

SUBSTITUTE FOR  
SENATE BILL NO. 529

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 46, 47, 581, 795c, 822, 841, 842, and 846 (MCL 168.46, 168.47, 168.581, 168.795c, 168.822, 168.841, 168.842, and 168.846), section 46 as amended by 2002 PA 431, section 795c as amended by 2015 PA 268, section 822 as amended by 2018 PA 614, section 841 as amended by 2015 PA 197, and section 842 as amended by 2018 PA 382, and by adding section 814.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 46. **(1)** As soon as practicable after the ~~state~~ board of  
2 **state** canvassers has, by the official canvass, ascertained the  
3 result of an election as to **the** electors of ~~president~~ **President** and  
4 ~~vice-president~~ **Vice President** of the United States, **but not less**

1 than 6 days before the date on which the electors for President and  
2 Vice President of the United States are to convene under section  
3 47, the governor shall ~~certify, under the seal of the state, to the~~  
4 ~~United States secretary of state, the names and addresses of the~~  
5 ~~electors of this state chosen as electors of president and vice-~~  
6 ~~president of the United States. The~~ **issue a certificate of**  
7 **ascertainment of appointment of electors that does all of the**  
8 **following:**

9 (a) Sets forth the names of the electors appointed and the  
10 canvass or other determination under the laws of this state of the  
11 number of votes given or cast for each individual whose appointment  
12 any or all votes have been given or cast.

13 (b) Bears the seal of this state.

14 (c) Contains at least 1 security feature, as determined by the  
15 governor, for the purpose of verifying the authenticity of the  
16 certificate. The secure components of any security feature used are  
17 confidential and not subject to disclosure under the freedom of  
18 information act, 1976 PA 442, MCL 15.231 to 15.246.

19 (2) Immediately after issuing the certificate of ascertainment  
20 of appointment of electors under subsection (1), the governor shall  
21 transmit to the Archivist of the United States, by the most  
22 expeditious method available, the certificate of ascertainment of  
23 appointment of electors. The governor shall also transmit to each  
24 elector chosen as an elector for ~~president~~ **President** and ~~vice-~~  
25 ~~president~~ **Vice President** of the United States, ~~a~~ **on or before the**  
26 **date on which the electors are to convene under section 47, 6**  
27 **duplicate-originals of the certificate.** ~~, in triplicate, under the~~  
28 ~~seal of the state, of his or her election.~~

29 (3) Subject to this subsection, the fact that a recount

1 petition has been filed, or that a recount is pending, has no  
2 effect on the governor's authority or responsibility to issue a  
3 certificate of ascertainment of appointment of electors as required  
4 under subsection (1). However, if a mandatory recount of all  
5 precincts in this state is required under section 880a, the  
6 governor shall not issue the certificate of ascertainment of  
7 appointment of electors required under subsection (1) until the  
8 completion and certification of the recount or until 3 p.m. on the  
9 sixth day before the date on which the electors for President and  
10 Vice President of the United States are to convene under section  
11 47, whichever occurs first. If the recount is completed and  
12 certified before 3 p.m. on the sixth day before the date on which  
13 the electors for President and Vice President of the United States  
14 are to convene under section 47, the certificate of ascertainment  
15 of appointment of electors issued by the governor must reflect the  
16 certified result of that recount. If the recount is not completed  
17 and certified before 3 p.m. on the sixth day before the date on  
18 which the electors for President and Vice President of the United  
19 States are to convene under section 47, the certificate of  
20 ascertainment of appointment of electors issued by the governor  
21 must reflect the original certification of the results of the  
22 election.

