



Senate Fiscal Agency
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BILL ANALYSIS



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House Bills 4177 and 4178 (as reported without amendment)
Sponsor: Representative Hank Vaupel (H.B. 4177)
Representative Edward J. Canfield, D.O. (H.B. 4178)
House Committee: Elections and Ethics
Senate Committee: Elections and Government Reform

Date Completed: 6-14-17

RATIONALE

Ballots used in Michigan elections are required to display vignettes (small designs or portraits) representing the political party affiliation of each candidate. Some people believe that these vignettes are confusing, unnecessary, and obsolete. Over time, the Michigan ballot standards have evolved, changing the size and placement of the vignettes on the ballot. Concerns have been raised that the vignettes are now too small to be legible and positioned such that their meaning is incomprehensible. To make ballots easier to read, it has been suggested that these vignettes be removed.

CONTENT

House Bill 4177 would amend the Michigan Election Law to delete requirements that political party vignettes be included on the primary ballot and the general election ballot, and other requirements related to vignettes.

The bill also would repeal a section of the Law that requires the state central committee of each political party to adopt a vignette to be printed on ballots; and a section that requires vignettes to be printed on ballots.

House Bill 4178 would amend the Michigan Campaign Finance Act to delete a requirement that a party qualify to have its vignette appear on the general election ballot, in order for an individual nominated for elective office by a political party caucus or convention to be considered a candidate.

House Bill 4177 is tie-barred to House Bill 4178. Each bill would take effect 90 days after its enactment.

House Bill 4177

Under the Michigan Election Law, a political party whose principal candidate received at the last general election at least 1% of the total votes cast for the successful candidate for Secretary of State at the last election at which a Secretary of State was elected, is qualified to have its name, party vignette, and candidates listed on the next general election ballot. The bill would delete the reference to party vignette.

The Law requires the official primary election ballot to be in substantially the form set forth in the Law. On the form, the vignette is to appear after the name of the party. The bill would delete the reference to the vignette.

The Law requires the board of election commissioners in each county to have the name of each candidate for Federal, State, district, county, and township offices at an election printed on one ballot. The name of each candidate of each political party must be placed in a separate column under the name and vignette of the party with the name of each candidate opposite the name of the office for which the candidate was certified to have been nominated. The bill instead would require that the name of each candidate of each political party be placed under the name of the office for which the candidate was certified to have been nominated along with the political party name under the candidate's name.

The Law prescribes a form that a new political party may use to petition the Secretary of State to print the new party's candidate on the official ballots of an election. The form requests the Secretary of State to receive the certificate and vignette accompanying the petition. The bill would delete that language.

Under the Law, at its fall State convention, each political party may nominate two candidates for membership on the Board of Regents of the University of Michigan, two candidates for membership on the Board of Trustees of Michigan State University, and two candidates for membership on the Board of Governors of Wayne State University. Within one business day after the State convention concludes, the chairperson and secretary of the state central committee must forward by registered or certified mail to the Secretary of State a copy of the vignette adopted by the state central committee and a list of the names and residence of the candidates nominated at the convention for membership on those Boards. The bill would delete the requirement to include a copy of the vignette and the requirement to send by registered or certified mail.

Section 684 of the Michigan Election Law requires the state central committee of each political party in the State to prepare and adopt a vignette, to be printed at the top of the column of the official ballot assigned to such party, as a distinctive and characteristic heading.

Section 775 of the Law prescribes requirements for voting machines, as well ballot labels, printing, and the order of names; and requires vignettes be printed on ballot labels.

The bill would repeal Sections 684 and 775.

House Bill 4178

The Michigan Campaign Finance Act provides that an individual is not considered to be a candidate if he or she has, among other things, been nominated for elective office by a political party caucus or convention, if the party does not qualify to have its name, party vignette, and candidates' names appear on the general election ballot, and if the individual has not received a contribution or made an expenditure to secure his or her nomination or election to an elective office.

The bill would delete the requirement that the party qualify to have its party vignette appear on the general election ballot.

MCL 168.283 et al. (H.B. 4177)
169.220 (H.B. 4178)

BACKGROUND

The requirement that ballots be printed with a visual icon representing a party or specific candidate originated in the Election Law of 1891. At that time, there were no standardized ballots used by all voters.¹ Instead, ballots were designed and created by political parties and distributed to voters, who then submitted these partisan ballots to the Secretary of State.² Today, Michigan's elections

¹ Representative Hank Vaupel. Testimony before the Senate Elections and Government Reform Committee, 6-8-17.

² n. 1.

system is wholly dependent on optical scan technology and compatible voting equipment used to support the system.³ The optical scan technology requires the use of a physical ballot that must conform to a standardized format. The Secretary of State provides a document titled the Michigan Ballot Production Standards on its website to list the standards.⁴

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

Party vignettes do not help voters to understand the options on a ballot. Vignettes were originally printed on ballots to assist voters who could not read or could not understand the ballot. There are now much more effective methods for assisting voters who cannot read. Michigan has placed AutoMARK Voter Assist Terminals in polling locations all across the State; these devices can read voting instructions to these voters through headphones.⁵

The vignettes only confuse voters by further crowding an already dense form. Because the vignettes are not used by political parties in other promotional materials, the voting booth is often the first and only time a voter will encounter the vignettes. The presence of the vignettes also confuses voters who are unsure how they should interact with them. Some voters mistakenly circle the party vignette when attempting to vote for the candidate of the party it is meant to represent. This invalidates that ballot and that vote. Removing the vignettes from the ballot would make voting easier.

Legislative Analyst: Nathan Leaman

FISCAL IMPACT

The bills would have no fiscal impact on State or local government.

Fiscal Analyst: Joe Carrasco

³ Secretary Of State website, "SOS - Voting Equipment", http://www.michigan.gov/sos/0,1607,7-127-1633_8716_45458---,00.html, retrieved 6-12-17.

⁴ Secretary Of State website, "Michigan Ballot Production Standards", https://www.michigan.gov/documents/sos/BallotStandards_517320_7.pdf, retrieved 6-12-17.

⁵ Secretary of State website, "SOS - The AutoMARK Voter Assist Terminal: Setup, Operation, and Assisting Voters with Disabilities", http://www.michigan.gov/sos/0,4670,7-127-1633_11976-179543--,00.html, retrieved 6-12-17.

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.