

HOUSE BILL No. 5723

June 7, 2016, Introduced by Reps. Vaupel, Jenkins, Canfield, Graves and Cole and referred to the Committee on Elections.

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~~
7 ~~university~~, **STATE UNIVERSITY**, and the board of governors of Wayne

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

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

19 Sec. 570. Paper ballots shall be numbered consecutively and
20 identified by use of the words "official primary ballot" on the
21 upper right hand corner ~~upon~~ **ON** the front of the ballot with a
22 perforated line across the corner and underneath the number and
23 identification so that the corner with the number and
24 identification may be torn off. The detachable corner stub shall
25 serve for the several party tickets and the ballot number shall be
26 printed upon the stub on 1 side only. A political party designation
27 shall not appear upon a ballot corner so numbered and identified.

1 After the ballots are trimmed and wrapped in sealed packages, they
2 shall be distributed for use at the primary election in the same
3 manner as is ~~now~~ provided by law for the distribution of ballots to
4 be used at general elections. Ballots shall be prepared in
5 substantially the following form:

6 OFFICIAL PRIMARY BALLOT

7 No.

8 OFFICIAL PRIMARY ELECTION BALLOT

9 Primary election to be held 1920.....
10 in the county of
11party.
12 ~~(Vignette)~~

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

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

18 _____
19 State. Legislative.
20 _____
21 Governor. State Senator.
22District.

23 Vote for not more than one. Vote for not more than one.

24 _____
25 [] 1 John Doe [] 7 John Doe

26 _____
27 [] 2 Richard Roe [] 8 Richard Roe

1 _____
2 [] []
3 _____
4 Congressional. Representative in State
5 Legislature.
6 United States Senator..... District.
7 Vote for not more than one. Vote for not more than one.
8 _____
9 [] 3 John Doe [] 9 John Doe
10 _____
11 [] 4 Richard Roe [] 10 Richard Roe
12 _____
13 [] []
14 _____
15 Representative in Congress. County.
16 District. Prosecuting Attorney.
17 Vote for not more than one. Vote for not more than one.
18 _____
19 [] 5 John Doe [] 11 John Doe
20 _____
21 [] 6 Richard Roe [] 12 Richard Roe
22 _____
23 [] []
24 _____

25 Sec. 685. (1) The name of a candidate of a new political party
26 shall not be printed upon the official ballots of an election
27 unless the chairperson and secretary of the state central committee

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

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

22 (3) The petitions shall be in substantially the following
 23 form:

24 PETITION TO FORM NEW POLITICAL PARTY
 25 We, the undersigned, duly registered electors of the
 26 city, township of county of
 27 (strike one)

1 state of Michigan, residing at the places set opposite our
2 names, respectfully request the secretary of state, in
3 accordance with section 685 of the Michigan election law,
4 1954 PA 116, MCL 168.685, to ~~receive the certificate and~~
5 ~~vignette accompanying this petition, and~~ place the names of
6 the candidates of the party on the
7 ballot at the election.

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

13
14
15

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

23 (5) Petitions circulated under this section may be circulated
24 on a countywide basis. A petition that is circulated countywide
25 shall be on a form prescribed by the secretary of state.

26 (6) If the principal candidate of a political party receives a

1 vote equal to less than 1% of the total number of votes cast for
 2 the successful candidate for the office of secretary of state at
 3 the last preceding general November election in which a secretary
 4 of state was elected, that political party shall not have the name
 5 of any candidate printed on the ballots at the next ensuing general
 6 November election, and a column shall not be provided on the
 7 ballots for that party. A disqualified party may again qualify and
 8 have the names of its candidates printed in a separate party column
 9 on each election ballot in the manner set forth in subsection (1)
 10 for the qualification of new parties. ~~The term "principal~~
 11 ~~candidate" of a political party~~ **AS USED IN THIS SUBSECTION,**
 12 **"PRINCIPAL CANDIDATE OF A POLITICAL PARTY"** means the candidate who
 13 receives the greatest number of votes of all candidates of that
 14 political party for that election.

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

19 (8) A person shall not knowingly sign a petition to organize
 20 more than 1 new state political party, sign a petition to organize
 21 a new state political party more than once, or sign a name other
 22 than his or her own on the petition.

23 Sec. 696. (1) The board of election commissioners in each
 24 county shall have the name of each candidate for federal, state,
 25 district, county, and township offices at an election printed on 1
 26 ballot, separate from any other ballot. The name of each candidate
 27 of each political party shall be placed ~~in a separate column on the~~

1 ~~ballot under the name and vignette of the party with the name of~~
2 ~~each candidate opposite the name of the office for which the~~
3 ~~candidate was certified to have been nominated.~~**UNDER THE NAME OF**
4 **THE OFFICE FOR WHICH THE CANDIDATE WAS CERTIFIED TO HAVE BEEN**
5 **NOMINATED ALONG WITH THE POLITICAL PARTY NAME UNDER THE CANDIDATE'S**
6 **NAME.**

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

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

1 candidate's principal occupation, but does not include reference to
2 a previous position or occupation.

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

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

24 Sec. 719. The election commission of each city, township, and
25 village shall perform ~~such~~ **THOSE** duties relative to the
26 preparation, printing, and delivery of ballots as are required by
27 law of the boards of **COUNTY** election commissioners. ~~of counties.~~

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

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

22 Enacting section 2. Section 685 of the Michigan election law,
23 1954 PA 116, MCL 168.685, as amended by this amendatory act, takes
24 effect January 1, 2017.