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SIMILAR NAMES: CLARIFYING BALLOT DESIGNATIONS

House Bill 5335

Sponsor: Rep. Andrew Richner

Committee: Redistricting and Elections

Complete to 10-31-01

A SUMMARY OF HOUSE BILL 5335 AS INTRODUCED 10-23-01

Under the Michigan Election Law, when two or more candidates for the same office have the same or similar name, a candidate can request a clarifying designation on the ballot. The request is made to the board of county election commissioners in cases involving a single county and to the board of state canvassers in cases involving more than one county. The determining board in each instance must notify the requester and the other candidate affected of its determination by first-class mail sent within 24 hours after the final date for the determination. A candidate who is dissatisfied with a determination can appeal to circuit court. House Bill 5335 would amend these provisions in several ways.

The bill would require that when a candidate requested a clarifying designation, the determining board would have to immediately notify each candidate for the same office of the request and of the date, time, and place of the hearing on the request. Following the determination, the board would notify each candidate (rather than "the other candidate affected") for the same office of its determination.

The bill would also specify that unless there were more than two candidates with the same or similar surname for an office being contested by a justice or judge entitled to an incumbency designation, no other designation could be provided for another candidate with the same or similar surname. (Section 24 of Article VI of the State Constitution says, "There shall be printed upon the ballot under the name of each incumbent justice or judge who is a candidate for nomination or election to the same office the designation of that office".)

Currently, when a candidate wants to appeal a determination of the board of state canvassers, he or she must file an appeal in Ingham County Circuit Court within seven days after the final date for determination by the board. The bill would change that deadline to 14 days after the final date for determination.

(The election law says that in the case of similar names, the determining board would have the occupation or residence of each candidate printed on the ballot or ballot labels under the candidate's name. The term "occupation" includes political office even if it is not the candidate's principal occupation but does not include reference to a previous position or occupation. The board of state canvassers is required to issue guidelines to ensure fairness and uniformity in the granting of designations and is authorized to issue guidelines regarding what constitutes same or similar surnames.)

MCL 168.561 and 168.696

Analyst: C. Couch

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