

# HOUSE BILL No. 4602

April 29, 1999, Introduced by Reps. Switalski, Rivet, Wojno, Vear, Sheltroun, Garza and Bovin and referred to the Committee on Constitutional Law and Ethics.

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 559, 561, 568, 570, 572, 575, 576, and 795 (MCL 168.559, 168.561, 168.568, 168.570, 168.572, 168.575, 168.576, and 168.795), sections 568 and 570 as amended by 1985 PA 160, section 576 as amended by 1996 PA 213, and section 795 as amended by 1998 PA 21.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 559. ~~It shall be the duty of the~~ THE board of elec-  
2 tion commissioners of each county in this state ~~to~~ SHALL pre-  
3 pare and furnish the necessary official primary election ballots,  
4 except for city offices, ~~which~~ THAT may be required for use by  
5 the electors ~~of any political party~~ at the August primary.

6       Sec. 561. (1) The ballots prepared by the board of election  
7 commissioners in each county for use by the electors ~~of a~~

1 ~~political party~~ at a primary election shall include the names of  
2 all candidates of ~~the~~ EACH political party for the office of  
3 governor, United States senator, and district offices; ~~, and,~~  
4 in each county, the names of all candidates of ~~the~~ EACH politi-  
5 cal party for county offices; ~~,~~ and in each township, the names  
6 of all candidates of ~~the~~ EACH political party for township  
7 offices.

8 (2) If, in a district comprised of not more than 1 county, 2  
9 or more candidates, including candidates for nonpartisan offices,  
10 for the same office have the same or similar surnames, a candi-  
11 date may file a written request with the board of county election  
12 commissioners for a clarifying designation. The CANDIDATE  
13 REQUESTING THE CLARIFYING DESIGNATION SHALL FILE THE request  
14 ~~shall be filed~~ not later than 3 days after the last date for  
15 filing nominating petitions. Not later than 3 days after the  
16 filing of the request, the board of county election commissioners  
17 shall determine whether a similarity exists and whether a clari-  
18 fying designation should be granted. In a district comprised of  
19 more than 1 county, the board of state canvassers shall make a  
20 like determination for a clarifying designation upon the written  
21 request of a candidate who files nominating petitions with the  
22 secretary of state. The CANDIDATE REQUESTING THE CLARIFYING DES-  
23 IGNATION SHALL FILE THE request ~~shall be filed~~ with the state  
24 board of canvassers not later than 5 days after the last date for  
25 filing nominating petitions. The board of state canvassers shall  
26 make its determination at the same time it makes a declaration of

1 the sufficiency or insufficiency of nominating petitions in  
2 compliance with section 552.

3       (3) ~~In each instance~~ UPON MAKING A DETERMINATION UNDER  
4 SUBSECTION (2), the determining board shall notify the requester  
5 and the other candidate affected of its determination by first  
6 class mail sent within 24 hours after the final date for the  
7 determination. A candidate who is dissatisfied with the determi-  
8 nation of the board of county election commissioners may file an  
9 appeal in the circuit court of the county where the board is  
10 located. ~~, and a~~ A candidate who is dissatisfied with the  
11 determination of the board of state canvassers may file an appeal  
12 in the circuit court of Ingham county. ~~, THE CANDIDATE SHALL~~  
13 FILE AN APPEAL UNDER THIS SUBSECTION within 7 days after the  
14 final date for determination by the board, and the court shall  
15 hear the matter de novo. In case of the same surnames, ~~or a~~  
16 final determination by the board OF THE EXISTENCE OF SIMILARITY,  
17 or A DETERMINATION by the court before the latest date on which  
18 the board can arrange for printing of the ballots ~~, of the~~  
19 existence of similarity, the board shall print the occupation or  
20 residence of each of the candidates on the ballot or ballot  
21 labels under their respective names. The term "occupation"  
22 ~~shall be construed to include~~ INCLUDES political office, even  
23 though it is not the candidate's principal occupation, but  
24 ~~shall~~ DOES not include reference to a previous position or  
25 occupation.

26       (4) The name of a candidate shall be printed showing the  
27 given name or abbreviation or initials of the given name of the

1 candidate. ~~, and, in the case of a married woman,~~ IF THE  
2 CANDIDATE IS MARRIED, THE NAME OF THE CANDIDATE shall not be  
3 printed showing the ~~husband's~~ SPOUSE'S given name.

4 (5) The board of state canvassers shall prepare and issue  
5 guidelines to ~~insure~~ ENSURE fairness and uniformity in the  
6 granting of CLARIFYING designations, and may prepare and issue  
7 guidelines relating to what constitutes same or similar  
8 surnames. The board of state canvassers and the boards of county  
9 election commissioners shall follow the guidelines issued.

