

SUBSTITUTE FOR
HOUSE BILL NO. 5335

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 2, 558, 561, 590f, 691, and 696 (MCL 168.2, 168.558, 168.561, 168.590f, 168.691, and 168.696), section 2 as amended by 1999 PA 216, section 558 as amended by 1999 PA 217, and section 590f as added by 1988 PA 116, and by adding section 560b; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2. As used in this act:

2 (a) "Business day" or "secular day" means a day that is not
3 a Saturday, Sunday, or legal holiday.

4 (b) "Election" means ~~any~~ AN election or primary election
5 ~~—~~ at which the electors of this state or of ~~any~~ A subdivision
6 of this state choose or nominate by ballot AN INDIVIDUAL FOR

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1 public ~~officials~~ OFFICE or decide ~~any public~~ A BALLOT
2 question lawfully submitted to them.

3 (C) "NAME THAT WAS FORMALLY CHANGED" MEANS A NAME CHANGED BY
4 A PROCEEDING UNDER CHAPTER XI OF THE PROBATE CODE OF 1939, 1939
5 PA 288, MCL 711.1 TO 711.3, OR FORMER 1915 PA 314, OR THROUGH A
6 SIMILAR, STATUTORILY SANCTIONED PROCEDURE UNDER THE LAW OF
7 ANOTHER STATE OR COUNTRY.

8 Sec. 558. (1) When filing a nominating petition, QUALIFYING
9 PETITION, filing fee, or ~~an~~ affidavit of candidacy ~~, or within~~
10 ~~1 business day of being nominated by a political party convention~~
11 ~~or caucus,~~ for a FEDERAL, county, state, ~~national,~~ city, town-
12 ship, village, or school district office in any election, a can-
13 didate shall file with the officer with whom the petitions, FEE,
14 or ~~fee~~ AFFIDAVIT is filed 2 copies of an affidavit OF
15 IDENTITY. ~~The affidavit~~ A CANDIDATE NOMINATED FOR A FEDERAL,
16 STATE, COUNTY, CITY, TOWNSHIP, OR VILLAGE OFFICE AT A POLITICAL
17 PARTY CONVENTION OR CAUCUS SHALL FILE AN AFFIDAVIT OF IDENTITY
18 WITHIN 1 BUSINESS DAY AFTER BEING NOMINATED WITH THE SECRETARY OF
19 STATE. THE AFFIDAVIT OF IDENTITY FILING REQUIREMENT DOES NOT
20 APPLY TO A CANDIDATE NOMINATED FOR THE OFFICE OF PRESIDENT OF THE
21 UNITED STATES OR VICE PRESIDENT OF THE UNITED STATES.

22 (2) AN AFFIDAVIT OF IDENTITY shall contain the candidate's
23 name, ~~+~~ address, ~~+~~ AND ward and precinct where registered, if
24 qualified to vote at that election; a statement that the candi-
25 date is a citizen of the United States; THE CANDIDATE'S number of
26 years of residence in the state and county; other information
27 that may be required to satisfy the officer as to the identity of

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1 the candidate; THE MANNER IN WHICH THE CANDIDATE WISHES TO HAVE
2 HIS OR HER NAME APPEAR ON THE BALLOT; AND A STATEMENT THAT THE
3 CANDIDATE EITHER IS OR IS NOT USING A NAME, WHETHER A GIVEN NAME,
4 A SURNAME, OR OTHERWISE, THAT IS NOT A NAME THAT HE OR SHE WAS
5 GIVEN AT BIRTH. IF A CANDIDATE IS USING A NAME THAT IS NOT A
6 NAME THAT HE OR SHE WAS GIVEN AT BIRTH, THE CANDIDATE SHALL
7 INCLUDE ON THE AFFIDAVIT OF IDENTITY THE CANDIDATE'S FULL FORMER
8 NAME.

9 (3) THE REQUIREMENT TO INDICATE A NAME CHANGE ON THE AFFIDA-
10 VIT OF IDENTITY DOES NOT APPLY IF THE NAME IN QUESTION IS 1 OF
11 THE FOLLOWING:

12 (A) A NAME THAT WAS FORMALLY CHANGED AT LEAST 10 YEARS
13 BEFORE FILING AS A CANDIDATE.

