR'S NEXT RANKED CHOICE.

13 (7) IF AFTER THE RANKED CHOICE VOTING PROCESS DESCRIBED IN  
14 SUBSECTION (4) IS COMPLETE AND THE RANKED CHOICE BALLOT GIVES  
15 EQUAL RANK TO 2 OR MORE CANDIDATES, THE TIE MUST BE RESOLVED AS  
16 PROVIDED IN SECTION 851.

17 (8) IF A CITY ADOPTS A RESOLUTION UNDER SUBSECTION (1) TO  
18 AUTHORIZE THE USE OF RANKED CHOICE VOTING FOR THE ELECTION OF  
19 OFFICERS OR MEMBERS, THE CITY CLERK SHALL CONDUCT A VOTER  
20 EDUCATION CAMPAIGN TO FAMILIARIZE ELECTORS IN THAT CITY WITH THE  
21 RANKED CHOICE VOTING METHOD.

22 (9) ANY VOTING SYSTEM USED BY A CITY FOR RANKED CHOICE  
23 VOTING MUST BE ABLE TO TALLY AND TABULATE THE RESULTS  
24 AUTOMATICALLY AND MUST NOT REQUIRE THE ELECTION INSPECTORS TO  
25 PERFORM ANY CALCULATIONS OR DISTRIBUTE ANY VOTES AMONG THE  
26 CANDIDATES.

27 Sec. 736b. ~~Each~~ EXCEPT AS OTHERWISE PROVIDED IN SECTION 736H



1 **FOR RANKED CHOICE VOTING, EACH** ballot secrecy sleeve used at a  
 2 primary election ~~shall~~**MUST** either contain the following ballot  
 3 marking instructions printed on the front of the ballot secrecy  
 4 sleeve or ~~shall~~**MUST** have a clear plastic pocket on the front of  
 5 the ballot secrecy sleeve that contains a printed copy of the  
 6 following ballot marking instructions:

7 **PRIMARY ELECTION**

8 **TO VOTE:** Completely darken the oval opposite each choice.

9 -- OR --

10 **TO VOTE:** Complete the arrow opposite each choice.

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

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

13 **PARTISAN SECTION:** There are two party sections on the ballot:

14 Republican Party and Democratic Party. Select the party section of  
 15 your choice. **YOU MAY VOTE IN ONE PARTY SECTION ONLY; YOU CANNOT**  
 16 **"SPLIT YOUR TICKET." IF YOU VOTE IN MORE THAN ONE PARTY SECTION,**  
 17 **YOUR PARTISAN BALLOT WILL BE REJECTED.**

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

20 **WRITE-IN CANDIDATES:** To vote for a candidate whose name is not  
 21 printed on the ballot, write or place the name of that candidate  
 22 in the blank space provided and (completely darken the oval) or  
 23 (complete the arrow). Do not cast a write-in vote for a candidate  
 24 whose name is 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

1 visible. Return the ballot to the election official stationed at  
 2 the tabulator. (If voting by absentee ballot, follow the  
 3 instructions provided by the clerk for returning the ballot.)  
 4 **NOTE:** If you make a mistake, return your ballot to the election  
 5 official and obtain a new ballot. Do not attempt to erase or  
 6 correct any marks made in error.

7 Sec. 736c. ~~Each~~ **EXCEPT AS OTHERWISE PROVIDED IN SECTION 736H**  
 8 **FOR RANKED CHOICE VOTING, EACH** ballot secrecy sleeve used at a  
 9 general election ~~shall~~ **MUST** either contain the following ballot  
 10 marking instructions printed on the front of the ballot secrecy  
 11 sleeve or ~~shall~~ **MUST** have a clear plastic pocket on the front of  
 12 the ballot secrecy sleeve that contains a printed copy of the  
 13 following ballot marking instructions:

14 **GENERAL ELECTION**

15 **TO VOTE:** Completely darken the oval opposite each choice.

16 **-- OR --**

17 **TO VOTE:** Complete the arrow opposite each choice.

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

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

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

22 ~~Mixed Ticket:~~ **MIXED TICKET:** Vote for the individual candidates of  
 23 your choice in each office.

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

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

1 **WRITE-IN CANDIDATES:** To vote for a candidate whose name is not  
 2 printed on the ballot, write or place the name of that candidate  
 3 in the blank space provided and (completely darken the oval) or  
 4 (complete the arrow). Do not cast a write-in vote for a candidate  
 5 whose name is already printed on the ballot for that office.

