

# HOUSE BILL No. 4177

February 8, 2017, Introduced by Reps. Vaupel and Canfield and referred to the Committee on Elections and Ethics.

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 283, 560a, 570, 685, 696, and 719 (MCL 168.283, 168.560a, 168.570, 168.685, 168.696, and 168.719), section 283 as amended by 2004 PA 92, section 570 as amended by 1985 PA 160, section 685 as amended by 2002 PA 399, and section 696 as amended by 2002 PA 163; and to repeal acts and parts of acts.

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

1           Sec. 283. Not more than 24 hours after the conclusion of the  
 2 fall state convention, the state central committee of each  
 3 political party shall canvass the proceedings of the convention and  
 4 determine the nominees of the convention for membership on the  
 5 state board of education, the board of regents of the ~~university~~  
 6 **UNIVERSITY** of Michigan, the board of trustees of Michigan ~~state~~

1 ~~university,~~ **STATE UNIVERSITY**, and the board of governors of Wayne  
 2 ~~state university.~~ **STATE UNIVERSITY**. Not more than 1 business day  
 3 after the conclusion of the state convention, the chairperson and  
 4 secretary of the state central committee shall forward ~~by~~  
 5 ~~registered or certified mail~~ to the secretary of state a ~~copy of~~  
 6 ~~the vignette adopted by the state central committee and a~~  
 7 typewritten or printed list of the names and residence, including  
 8 the street address if known, of the candidates nominated at the  
 9 convention for the offices specified in this section. The secretary  
 10 of state shall forward a copy of a list received under this section  
 11 to the board of election commissioners of each county, in care of  
 12 the county clerk at the county seat.

13       Sec. 560a. A political party the principal candidate of which  
 14 received at the last preceding general election a vote equal to or  
 15 more than 1% of the total number of votes cast for the successful  
 16 candidate for secretary of state at the last preceding election in  
 17 which a secretary of state was elected is qualified to have its  
 18 name ~~, party vignette,~~ and candidates listed on the next general  
 19 election ballot.

20       Sec. 570. Paper ballots ~~shall~~ **MUST** be numbered consecutively  
 21 and identified by use of the words "official primary ballot" on the  
 22 upper right hand corner ~~upon~~ **ON** the front of the ballot with a  
 23 perforated line across the corner and underneath the number and  
 24 identification so that the corner with the number and  
 25 identification may be torn off. The detachable corner stub ~~shall~~  
 26 ~~serve~~ **SERVES** for the several party tickets and the ballot number  
 27 ~~shall~~ **MUST** be printed upon the stub on 1 side only. A political

1 party designation shall ~~shall~~ **MUST** not appear upon a ballot corner so  
2 numbered and identified. After the ballots are trimmed and wrapped  
3 in sealed packages, ~~they shall~~ **THE BALLOTS MUST** be distributed for  
4 use at the primary election in the same manner as is ~~now~~ provided  
5 by law for the distribution of ballots to be used at general  
6 elections. Ballots shall ~~shall~~ **MUST** be prepared in substantially the  
7 following form:

8 OFFICIAL PRIMARY BALLOT

9 No. ....

10 OFFICIAL PRIMARY ELECTION BALLOT

11 Primary election to be held ..... 1920.....  
12 in the county of .....

13 .....party.  
14 (Vignette)

15 You cannot split your ticket. If you vote for candidates on  
16 more than 1 party ticket, your ballot will be rejected.

17 Make a cross or a check mark in the square to the left of  
18 not more than the number of names for each office as may be  
19 indicated under the title of each office.

21 State.

Legislative.

23 Governor.

State Senator.

24 .....District.

25 Vote for not more than one.

Vote for not more than one.

27 [ ] 1 John Doe

[ ] 7 John Doe

29 [ ] 2 Richard Roe

[ ] 8 Richard Roe

31 [ ]

[ ]

1                   Congressional.   Representative in State  
 2   Legislature.  
 3    United States Senator.....   .....District.  
 4    Vote for not more than one.   Vote for not more than one.  
 5

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6   [ ] 3 John Doe   [ ] 9 John Doe  
 7

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8   [ ] 4 Richard Roe   [ ] 10 Richard Roe  
 9

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10 [ ]   [ ]  
 11

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12   Representative in Congress.   County.  
 13 ..... District.   Prosecuting Attorney.  
 14   Vote for not more than one.   Vote for not more than one.  
 15

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16 [ ] 5 John Doe   [ ] 11 John Doe  
 17

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18 [ ] 6 Richard Roe   [ ] 12 Richard Roe  
 19

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20 [ ]   [ ]  
 21

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22           Sec. 685. (1) The name of a candidate of a new political party  
 23 ~~shall~~**MUST** not be printed upon the official ballots of an election  
 24 unless the chairperson and secretary of the state central committee  
 25 of the party files with the secretary of state, not later than 4  
 26 p.m. of the one hundred-tenth day before the general November

1 election, a certificate signed by the chairperson and secretary of  
 2 the state central committee bearing the name of the party, together  
 3 with petitions bearing the signatures of registered and qualified  
 4 electors equal to not less than 1% of the total number of votes  
 5 cast for all candidates for governor at the last election in which  
 6 a governor was elected. The petitions ~~shall~~**MUST** be signed by at  
 7 least 100 registered electors in each of at least 1/2 of the  
 8 congressional districts of ~~the~~**THIS** state. All signatures on the  
 9 petitions ~~shall~~**MUST** be obtained not more than 180 days immediately  
 10 before the date of filing.

