

HOUSE BILL No. 5930

May 3, 2018, Introduced by Rep. Howrylak and referred to the Committee on Elections and Ethics.

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 532, 560a, 685, 692, 693, 696, 697, and 792 (MCL 168.532, 168.560a, 168.685, 168.692, 168.693, 168.696, 168.697, and 168.792), sections 560a, 685, and 696 as amended by 2017 PA 113 and section 792 as amended by 2013 PA 51; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 532. A political party whose principal candidate received
2 less than 5% of the total vote cast for all candidates for the
3 office of secretary of state in the last preceding state election,
4 either in the state or in any political subdivision affected, shall
5 not make its nominations by the direct primary method. The
6 nomination of all candidates of ~~such~~ **THESE POLITICAL** parties shall
7 **MUST** be made by means of caucuses or conventions ~~which shall~~ **THAT**

1 **MUST** be held and the names of the party's nominations filed at the
 2 time and manner provided in section 686a. ~~of this act. The term **AS**~~
 3 **USED IN THIS SECTION**, "principal candidate" ~~of any party shall be~~
 4 ~~construed to mean the~~ **MEANS A POLITICAL PARTY'S** candidate whose
 5 name ~~shall appear~~ **APPEARS** nearest the top of the party
 6 column. **BALLOT**.

7 Sec. 560a. A political party the principal candidate of which
 8 received at the last preceding general election a vote equal to or
 9 more than 1% of the total number of votes cast for the successful
 10 candidate for secretary of state at the last preceding election in
 11 which a secretary of state was elected is qualified to have its
 12 ~~name and~~ candidates listed on the next general election ballot.

13 Sec. 685. (1) The name of a candidate of a new political party
 14 must not be printed upon the official ballots of an election unless
 15 the chairperson and secretary of the state central committee of the
 16 party files with the secretary of state, not later than 4 p.m. of
 17 the one hundred-tenth day before the general November election, a
 18 certificate signed by the chairperson and secretary of the state
 19 central committee bearing the name of the party, together with
 20 petitions bearing the signatures of registered and qualified
 21 electors equal to not less than 1% of the total number of votes
 22 cast for all candidates for governor at the last election in which
 23 a governor was elected. The petitions must be signed by at least
 24 100 registered electors in each of at least 1/2 of the
 25 congressional districts of this state. All signatures on the
 26 petitions must be obtained not more than 180 days immediately
 27 before the date of filing.

1 (2) After the date on which a petition is filed, the secretary
2 of state shall not accept additional petition sheets for that
3 petition. The validity and authenticity of the signatures may be
4 determined in the same manner as provided for initiative and
5 referendum petitions in section 9 of article II of the state
6 constitution of 1963. An official declaration of the sufficiency or
7 insufficiency of a petition filed under this section must be made
8 by the board of state canvassers not later than 60 days before the
9 general November election.

10 (3) The petitions must be in substantially the following form:

11 PETITION TO FORM NEW POLITICAL PARTY

12 We, the undersigned, duly registered electors of the
13 city, township of county of
14 (strike one)
15 state of Michigan, residing at the places set opposite our
16 names, respectfully request the secretary of state, in
17 accordance with section 685 of the Michigan election law,
18 1954 PA 116, MCL 168.685, to place the names of the
19 candidates of the party on the
20 ballot at the election.

21 Warning: A person who knowingly signs petitions to organize
22 more than 1 new state political party, signs a petition to organize
23 a new state political party more than once, or signs a name other
24 than his or her own is violating the provisions of the Michigan
25 election law.

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

8 (5) Petitions circulated under this section may be circulated
9 on a countywide basis. A petition that is circulated countywide
10 must be on a form prescribed by the secretary of state.

11 (6) If the principal candidate of a political party receives a
12 vote equal to less than 1% of the total number of votes cast for
13 the successful candidate for the office of secretary of state at
14 the last preceding general November election in which a secretary
15 of state was elected, that political party shall not have the name
16 of any candidate printed on the ballots at the next ensuing general
17 November election. ~~, and a column must not be provided on the~~
18 ~~ballots for that party.~~ A disqualified party may again qualify and
19 have the names of its candidates printed ~~in a separate party column~~
20 on each election ballot in the manner set forth in subsection (1)
21 for the qualification of new parties. As used in this subsection,
22 "principal candidate of a political party" means the candidate who
23 receives the greatest number of votes of all candidates of that
24 political party for that election.

25 (7) A political party that complied with this section is
26 subject to section 686a in order to have ~~the name of that party and~~
27 its candidates appear on the general election ballot.