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

8 **WHEN YOU HAVE COMPLETED VOTING:** Place the ballot in the secrecy  
 9 sleeve so that votes cannot be seen and the numbered stub is  
 10 visible. Return the ballot to the election official stationed at  
 11 the tabulator. (If voting by absentee ballot, follow the  
 12 instructions provided by the clerk for returning the ballot.)

13 **NOTE:** If you make a mistake, return your ballot to the election  
 14 official and obtain a new ballot. Do not attempt to erase or  
 15 correct any marks made in error.

16 Sec. 736d. ~~Each~~ **EXCEPT AS OTHERWISE PROVIDED IN SECTION 736H**  
 17 **FOR RANKED CHOICE VOTING, EACH** ballot secrecy sleeve used at a  
 18 nonpartisan election ~~shall~~ **MUST** either contain the following  
 19 ballot marking instructions printed on the front of the ballot  
 20 secrecy sleeve or ~~shall~~ **MUST** have a clear plastic pocket on the  
 21 front of the ballot secrecy sleeve that contains a printed copy  
 22 of the following ballot marking instructions:

23 **NONPARTISAN ELECTION**

24 **TO VOTE:** Completely darken the oval opposite each choice.

25 **-- OR --**

26 **TO VOTE:** Complete the arrow opposite each choice.

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





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

2 **DO NOT** vote for more candidates than indicated under each office  
3 title.

4 **WRITE-IN CANDIDATES:** To vote for a candidate whose name is not  
5 printed on the ballot, write or place the name of that candidate  
6 in the blank space provided and (completely darken the oval) or  
7 (complete the arrow). Do not cast a write-in vote for a candidate  
8 whose name is 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~~ **EXCEPT AS OTHERWISE PROVIDED IN SECTION 736H**  
20 **FOR RANKED CHOICE VOTING, EACH** ballot secrecy sleeve used at a  
21 special election ~~shall~~ **MUST** either contain the following ballot  
22 marking instructions printed on the front of the ballot secrecy  
23 sleeve or ~~shall~~ **MUST** have a clear plastic pocket on the front of  
24 the ballot secrecy sleeve that contains a printed copy of the  
25 following ballot marking instructions:

26

#### **SPECIAL ELECTION**

27 **TO VOTE:** Completely darken the oval opposite each choice.



-- OR --

1  
 2 **TO VOTE:** Complete the arrow opposite each choice.  
 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. 736f. The ballot marking instructions as provided in  
 16 sections 736b, 736c, 736d, 736e, **736H**, and 764, are the only  
 17 written ballot marking instructions that shall be provided to an  
 18 elector.

19           **SEC. 736H. (1) THE \_\_\_\_\_ SHALL ISSUE BALLOT**  
 20 **MARKING INSTRUCTIONS TO BE USED BY A CITY AT AN ELECTION**  
 21 **INVOLVING RANKED CHOICE VOTING.**

22           **(2) EACH BALLOT SECRECY SLEEVE USED AT AN ELECTION INVOLVING**  
 23 **RANKED CHOICE VOTING MUST EITHER CONTAIN THE BALLOT MARKING**  
 24 **INSTRUCTIONS ISSUED BY THE \_\_\_\_\_ PRINTED ON THE FRONT**  
 25 **OF THE BALLOT SECRECY SLEEVE OR HAVE A CLEAR PLASTIC POCKET ON**  
 26 **THE FRONT OF THE BALLOT SECRECY SLEEVE THAT CONTAINS A PRINTED**  
 27 **COPY OF THE BALLOT MARKING INSTRUCTIONS ISSUED BY THE**



1 \_\_\_\_\_.

2           Sec. 764. In addition to the instructions provided to an  
3 absent voter under section 764a, the following ballot marking  
4 instructions for an absent voter concerning the method of voting  
5 ~~shall~~ **MUST** be included with each absent voter ballot furnished an  
6 absent voter:

7           (a) For a primary election, the ballot marking instructions  
8 as provided in section 736b.

9           (b) For a general election, the ballot marking instructions  
10 as provided in section 736c.

11           (c) For a nonpartisan election, the ballot marking  
12 instructions as provided in section 736d.

13           (d) For a special election, the ballot marking instructions  
14 as provided in section 736e.