11 (2) After the date on which a petition is filed, the secretary  
 12 of state shall not accept additional petition sheets for that  
 13 petition. The validity and authenticity of the signatures may be  
 14 determined in the same manner as provided for ~~initiatory~~**INITIATIVE**  
 15 and ~~referendary~~**REFERENDUM** petitions in section 9 of article II of  
 16 the state constitution of 1963. An official declaration of the  
 17 sufficiency or insufficiency of a petition filed under this section  
 18 ~~shall~~**MUST** be made by the board of state canvassers not later than  
 19 60 days before the general November election.

20 (3) The petitions ~~shall~~**MUST** be in substantially the following  
 21 form:

22 PETITION TO FORM NEW POLITICAL PARTY

23 We, the undersigned, duly registered electors of the  
 24 city, township of ..... county of .....

25 (strike one)

26 state of Michigan, residing at the places set opposite our  
 27 names, respectfully request the secretary of state, in  
 28 accordance with section 685 of the Michigan election law,  
 29 1954 PA 116, MCL 168.685, to ~~receive the certificate and~~

1 ~~vignette accompanying this petition, and~~ place the names of  
2 the candidates of the ..... party on the  
3 ballot at the ..... election.

4       Warning: A person who knowingly signs petitions to organize  
5 more than 1 new state political party, signs a petition to organize  
6 a new state political party more than once, or signs a name other  
7 than his or her own is violating the provisions of the Michigan  
8 election law.

9 .....  
10 .....  
11 .....

12       (4) The balance of the petition form ~~shall~~**MUST** be  
13 substantially as set forth in section 544c. The size of all  
14 organizing petitions ~~shall~~**MUST** be 8-1/2 inches by 13 inches and  
15 ~~shall~~**MUST** be printed in the following type sizes: The words  
16 "petition to form new political party" and the name of the proposed  
17 political party ~~shall~~**MUST** be in 24-point boldface type; the word  
18 "warning" and the language contained in the warning ~~shall~~**MUST** be  
19 in 12-point boldface type.

20       (5) Petitions circulated under this section may be circulated  
21 on a countywide basis. A petition that is circulated countywide  
22 ~~shall~~**MUST** be on a form prescribed by the secretary of state.

23       (6) If the principal candidate of a political party receives a  
24 vote equal to less than 1% of the total number of votes cast for  
25 the successful candidate for the office of secretary of state at  
26 the last preceding general November election in which a secretary  
27 of state was elected, that political party shall not have the name

1 of any candidate printed on the ballots at the next ensuing general  
2 November election, and a column ~~shall~~ **MUST** not be provided on the  
3 ballots for that party. A disqualified party may again qualify and  
4 have the names of its candidates printed in a separate party column  
5 on each election ballot in the manner set forth in subsection (1)  
6 for the qualification of new parties. ~~The term "principal~~  
7 ~~candidate" of a political party~~ **AS USED IN THIS SUBSECTION,**  
8 **"PRINCIPAL CANDIDATE OF A POLITICAL PARTY"** means the candidate who  
9 receives the greatest number of votes of all candidates of that  
10 political party for that election.

11 (7) A political party that complied with this section is  
12 subject to section 686a in order to have the name of that party ~~7~~  
13 ~~its vignette,~~ and its candidates appear on the general election  
14 ballot.

15 (8) A person shall not knowingly sign a petition to organize  
16 more than 1 new state political party, sign a petition to organize  
17 a new state political party more than once, or sign a name other  
18 than his or her own on the petition.

19 Sec. 696. (1) The board of election commissioners in each  
20 county shall have the name of each candidate for federal, state,  
21 district, county, and township offices at an election printed on 1  
22 ballot, separate from any other ballot. The name of each candidate  
23 of each political party ~~shall~~ **MUST** be placed ~~in a separate column~~  
24 ~~on the ballot under the name and vignette of the party with the~~  
25 ~~name of each candidate opposite the name of the office for which~~  
26 ~~the candidate was certified to have been nominated.~~ **UNDER THE NAME**  
27 **OF THE OFFICE FOR WHICH THE CANDIDATE WAS CERTIFIED TO HAVE BEEN**

1 **NOMINATED ALONG WITH THE POLITICAL PARTY NAME UNDER THE CANDIDATE'S**  
2 **NAME.**

3 (2) If, in a district that is a county or entirely within 1  
4 county, 2 or more candidates nominated by the same political party  
5 or by different political parties for the same office, or  
6 nonpartisan candidates for the same office, have the same or  
7 similar surnames, a candidate may file a written request with the  
8 board of county election commissioners for a clarifying  
9 designation. The request ~~shall~~**MUST** be filed not later than 3 days  
10 after the certification of the relevant candidates. Not later than  
11 3 days after the filing of the request, the board of county  
12 election commissioners shall determine whether a similarity exists  
13 and whether a clarifying designation should be granted. In a  
14 district located in more than 1 county, the board of state  
15 canvassers shall make a determination whether to grant a clarifying  
16 designation upon the written request of a candidate who is  
17 certified by the secretary of state. The request ~~shall~~**MUST** be  
18 filed with the ~~state~~board of **STATE** canvassers not later than 3  
19 days after the ~~state~~board of **STATE** canvassers completes the  
20 canvass of the primary election in compliance with section 581 and  
21 the certification of nominees in compliance with section 687. The  
22 board of state canvassers shall make its determination not later  
23 than 3 days after the request is filed.