10 Sec. 568. The official primary election ballots shall be  
11 prepared in the ~~following~~ form ~~+~~ PRESCRIBED IN THIS SECTION.  
12 At the top of each ballot shall be printed in large type,  
13 "Official primary election ballot". Underneath the heading shall  
14 be printed the date of the election at which the ballot is to be  
15 used, together with a designation of the political subdivision,  
16 ~~as~~ INCLUDING BUT NOT LIMITED TO county, district, city, OR  
17 ward, ~~et cetera,~~ in which it is to be used. Then shall follow,  
18 in bold-faced type, the name of the political party and vignette,  
19 below which shall appear the following instructions to electors:  
20 "Make a cross or a check mark in the square to the left of not  
21 more than the number of names for each office as may be indicated  
22 under the title of each office. YOU MAY SPLIT YOUR TICKET BY  
23 VOTING FOR NOT MORE THAN THE NUMBER OF NAMES INDICATED FOR AN  
24 OFFICE UNDER 1 POLITICAL PARTY HEADING AND FOR NOT MORE THAN THE  
25 NUMBER OF NAMES INDICATED FOR A DIFFERENT OFFICE UNDER ANOTHER  
26 POLITICAL PARTY'S HEADING." Under this heading shall appear the  
27 names of the candidates seeking nomination for various offices on

1 the ticket of the political party. The order of the offices on  
2 the ballot shall be the same, as near as may be, as is required  
3 by law in making up the ballot used at general elections. The  
4 title of the office shall be immediately above the names of the  
5 candidate or candidates for the nomination of each office, and  
6 under the title the words "Vote for not more than," followed by  
7 the word "one" or "two" or ~~such~~ other word ~~as will designate~~  
8 THAT DESIGNATES the number of candidates for the nomination to  
9 the office that may be voted for. The names of the different  
10 candidates shall be separated from each other by a light-faced  
11 rule with a square at the left of each name. The spaces devoted  
12 to the candidates for nomination to different offices shall be  
13 separated by a black-faced rule ~~so as~~ IN ORDER to separate each  
14 office division distinctly. However, the board of election com-  
15 missioners in any county or city may, if considered desirable,  
16 arrange the ballots with an identification numeral to be placed  
17 in the same space with the name of each of the candidates, with  
18 the identification numeral to be rotated with the name of the  
19 candidate when rotated, regardless of where the name may appear  
20 upon the ballot.

21       Sec. 570. Paper ballots shall be numbered consecutively and  
22 identified by use of the words "official primary ballot" on the  
23 upper right hand corner upon the front of the ballot with a per-  
24 forated line across the corner and underneath the number and  
25 identification so that the corner with the number and identifica-  
26 tion may be torn off. The detachable corner stub shall serve for  
27 the several party tickets and the ballot number shall be printed

1 upon the stub on 1 side only. A political party designation  
2 shall not appear upon a ballot corner so numbered and  
3 identified. After the ballots are trimmed and wrapped in sealed  
4 packages, they shall be distributed for use at the primary elec-  
5 tion in the same manner as is now provided by law for the distri-  
6 bution of ballots to be used at general elections. Ballots shall  
7 be prepared in substantially the following form:

8 OFFICIAL PRIMARY BALLOT  
9 No. ....

10 OFFICIAL PRIMARY ELECTION BALLOT

11 Primary election to be held ..... 19..... in the county  
12 of .....

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

15 You ~~cannot~~ MAY split your ticket. ~~If you~~ YOU MAY vote for  
16 candidates FOR SEPARATE OFFICES on more than 1 party ticket. ~~—~~  
17 your

18 ~~ballot will be rejected.~~

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

22 =====

23	State.	Legislative.
24	<hr/>	
25	Governor.	State Senator.
26		..... District.
27	Vote for not more than one.	Vote for not more than one.

1		
2	<input type="checkbox"/> 1 John Doe	<input type="checkbox"/> 7 John Doe
3		
4	<input type="checkbox"/> 2 Richard Roe	<input type="checkbox"/> 8 Richard Roe
5		
6	<input type="checkbox"/>	<input type="checkbox"/>
7	=====	
8	Congressional.	Representative in State
9		Legislature.
10	United States Senator.....	..... District.
11	Vote for not more than one.	Vote for not more than one.
12		
13	<input type="checkbox"/> 3 John Doe	<input type="checkbox"/> 9 John Doe
14		
15	<input type="checkbox"/> 4 Richard Roe	<input type="checkbox"/> 10 Richard Roe
16		
17	<input type="checkbox"/>	<input type="checkbox"/>
18	=====	
19	Representative in Congress.	County.
20	..... District.	Prosecuting Attorney.
21	Vote for not more than one.	Vote for not more than one.
22		
23	<input type="checkbox"/> 5 John Doe	<input type="checkbox"/> 11 John Doe
24		
25	<input type="checkbox"/> 6 Richard Roe	<input type="checkbox"/> 12 Richard Roe
26		
27	<input type="checkbox"/>	<input type="checkbox"/>
28	=====	

29           Sec. 572. The OFFICIAL PRIMARY ELECTION ballots shall be  
30 prepared in ~~such~~ A manner that the electors ~~of each political~~  
31 ~~party~~ AT THE PRIMARY may write, print, or paste the name of a  
32 candidate ~~thereon~~ ON A BALLOT.