15           **(E) FOR AN ELECTION INVOLVING RANKED CHOICE VOTING, THE**  
16 **BALLOT MARKING INSTRUCTIONS AS PROVIDED IN SECTION 736H.**

17           Sec. 795. (1) An electronic voting system acquired or used  
18 under sections 794 to 799a must meet all of the following  
19 requirements:

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

22           (b) Utilize a paper ballot for tabulating purposes.

23           (c) Permit each elector to vote at an election for all  
24 persons and offices for whom and for which the elector is  
25 lawfully entitled to vote; to vote for as many persons for an  
26 office as the elector is entitled to vote for; and to vote for or  
27 against any question upon which the elector is entitled to vote.

1 Except as otherwise provided in this subdivision **AND SECTION 640,**  
2 the electronic tabulating equipment must reject all choices  
3 recorded on the elector's ballot for an office or a question if  
4 the number of choices exceeds the number that the elector is  
5 entitled to vote for on that office or question. ~~Electronic~~  
6 **EXCEPT AS OTHERWISE PROVIDED IN SECTION 640 FOR RANKED CHOICE**  
7 **VOTING, ELECTRONIC** tabulating equipment that can detect that the  
8 choices recorded on 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 must be located at each polling  
11 place and programmed to reject a ballot containing that type of  
12 an error. If a choice on a ballot is rejected as provided in this  
13 subdivision, an elector must be given the opportunity to have  
14 that ballot considered a spoiled ballot and to vote another  
15 ballot.

16 (d) Permit an elector, at a presidential election, by a  
17 single selection to vote for the candidates of a party for  
18 president, ~~vice-president,~~ **VICE PRESIDENT**, and presidential  
19 electors.

20 (e) Permit an elector in a primary election to vote for the  
21 candidates in the party primary of the elector's choice. Except  
22 as otherwise provided in this subdivision, the electronic  
23 tabulating equipment must reject each ballot on which votes are  
24 cast for candidates of more than 1 political party. Electronic  
25 tabulating equipment that can detect that the elector has voted  
26 for candidates of more than 1 political party must be located at  
27 each polling place and programmed to reject a ballot containing

1 that type of an error. If a choice on a ballot is rejected as  
2 provided in this subdivision, an elector must be given the  
3 opportunity to have that ballot considered a spoiled ballot and  
4 to vote another ballot.

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

7 (g) Reject a ballot on which no valid vote is cast.  
8 Electronic tabulating equipment must be programmed to reject a  
9 ballot on which no valid vote is cast.

10 (h) Be suitably designed for the purpose used; be durably  
11 constructed; and be designed to provide for safety, accuracy, and  
12 efficiency.

13 (i) Be designed to accommodate the needs of an elderly voter  
14 or a person with 1 or more disabilities.

15 (j) Record correctly and count accurately each vote properly  
16 cast.

17 (k) Provide an audit trail.

18 (l) Provide an acceptable method for an elector to vote for a  
19 person whose name does not appear on the ballot.

20 (m) Allow for accumulation of vote totals from the precincts  
21 in the jurisdiction. The accumulation software must meet  
22 specifications prescribed by the secretary of state and must be  
23 certified by the secretary of state as meeting these  
24 specifications.

25 (n) Be compatible with or include at least 1 voting device  
26 that is accessible for an individual with disabilities to vote in  
27 a manner that provides the same opportunity for access and

1 participation, including secrecy and independence, as provided  
2 for other voters. The voting device must include nonvisual  
3 accessibility for the blind and visually impaired.

4 (2) Electronic tabulating equipment that counts votes at the  
5 precinct before the close of the polls must provide a method for  
6 rendering the equipment inoperable if vote totals are revealed  
7 before the close of the polls. ~~Electronic~~ **EXCEPT AS OTHERWISE**  
8 **PROVIDED IN SECTION 640 FOR RANKED CHOICE VOTING, ELECTRONIC**  
9 tabulating equipment that tabulates ballots, including absentee  
10 ballots, at a central location must be programmed to reject a  
11 ballot if the choices recorded on an elector's ballot for an  
12 office or a question exceed the number that the elector is  
13 entitled to vote for on that office or question, if no valid  
14 choices are recorded on an elector's ballot, or if, in a primary  
15 election, votes are recorded for candidates of more than 1  
16 political party.

17 (3) Each jurisdiction in this state conducting an election  
18 shall equip each polling place with at least 1 accessible voting  
19 device as required under subsection (1) (n).