24 (3) In each instance, the determining board shall immediately  
25 notify each candidate for the same office as the requester that a  
26 request for a clarifying designation has been made and of the date,  
27 time, and place of the hearing. The requester and each candidate



1 for the same office ~~shall~~**MUST** be notified of the board's  
2 determination by first-class mail sent within 24 hours after the  
3 final date for the determination. A candidate who is dissatisfied  
4 with the determination of the board of county election  
5 commissioners may file an appeal in the circuit court of the county  
6 where the board is located. A candidate who is dissatisfied with  
7 the determination of the board of state canvassers may file an  
8 appeal in the Ingham ~~county~~**COUNTY** circuit court. The appeal ~~shall~~  
9 **MUST** be filed within 14 days after the final date for determination  
10 by the board. The court shall hear the matter de novo. Except as  
11 provided in subsection (4), in the case of the same surname or of a  
12 final determination by the board or by the court before the latest  
13 date that the board can arrange for the ballot printing of the  
14 existence of similarity, the board shall print the occupation, date  
15 of birth, or residence of each of the candidates having the same or  
16 similar surnames on the ballot or ballot labels or slips to be  
17 placed on the voting machine, when used, under their respective  
18 names. The request may not be made by a candidate of a political  
19 party whose candidate for secretary of state received less than 10%  
20 of the total vote cast in the state for all candidates for  
21 secretary of state in the most recent November election in which a  
22 secretary of state was elected. ~~The term~~**AS USED IN THIS**  
23 **SUBSECTION**, "occupation" includes a currently held political  
24 office, even though it is not the candidate's principal occupation,  
25 but does not include reference to a previous position or  
26 occupation.

27 (4) If there are 2 candidates with the same or similar

1 surnames and 1 of the candidates is entitled to an incumbency  
2 designation by section 24 of article VI of the state constitution  
3 of 1963, no other designation shall be provided for the other  
4 candidate with the same or similar surname. If there are more than  
5 2 candidates with the same or similar surname and 1 of the  
6 candidates is entitled to an incumbency designation by section 24  
7 of article VI of the state constitution of 1963, a clarifying  
8 designation may be given to the other candidates with the same or  
9 similar surname. Except for an incumbency designation under section  
10 24 of article VI of the state constitution of 1963, if 2 or more  
11 candidates with the same or similar surnames are related, the board  
12 shall only print the residence or date of birth of each of the  
13 candidates as a clarifying designation. As used in this subsection,  
14 "related" means that the candidates with the same or similar  
15 surnames are related within the third degree of consanguinity.

16 (5) The board of state canvassers shall issue guidelines to  
17 ensure fairness and uniformity in the granting of designations and  
18 may issue guidelines relating to what constitutes the same or  
19 similar surnames. The board of state canvassers and the boards of  
20 county election commissioners shall follow the guidelines.

21 Sec. 719. The election commission of each city, township, and  
22 village shall perform ~~such~~ **THOSE** duties relative to the  
23 preparation, printing, and delivery of ballots as are required by  
24 law of the boards of **COUNTY** election commissioners. ~~of counties.~~  
25 Like duties and privileges as are enjoined and granted by this act  
26 upon and to the various committees of the different political  
27 organizations are hereby prescribed for city, village, or township

1 committees in matters pertaining to any city, village, or township  
2 election, except that it ~~shall~~**IS** not ~~be~~ necessary for a city,  
3 township, or village committee of a political party or organization  
4 to furnish a ~~vignette or~~ heading for the ballots other than to  
5 designate the name of the party or political organization which  
6 they represent. In cities, villages, and townships, the names of  
7 candidates for city, township, or village offices ~~, as the case may~~  
8 ~~be, shall~~**MUST** be given by the committees of the various political  
9 organizations to the board of election commissioners of ~~such~~**THE**  
10 city, village, or township not less than 18 days before each  
11 election, but it ~~shall~~**IS** not ~~be~~ necessary for any party committee  
12 to give to the board of election commissioners the name of any  
13 candidate nominated at an official primary election. The proof of  
14 the ballot ~~shall~~**MUST** be open to public inspection at the office of  
15 the township, city, or village clerk ~~, not less than 15 days before~~  
16 ~~such~~**THE** election.

17 Enacting section 1. Sections 684 and 775 of the Michigan  
18 election law, 1954 PA 116, MCL 168.684 and 168.775, are repealed.

19 Enacting section 2. This amendatory act takes effect 90 days  
20 after the date it is enacted into law.