14 (B) A NAME THAT WAS CHANGED IN A CERTIFICATE OF NATURALIZA-
15 TION ISSUED BY A FEDERAL DISTRICT COURT AT THE TIME THE INDIVID-
16 UAL BECAME A NATURALIZED CITIZEN AT LEAST 10 YEARS BEFORE FILING
17 AS A CANDIDATE.

18 (C) A NAME THAT WAS CHANGED BECAUSE OF MARRIAGE.

19 (D) A NAME THAT WAS CHANGED BECAUSE OF DIVORCE, BUT ONLY IF
20 TO A LEGAL NAME BY WHICH THE INDIVIDUAL WAS PREVIOUSLY KNOWN.

21 (4) AN AFFIDAVIT OF IDENTITY SHALL INCLUDE a statement that
22 — as of the date of the affidavit, all statements, reports,
23 late filing fees, and fines required of the candidate or any can-
24 didate committee organized to support the candidate's election
25 under the Michigan campaign finance act, 1976 PA 388, MCL 169.201
26 to 169.282, have been filed or paid; and a statement that the
27 candidate acknowledges that making a false statement in the

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1 affidavit is perjury, punishable by a fine up to \$1,000.00 or
2 imprisonment for up to 5 years, or both. If a candidate files
3 the affidavit OF IDENTITY with an officer other than the county
4 clerk or secretary of state, the officer shall immediately for-
5 ward to the county clerk 1 copy of the affidavit OF IDENTITY by
6 first-class mail. The county clerk shall immediately forward 1
7 copy of the affidavit OF IDENTITY for state and ~~national~~
8 FEDERAL candidates to the secretary of state by first-class
9 mail. An officer shall not certify to the board of election com-
10 missioners the name of a candidate who fails to comply with this
11 section.

12 (5) ~~(2)~~ If petitions or filing fees are filed by or in
13 behalf of a candidate for more than 1 office, either ~~national~~
14 FEDERAL, state, county, city, village, township, or school dis-
15 trict, the terms of which run concurrently or overlap, the candi-
16 date so filing, or in behalf of whom petitions or fees were so
17 filed, shall select the 1 office to which his or her candidacy is
18 restricted within 3 days after the last day for the filing of
19 petitions or filing fees unless the petitions or filing fees are
20 filed for 2 offices that are combined or for offices that are not
21 incompatible. Failure to make the selection disqualifies a can-
22 didate with respect to ~~any~~ EACH office for which petitions or
23 fees were so filed and the name of the candidate shall not be
24 printed upon the ballot for those offices. A vote cast for that
25 candidate at the ENSUING primary or general election ~~ensuing~~
26 shall not be counted and is void.

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1 SEC. 560B. (1) A CANDIDATE REQUIRED TO INDICATE A NAME
2 CHANGE ON THE AFFIDAVIT OF IDENTITY UNDER SECTION 558 SHALL BE
3 LISTED ON THE BALLOT WITH HIS OR HER CURRENT NAME AND FORMER NAME
4 AS PRESCRIBED BY THE SECRETARY OF STATE.

5 (2) SUBJECT TO SUBSECTIONS (3) AND (4), BOTH A CANDIDATE'S
6 GIVEN NAME AND SURNAME THAT HE OR SHE WAS GIVEN AT BIRTH, AND
7 ONLY THOSE NAMES, SHALL APPEAR ON THE BALLOT, EXCEPT UNDER 1 OF
8 THE FOLLOWING CIRCUMSTANCES:

9 (A) THE NAME IN QUESTION, WHETHER A GIVEN NAME, A SURNAME,
10 OR OTHERWISE, IS A NAME THAT WAS FORMALLY CHANGED.

11 (B) THE CANDIDATE IS SUBJECT TO SUBSECTION (1).

12 (C) THE NAME IN QUESTION, WHETHER A GIVEN NAME, A SURNAME,
13 OR OTHERWISE, IS 1 OF THE FOLLOWING:

14 (i) A NAME THAT WAS CHANGED IN A CERTIFICATE OF NATURALIZA-
15 TION ISSUED BY A FEDERAL DISTRICT COURT AT THE TIME THE INDIVID-
16 UAL BECAME A NATURALIZED CITIZEN AT LEAST 10 YEARS BEFORE FILING
17 AS A CANDIDATE.