33           Sec. 575. After the polls are opened at a primary election,  
34 ~~any~~ AN elector who is legally registered and qualified,  
35 ~~shall,~~ before entering the booth or voting compartment, SHALL  
36 be furnished ~~a party ballot, together with any other ballot or~~  
37 ALL ballots to be voted at that primary election.

38           Sec. 576. (1) An elector, after having received ~~a ballot~~  
39 ~~or~~ THE OFFICIAL PRIMARY ELECTION ballots, shall enter a booth or  
40 voting compartment and, while there concealed from view, shall  
41 vote the ballot or ballots by making a cross or a check mark in

1 the square at the left of the names of those candidates for whom  
2 the elector desires to vote, but ~~in no case~~ SHALL NOT VOTE for  
3 more candidates for any office than is indicated under the title  
4 of each office. However, an elector may vote for a person whose  
5 name is not printed on the ballot by inserting the name in a  
6 manner that will substitute it for any name that is printed on  
7 the ballot or where no candidate's name appears upon the ballot.

8 (2) ~~The elector shall indicate his or her choice of candi-~~  
9 ~~dates on 1 party ticket only and, after~~ AFTER marking the ballot  
10 OR BALLOTS, the elector shall fold ~~it~~ EACH BALLOT for deposit  
11 ~~pursuant to the provisions of~~ AS PROVIDED IN this act. ~~A~~  
12 ~~ballot on which more than 1 party ticket has been voted is void.~~

13 (3) This section is subject to section 736a.

14 Sec. 795. (1) An electronic voting system acquired or used  
15 pursuant to sections 794 to 799a shall meet all of the following  
16 requirements:

17 (a) Provide for voting in secrecy, except ~~in the case of~~  
18 FOR voters who receive assistance as provided by this act.

19 (b) Permit each elector to vote at an election for all per-  
20 sons and offices for whom and for which the elector is lawfully  
21 entitled to vote; to vote for as many persons for an office as  
22 the elector is entitled to vote for; and to vote for or against  
23 any question upon which the elector is entitled to vote. Except  
24 as otherwise provided in this subdivision, the electronic tabu-  
25 lating equipment shall reject all choices recorded on the  
26 elector's ballot for an office or a question if the number of  
27 choices exceeds the number that the elector is entitled to vote

1 for on that office or question. Electronic tabulating equipment  
2 that can detect and inform an elector voting in person that the  
3 choices recorded on the elector's ballot for an office or a ques-  
4 tion exceeds the number that the elector is entitled to vote for  
5 on that office or question shall offer the elector an opportunity  
6 to correct the error before rejecting the choices recorded on the  
7 elector's ballot.

8 (c) Permit an elector, at a presidential election, by a  
9 single selection to vote for the candidates of a party for presi-  
10 dent, vice-president, and presidential electors.

11 (d) Permit an elector at other than a primary election to  
12 vote for all of the candidates of a political party by a single  
13 selection ~~or~~ AND PERMIT AN ELECTOR AT ANY ELECTION to vote a  
14 split or mixed ticket.

15 (e) Permit an elector in a primary election to vote for the  
16 candidates ~~in the party primary~~ of the elector's choice.

17 ~~Except as otherwise provided in this subdivision, the electronic~~  
18 ~~tabulating equipment shall reject each ballot on which votes are~~  
19 ~~cast for candidates of more than 1 political party. Electronic~~  
20 ~~tabulating equipment that can detect and inform an elector voting~~  
21 ~~in person that the elector has voted for candidates of more than~~  
22 ~~1 political party shall offer the elector an opportunity to cor-~~  
23 ~~rect the error before rejecting the elector's ballot.~~

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

1 (g) Be suitably designed for the purpose used; be durably  
2 constructed; and be designed to provide for safety, accuracy, and  
3 efficiency.

4 (h) ~~Beginning June 18, 1990, be~~ BE designed to accommodate  
5 the needs of an elderly voter or a person with 1 or more  
6 disabilities.

7 (i) Record correctly and count accurately each vote properly  
8 cast.

9 (j) Provide an audit trail.

10 (k) Provide an acceptable method for an elector to vote for  
11 a person whose name does not appear on the ballot.

12 (2) Electronic tabulating equipment that counts votes at the  
13 precinct before the close of the polls shall provide a method for  
14 rendering the equipment inoperable if vote totals are revealed  
15 before the close of the polls.