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

5 Sec. 692. ~~Any person~~ **AN INDIVIDUAL** nominated at a primary
6 election by more than 1 political party, or certified as a nominee
7 by more than 1 political party, or nominated by 1 political party
8 and ~~thereafter~~ certified as a nominee by another political party,
9 shall ~~shall~~ **MUST** be notified of ~~such~~ **THE** dual nominations by registered
10 or certified mail with a return receipt demanded, by the county
11 clerk, or clerks of the several counties affected if for a state or
12 district office, immediately upon certification to him **OR HER** of
13 ~~such~~ **THE** nominations by the board of canvassers or by the party
14 committees, as ~~the case may be~~. ~~Such person~~ **APPLICABLE. THE**
15 **INDIVIDUAL** shall, within 3 days after the receipt of ~~said~~ **THE**
16 notification, advise the county clerk or clerks in writing ~~in which~~
17 ~~political party column it is desired that his or her name be~~
18 ~~printed or placed on the ballots or voting machines for the ensuing~~
19 ~~election.~~ ~~Any person~~ **OF THE POLITICAL PARTY TO WHICH HE OR SHE IS**
20 **AFFILIATED. AN INDIVIDUAL** who has been certified for more than 1
21 office, except where 2 or more offices may be legally combined,
22 shall ~~shall~~ **MUST** be notified in a like manner and shall, within 3 days of
23 receipt ~~thereof~~, **OF THE NOTIFICATION**, advise the county clerk or
24 clerks of the particular office for which he **OR SHE** desires to be a
25 candidate.

26 Sec. 693. ~~Any person~~ **AN INDIVIDUAL** nominated at a primary or
27 certified as a candidate by more than 1 political party for the

1 same office, or for more than 1 office, except where 2 or more
 2 offices may be legally combined, who fails to designate the
 3 particular office sought and the **POLITICAL** party column in which it
 4 is desired that his or her name be printed or placed on the ballots
 5 or voting machines for the ensuing election, as herein provided, **TO**
 6 **WHICH HE OR SHE IS AFFILIATED** shall have his or her name printed or
 7 placed on said ballots or voting machines by the proper board of
 8 election commissioners **POLITICAL PARTY AFFILIATION DETERMINED FOR**
 9 **BALLOT PURPOSES** in the following manner:

10 (A) (1) ~~Should such~~ **IF THE** candidate's name have been **IS**
 11 certified by more than 1 political party, ~~it shall be printed or~~
 12 ~~placed in the column of~~ **THE CANDIDATE SHALL BE AFFILIATED WITH** that
 13 **POLITICAL** party first making certification. †

14 (B) (2) ~~Should such~~ **IF THE** candidate be **IS** nominated at a
 15 primary by 1 political party pursuant to the filing of petitions
 16 and be **IS** certified as a candidate by another party for the same
 17 office, or for more than 1 office, except where 2 or more offices
 18 may be legally combined, ~~such candidate's name shall be printed or~~
 19 ~~placed on the ballots or voting machines in the party column and~~
 20 **THE CANDIDATE SHALL BE AFFILIATED WITH THE POLITICAL PARTY** for that
 21 office for which petitions were filed. † ~~or~~

22 (C) (3) ~~Should~~ **IF** the name of such ~~THE~~ candidate be **IS** written
 23 or placed on the primary election ballots or voting machines for
 24 the same office, or for more than 1 office, except where 2 or more
 25 offices may be legally combined, by the electors of more than 1
 26 political party without petitions having been filed or
 27 certification made, then the ~~name of such~~ candidate shall be

1 ~~printed or placed on the ballots or voting machines for the office~~
2 ~~and in the column of~~ **AFFILIATED WITH** that **POLITICAL** party casting
3 the greatest number of votes for ~~such~~ **THE** candidate at the
4 preceding primary election.

5 Sec. 696. (1) The board of election commissioners in each
6 county shall have the name of each candidate for federal, state,
7 district, county, and township offices at an election printed on 1
8 ballot, separate from any other ballot. The name of each candidate
9 of each political party must be placed under the name of the office
10 for which the candidate was certified to have been nominated. ~~along~~
11 ~~with the political party name under the candidate's name.~~

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

1 canvassers completes the canvass of the primary election in
2 compliance with section 581 and the certification of nominees in
3 compliance with section 687. The board of state canvassers shall
4 make its determination not later than 3 days after the request is
5 filed.