18 (ii) A NAME THAT WAS CHANGED BECAUSE OF MARRIAGE.

19 (iii) A NAME THAT WAS CHANGED BECAUSE OF DIVORCE, BUT ONLY
20 IF TO A LEGAL NAME BY WHICH THE INDIVIDUAL WAS PREVIOUSLY KNOWN.

21 (3) A CANDIDATE MAY SPECIFY THAT BOTH HIS OR HER GIVEN NAME
22 AND MIDDLE NAME, OR ONLY A MIDDLE NAME, SHALL APPEAR ON THE
23 BALLOT. A CANDIDATE MAY SPECIFY THAT EITHER AN INITIAL OR A REC-
24 OGNIZED DIMINUTIVE FOR THE CANDIDATE'S GIVEN OR MIDDLE NAME, OR
25 FOR BOTH, SHALL APPEAR ON THE BALLOT.

26 (4) A CANDIDATE IS PROHIBITED FROM SPECIFYING THAT A
27 NICKNAME THAT IS NOT A RECOGNIZED DIMINUTIVE OF THE CANDIDATE'S

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1 GIVEN NAME OR MIDDLE NAME APPEAR ON THE BALLOT. A MARRIED
2 INDIVIDUAL IS PROHIBITED FROM SPECIFYING THAT HIS OR HER SPOUSE'S
3 GIVEN NAME, OR AN ALTERNATIVE FOR THAT GIVEN NAME OTHERWISE PER-
4 MITTED UNDER SUBSECTION (3), APPEAR ON THE BALLOT.

5 (5) A BALLOT THAT WOULD VIOLATE THIS SECTION SHALL NOT BE
6 PRODUCED, PRINTED, OR DISTRIBUTED.

7 Sec. 561. (1) The ballots prepared by the board of election
8 commissioners in each county for use by the electors of a politi-
9 cal party at a primary election shall include the ~~names of all~~
10 ~~candidates~~ NAME OF EACH CANDIDATE of the political party for the
11 office of governor, United States senator, and district offices;
12 ~~, and, in each~~ FOR THE county, the ~~names of all candidates~~
13 NAME OF EACH CANDIDATE of the political party for county offices;
14 ~~, and in~~ FOR each township, the ~~names of all candidates~~
15 NAME OF EACH CANDIDATE of the political party for township
16 offices.

17 (2) If, in a district ~~comprised of not more than~~ THAT IS A
18 COUNTY OR ENTIRELY WITHIN 1 county, 2 or more candidates, includ-
19 ing candidates for nonpartisan offices, for the same office have
20 the same or similar surnames, a candidate may file a written
21 request with the board of county election commissioners for a
22 clarifying designation. The request shall be filed not later
23 than 3 days after the last date for filing nominating petitions.
24 Not later than 3 days after the filing of the request, the board
25 of county election commissioners shall determine whether a simi-
26 larity exists and whether a clarifying designation should be
27 granted. In a district ~~comprised of~~ LOCATED IN more than 1

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1 county, the board of state canvassers shall make a ~~like~~
2 determination ~~for~~ WHETHER TO GRANT a clarifying designation
3 upon the written request of a candidate who files nominating
4 petitions with the secretary of state. The request shall be
5 filed with the state board of canvassers not later than 5 days
6 after the last date for filing nominating petitions. The board
7 of state canvassers shall make its determination at the same time
8 it makes a declaration of the sufficiency or insufficiency of
9 nominating petitions in compliance with section 552.

