

REMOVING PARTY VIGNETTES FROM BALLOTS

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<http://www.house.mi.gov/hfa>

House Bill 4177 as introduced
Sponsor: Rep. Hank Vaupel

Analysis available at
<http://www.legislature.mi.gov>

House Bill 4178 as introduced
Sponsor: Rep. Edward J. Canfield, D.O.

Committee: Elections and Ethics
Complete to 2-22-17

SUMMARY:

House Bill 4177 would amend Michigan Election Law (MCL 168.283 et al) to remove the requirement that party vignettes be printed with a political party's name on a ballot, and would remove references to vignettes throughout the Election Law.

According to Section 684, which would be repealed under the bill, "vignettes" are currently adopted by each political party to be a distinctive and characteristic representation of the party on the ballot. They may be no larger than 1.5 inches square, and must set forth legibly the name of the political party. (Vignettes for Michigan political parties are pictured below.)

House Bill 4177 would also repeal Section 775 of the Law, which provides that vignettes be printed on ballot labels.

Also under the bill, a petition to form a new political party submitted after the bill takes effect would no longer need to contain a proposed vignette.

House Bill 4178 would amend the Michigan Campaign Finance Act (MCL 169.220) to remove the requirement that a candidate be nominated by a party that qualifies to have its party vignette on the ballot under Section 685 of the Election Law. The bill is tie-barred to House Bill 4177, meaning that it could not take effect unless HB 4177 is also enacted. Both bills would take effect 90 days after enactment.

BACKGROUND:

House Bills 4177 and 4178 are identical to House Bills 5723 and 5724 of the 2015-2016 legislative session. Those bills were introduced to address an issue presented by Senate Bill 13 (Public Act 268 of 2015), a bill eliminating straight ticket voting, which was signed into law by Governor Snyder in December 2015. SB 13 made no mention of vignettes, which are typically utilized in order to facilitate straight ticket voting. There was concern that the elimination of the straight ticket voting option without the removal of the vignettes would result in voter confusion—that voters, left without the option of voting straight party for the first time, would simply circle the party vignette.

A preliminary injunction, issued by federal district judge Gershwin A. Drain, blocked implementation of the straight party voting ban. The Sixth Circuit Court of Appeals declined to stay the injunction, meaning that straight ticket voting was an option in the November 2016 presidential election. Appeals court judge Ronald Lee Gilman noted in his concurring opinion that "[t]he continued presence of vignettes on the ballot certainly appears to be a legislative oversight...."

According to the Michigan Secretary of State website, the following vignettes, displayed in the following order, applied to ballots produced through the 2016 cycle:

http://www.michigan.gov/documents/sos/OrderPoliticalPartyVignettes_482646_7.pdf



FISCAL IMPACT:

The bills would have no fiscal impact on the state or local governments.

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.