6 (3) In each instance, the determining board shall immediately
7 notify each candidate for the same office as the requester that a
8 request for a clarifying designation has been made and of the date,
9 time, and place of the hearing. The requester and each candidate
10 for the same office must be notified of the board's determination
11 by first-class mail sent within 24 hours after the final date for
12 the determination. A candidate who is dissatisfied with the
13 determination of the board of county election commissioners may
14 file an appeal in the circuit court of the county where the board
15 is located. A candidate who is dissatisfied with the determination
16 of the board of state canvassers may file an appeal in the Ingham
17 County circuit court. The appeal must be filed within 14 days after
18 the final date for determination by the board. The court shall hear
19 the matter de novo. Except as provided in subsection (4), in the
20 case of the same surname or of a final determination by the board
21 or by the court before the latest date that the board can arrange
22 for the ballot printing of the existence of similarity, the board
23 shall print the occupation, date of birth, or residence of each of
24 the candidates having the same or similar surnames on the ballot or
25 ballot labels or slips to be placed on the voting machine, when
26 used, under their respective names. The request may not be made by
27 a candidate of a political party whose candidate for secretary of

1 state received less than 10% of the total vote cast in the state
2 for all candidates for secretary of state in the most recent
3 November election in which a secretary of state was elected. As
4 used in this subsection, "occupation" includes a currently held
5 political office, even though it is not the candidate's principal
6 occupation, but does not include reference to a previous position
7 or occupation.

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

24 (5) The board of state canvassers shall issue guidelines to
25 ensure fairness and uniformity in the granting of designations and
26 may issue guidelines relating to what constitutes the same or
27 similar surnames. The board of state canvassers and the boards of

1 county election commissioners shall follow the guidelines.

2 Sec. 697. At the general November election, the names of the
 3 several offices to be voted for ~~shall~~**MUST** be placed on the ballot
 4 **WITHOUT ANY PARTISAN IDENTIFICATION** substantially in the following
 5 order in the years in which elections for ~~such~~**THOSE** offices are
 6 held: Electors of president and ~~vice-president~~**VICE PRESIDENT** of
 7 the United States; governor and lieutenant governor; secretary of
 8 state; attorney general; United States senator; ~~representative~~
 9 **REPRESENTATIVE** in ~~congress~~**CONGRESS**; senator and representative in
 10 the state legislature; members of the state board of education;
 11 regents of the ~~university~~**UNIVERSITY** of Michigan; trustees of
 12 Michigan ~~state university~~**STATE UNIVERSITY**; governors of Wayne
 13 ~~state university~~**STATE UNIVERSITY**; county executive; prosecuting
 14 attorney; sheriff; clerk; treasurer; register of deeds; auditor in
 15 counties electing an auditor; mine inspector in counties electing a
 16 mine inspector; county road commissioners; drain commissioners;
 17 coroners; and surveyor. The following township officers ~~shall~~**MUST**
 18 be placed on the same ballot as above described in substantially
 19 the following order in the year in which elections for ~~such~~**THOSE**
 20 offices are held: supervisor, clerk, treasurer, trustees, and
 21 constables.

22 Sec. 792. (1) If it appears that there is a discrepancy in the
 23 returns of any election district, the board of county canvassers,
 24 or the authorized representatives of the board of county
 25 canvassers, shall make a record of the number of the seal, if any,
 26 the number on the protective counter, if one is provided, and shall
 27 open the counter compartment of the machine, and without unlocking

1 the machine against voting, shall ~~re-canvass~~ **RECANVASS** the vote
2 cast on the machine. Before making the ~~re-canvass,~~ **RECANVASS**, the
3 board of county canvassers shall give sufficient notice in writing
4 to the clerk of the time and place where the ~~re-canvass~~ **RECANVASS**
5 is to be made.

6 (2) If upon ~~re-canvass~~ **RECANVASS** it is found that the original
7 canvass of the returns has been correctly made from the machine,
8 and that the discrepancy still remains unaccounted for, the clerk
9 or authorized assistant of the clerk, in the presence of the
10 election inspectors and the board of county canvassers, shall
11 unlock the voting and counting mechanism of the machine and shall
12 proceed to thoroughly examine and test the machine to determine and
13 reveal the true cause or causes, if any, of the discrepancy in the
14 return from the machine.

15 (3) Before testing the machine, the counters in the ~~party~~-row
16 or column in which the discrepancy is alleged to have occurred
17 ~~shall~~ **MUST** be set at zero after which each of the counters ~~shall~~
18 **MUST** be operated at least 100 times.

19 (4) After the completion of the examination, the clerk or
20 authorized assistant of the clerk shall then and there prepare a
21 statement in writing giving the result of the test, and the
22 statement ~~shall~~ **MUST** be witnessed by the persons present and shall
23 be filed with the board of county canvassers.

24 (5) A candidate voted for at any election who conceives
25 himself or herself aggrieved on account of any fraud, error, or
26 mistake in the canvass of the vote by the election inspectors or in
27 the returns made by the election inspectors may file a written

1 petition for a recount with the board of county canvassers.

2 Enacting section 1. Section 770a of the Michigan election law,
3 1954 PA 116, MCL 168.770a, is repealed.

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