10 (3) In each instance, the determining board shall ~~notify~~
11 ~~the~~ IMMEDIATELY NOTIFY EACH CANDIDATE FOR THE SAME OFFICE AS THE
12 REQUESTER THAT A REQUEST FOR A CLARIFYING DESIGNATION HAS BEEN
13 MADE AND OF THE DATE, TIME, AND PLACE OF THE HEARING. THE
14 requester and ~~the other candidate affected of its~~ EACH CANDI-
15 DATE FOR THE SAME OFFICE SHALL BE NOTIFIED OF THE BOARD'S deter-
16 mination by first-class mail sent within 24 hours after the final
17 date for the determination. A candidate who is dissatisfied with
18 the determination of the board of county election commissioners
19 may file an appeal in the circuit court of the county where the
20 board is located. ~~, and a~~ A candidate who is dissatisfied with
21 the determination of the board of state canvassers may file an
22 appeal in the INGHAM COUNTY circuit court. ~~of Ingham county,~~
23 THE APPEAL SHALL BE FILED within ~~7~~ 14 days after the final date
24 for determination by the board. ~~, and the~~ THE court shall hear
25 the matter de novo. ~~In~~ EXCEPT AS PROVIDED IN SUBSECTION (4),
26 IN THE case of the same ~~surnames~~ SURNAME or OF a final
27 determination by the board ~~,~~ or by the court before the latest

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1 date ~~on which~~ THAT the board can arrange ~~for~~ THE BALLOT
2 printing ~~of the ballots,~~ of the existence of similarity, the
3 board shall print the occupation, DATE OF BIRTH, or residence of
4 each of the candidates on the ballot or ballot labels under their
5 respective names. The term "occupation" ~~shall be construed to~~
6 ~~include~~ INCLUDES A CURRENTLY HELD political office, even though
7 it is not the candidate's principal occupation, but ~~shall~~ DOES
8 not include reference to a previous position or occupation.

9 (4) ~~The name of a candidate shall be printed showing the~~
10 ~~given name or abbreviation or initials of the given name of the~~
11 ~~candidate, and, in the case of a married woman, shall not be~~
12 ~~printed showing the husband's given name.~~ IF THERE ARE 2 CANDI-
13 DATES WITH THE SAME OR SIMILAR SURNAMES AND 1 OF THE CANDIDATES
14 IS ENTITLED TO AN INCUMBENCY DESIGNATION BY SECTION 24 OF ARTICLE
15 VI OF THE STATE CONSTITUTION OF 1963, NO OTHER DESIGNATION SHALL
16 BE PROVIDED FOR THE OTHER CANDIDATE WITH THE SAME OR SIMILAR
17 SURNAME. IF THERE ARE MORE THAN 2 CANDIDATES WITH THE SAME OR
18 SIMILAR SURNAME AND 1 OF THE CANDIDATES IS ENTITLED TO AN INCUM-
19 BENCY DESIGNATION BY SECTION 24 OF ARTICLE VI OF THE STATE CON-
20 STITUTION OF 1963, A CLARIFYING DESIGNATION MAY BE GIVEN TO THE
21 OTHER CANDIDATES WITH THE SAME OR SIMILAR SURNAME. EXCEPT FOR AN
22 INCUMBENCY DESIGNATION UNDER SECTION 24 OF ARTICLE VI OF THE
23 STATE CONSTITUTION OF 1963, IF 2 OR MORE CANDIDATES WITH THE SAME
24 OR SIMILAR SURNAMES ARE RELATED, THE BOARD SHALL ONLY PRINT THE
25 RESIDENCE OR DATE OF BIRTH OF EACH OF THE CANDIDATES AS A CLARI-
26 FYING DESIGNATION. AS USED IN THIS SUBSECTION, "RELATED" MEANS

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1 THAT THE CANDIDATES WITH THE SAME OR SIMILAR SURNAMES ARE RELATED
2 WITHIN THE THIRD DEGREE OF CONSANGUINITY.

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

9 Sec. 590f. (1) Except as provided in subsections (2) and
10 (3), sections 544c, 545, 552, 553, 555, 556, ~~557,~~ and 558 are
11 applicable to a qualifying petition, a person filing a qualifying
12 petition, and an officer receiving a qualifying petition.

13 (2) The board of state canvassers shall canvass a qualifying
14 petition filed with the secretary of state and shall make an
15 official declaration of the sufficiency or insufficiency of the
16 qualifying petition at least 60 days before the election. A
17 hearing under this subsection by the board of state canvassers
18 shall be held as provided in section 552.

19 (3) A filing officer who receives a qualifying petition from
20 a candidate who has met the requirements of this act shall cer-
21 tify to the proper board or boards of election commissioners the
22 candidate's name, post office address, and office sought. If the
23 election for the office is held at the general ~~November~~ elec-
24 tion, the filing officer shall make the certification not later
25 than 60 days before the general ~~November~~ election.

26 Sec. 691. (1) ~~The said boards~~ EACH BOARD of election
27 commissioners shall ~~cause to be~~ HAVE printed on the ballot, ~~(~~

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1 or ON ballot labels or slips to be placed on a voting machine,
2 when used, ~~→,~~ the names of the candidates certified to ~~said~~
3 ~~boards pursuant to~~ THAT BOARD UNDER this act. ~~;~~ ~~but the name of~~
4 ~~no candidate shall~~ A CANDIDATE'S NAME SHALL NOT be placed or
5 printed in more than 1 column on the ballot for the same office.
6 ~~;~~ ~~Provided, That the~~ A board of election commissioners ~~in~~
7 ~~any~~ FOR A county or city may ~~, if deemed desirable,~~ arrange
8 the ballots with an identification numeral ~~to be~~ placed in the
9 same space with the name of each of ~~said~~ THE candidates. ~~, the~~
10 ~~said~~ THAT identification numeral ~~to~~ SHALL be rotated with the
11 name of the candidate, AND when rotated, SHALL APPEAR IN THE SAME
12 SPACE WITH THE SAME CANDIDATE regardless of where ~~said name may~~
13 ~~appear upon~~ THE CANDIDATE'S NAME APPEARS ON the ballot.

14 (2) The name of a candidate ~~shall be printed showing the~~
15 ~~given name or abbreviation or initials of the given name of the~~
16 ~~candidate and, in the case of a married woman, shall not be~~
17 ~~printed showing the husband's given name~~ APPEARING ON A BALLOT
18 SHALL COMPLY WITH SECTIONS 560B AND 561.

19 Sec. 696. (1) The board of election commissioners in each
20 county shall ~~cause~~ HAVE the ~~names of all candidates~~ NAME OF
21 EACH CANDIDATE for federal, state, district, county, and township
22 offices at ~~any~~ AN election ~~to be~~ printed on 1 ballot, sepa-
23 rate from any other ballot. The ~~names of all candidates~~ NAME
24 OF EACH CANDIDATE of each political party shall be placed in a
25 separate column on the ballot under the name and vignette of the
26 party with the name of each candidate opposite the name of the

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1 office for which the candidate was certified to have been
2 nominated.

3 (2) If, in a district ~~comprised of not more than~~ THAT IS A
4 COUNTY OR ENTIRELY WITHIN 1 county, 2 or more candidates nomi-
5 nated by the same political party or by different political par-
6 ties for the same office, or nonpartisan candidates for the same
7 office, have the same or similar surnames, a candidate may file a
8 written request with the board of county election commissioners
9 for a clarifying designation. The request shall be filed not
10 later than 3 days after the certification of the RELEVANT
11 candidates. Not later than 3 days after the filing of the
12 request, the board of county election commissioners shall deter-
13 mine whether a similarity exists and whether a clarifying desig-
14 nation should be granted. In a district ~~comprised of~~ LOCATED
15 IN more than 1 county, the board of state canvassers shall make a
16 ~~like~~ determination ~~for~~ WHETHER TO GRANT a clarifying designa-
17 tion upon the written request of a candidate who is certified by
18 the secretary of state. The request shall be filed with the
19 state board of canvassers not later than 3 days after the state
20 board of canvassers completes the canvass of the primary election
21 in compliance with section 581 and the certification of nominees
22 in compliance with section 687. The board of state canvassers
23 shall make its determination not later than 3 days after the
24 request is filed.

25 (3) In each instance, the determining board shall ~~notify~~
26 ~~the~~ IMMEDIATELY NOTIFY EACH CANDIDATE FOR THE SAME OFFICE AS THE
27 REQUESTER THAT A REQUEST FOR A CLARIFYING DESIGNATION HAS BEEN

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1 MADE AND OF THE DATE, TIME, AND PLACE OF THE HEARING. THE
2 requester and ~~the other candidate affected of its~~ EACH CANDI-
3 DATE FOR THE SAME OFFICE SHALL BE NOTIFIED OF THE BOARD'S deter-
4 mination by first-class mail sent within 24 hours after the final
5 date for the determination. A candidate who is dissatisfied with
6 the determination of the board of county election commissioners
7 may file an appeal in the circuit court of the county where the
8 board is located. ~~, and a~~ A candidate who is dissatisfied with
9 the determination of the board of state canvassers may file an
10 appeal in the INGHAM COUNTY circuit court. ~~of Ingham county,~~
11 THE APPEAL SHALL BE FILED within ~~7~~ 14 days after the final date
12 for determination by the board. ~~, and the~~ THE court shall hear
13 the matter de novo. ~~In~~ EXCEPT AS PROVIDED IN SUBSECTION (4),
14 IN THE case of the same ~~surnames~~ SURNAME or OF a final determi-
15 nation by the board ~~, or~~ or by the court before the latest date
16 ~~on which~~ THAT the board can arrange for THE BALLOT printing ~~of~~
17 ~~the ballots,~~ of the existence of similarity, the board shall
18 print the occupation, DATE OF BIRTH, or residence of each of the
19 candidates having the same or similar surnames on the ballot or
20 ballot labels or slips to be placed on the voting machine, when
21 used, under their respective names. The request may not be made
22 by a candidate of a political party whose candidate for secretary
23 of state received less than 10% of the total vote cast in the
24 state for all candidates for secretary of state in the ~~last~~
25 ~~preceding~~ MOST RECENT November election in which a secretary of
26 state was elected. The term "occupation" ~~shall be construed to~~
27 ~~include~~ INCLUDES A CURRENTLY HELD political office, even though

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1 it is not the candidate's principal occupation, but ~~shall~~ DOES
2 not include reference to a previous position or occupation.

3 (4) IF THERE ARE 2 CANDIDATES WITH THE SAME OR SIMILAR SUR-
4 NAMES AND 1 OF THE CANDIDATES IS ENTITLED TO AN INCUMBENCY DESIG-
5 NATION BY SECTION 24 OF ARTICLE VI OF THE STATE CONSTITUTION OF
6 1963, NO OTHER DESIGNATION SHALL BE PROVIDED FOR THE OTHER CANDI-
7 DATE WITH THE SAME OR SIMILAR SURNAME. IF THERE ARE MORE THAN 2
8 CANDIDATES WITH THE SAME OR SIMILAR SURNAME AND 1 OF THE CANDI-
9 DATES IS ENTITLED TO AN INCUMBENCY DESIGNATION BY SECTION 24 OF
10 ARTICLE VI OF THE STATE CONSTITUTION OF 1963, A CLARIFYING DESIG-
11 NATION MAY BE GIVEN TO THE OTHER CANDIDATES WITH THE SAME OR SIM-
12 ILAR SURNAME. EXCEPT FOR AN INCUMBENCY DESIGNATION UNDER
13 SECTION 24 OF ARTICLE VI OF THE STATE CONSTITUTION OF 1963, IF 2
14 OR MORE CANDIDATES WITH THE SAME OR SIMILAR SURNAMES ARE RELATED,
15 THE BOARD SHALL ONLY PRINT THE RESIDENCE OR DATE OF BIRTH OF EACH
16 OF THE CANDIDATES AS A CLARIFYING DESIGNATION. AS USED IN THIS
17 SUBSECTION, "RELATED" MEANS THAT THE CANDIDATES WITH THE SAME OR
18 SIMILAR SURNAMES ARE RELATED WITHIN THE THIRD DEGREE OF
19 CONSANGUINITY.

20 (5) ~~(4)~~ The board of state canvassers shall ~~prepare and~~
21 issue guidelines to ~~insure~~ ENSURE fairness and uniformity in
22 the granting of designations ~~,~~ and may ~~prepare and~~ issue
23 guidelines relating to what constitutes THE same or similar
24 surnames. The board of state canvassers and the boards of county
25 election commissioners shall follow the guidelines. ~~issued.~~

26 Enacting section 1. Section 557 of the Michigan election
27 law, 1954 PA 116, MCL 168.557, is repealed.