23 (4) If a recount is completed by 11:59 p.m. on the second day  
24 before the date on which the electors for President and Vice  
25 President of the United States are to convene under section 47, and  
26 the result of that recount, as certified by the board of state  
27 canvassers, alters the winner of the presidential election as  
28 reflected on the certificate of ascertainment of appointment of  
29 electors issued by the governor under subsection (1), an affected

1 candidate for President or Vice President of the United States may  
2 have the certification reviewed by the supreme court, or may seek  
3 other judicial relief from the supreme court related to the  
4 certification including, but not limited to, an order directing the  
5 governor to issue a superseding certificate of ascertainment of  
6 appointment of electors that reflects the updated and certified  
7 results of the presidential election. An action under this  
8 subsection must be filed with the supreme court within 24 hours  
9 after the certification of the completed recount. A plaintiff  
10 filing an action in the supreme court under this subsection must  
11 request an expedited hearing and that the supreme court issue an  
12 order granting any judicial relief by 4 p.m. on the day before the  
13 date on which the electors for President and Vice President of the  
14 United States are to convene under section 47. If the supreme court  
15 issues an order by the day before the date on which the electors  
16 are to convene under section 47 that requires the governor to issue  
17 a superseding certificate of ascertainment consistent with the  
18 certified results of the recount, the governor must issue that  
19 superseding certificate of ascertainment before the date on which  
20 the electors are to convene under section 47.

21 (5) If a recount is completed by 11:59 p.m. on the second day  
22 before the date on which the electors for President and Vice  
23 President of the United States are to convene under section 47, and  
24 the result of that recount, as certified by the board of state  
25 canvassers, alters the winner of the presidential election as  
26 reflected on the certificate of ascertainment of appointment of  
27 electors issued by the governor under subsection (1), and the  
28 supreme court does not issue an order under subsection (4) before 4  
29 p.m. on the day before the date on which the electors are to

1 convene under section 47, the governor must issue a superseding  
 2 certificate of ascertainment of appointment of electors that  
 3 reflects the updated and certified results of the presidential  
 4 election, as determined by the recount and certified by the board  
 5 of state canvassers, no later than 11:59 p.m. on the day before the  
 6 date on which the electors are to convene under section 47.

7 (6) A superseding certificate of ascertainment of appointment  
 8 of electors issued by the governor under this section replaces and  
 9 supersedes any prior certificate of ascertainment of appointment of  
 10 electors issued under this section, must be transmitted consistent  
 11 with the requirements under subsection (2) for the certificate of  
 12 ascertainment of appointment of electors, and is conclusive with  
 13 respect to the determination of electors for President and Vice  
 14 President of the United States appointed by this state.

15 Sec. 47. The electors of ~~president~~**President** and ~~vice-~~  
 16 ~~president~~**Vice President** shall convene in the senate chamber at the  
 17 capitol of ~~the~~**this** state at 2 p.m., eastern standard time, on the  
 18 first ~~Monday~~**Tuesday** after the second Wednesday in December  
 19 following ~~their~~**the elector's** election. At any time before receipt  
 20 ~~of~~**receiving** the certificate of **ascertainment of appointment of**  
 21 **electors from** the governor or within 48 hours thereafter, an  
 22 elector may resign by submitting ~~his~~**the elector's** written and  
 23 verified resignation to the governor. Failure to ~~so~~ resign  
 24 signifies consent to serve and to cast ~~his~~**the elector's** vote for  
 25 the candidates for ~~president~~**President** and ~~vice-president~~**Vice**  
 26 **President** appearing on the Michigan ballot of the political party  
 27 ~~which~~**that** nominated ~~him~~**the elector**. Refusal or failure to vote  
 28 for the candidates for ~~president~~**President** and ~~vice-president~~**Vice**  
 29 **President** appearing on the Michigan ballot of the political party

1 ~~which~~**that** nominated the elector constitutes a resignation from the  
 2 office of elector, ~~his~~**the elector's** vote ~~shall~~**must** not be  
 3 recorded, and the remaining electors ~~shall~~**must** forthwith fill the  
 4 vacancy. The ballot used by the elector ~~shall~~**must** bear the name of  
 5 the elector. If at the time of convening there is any vacancy  
 6 caused by death, resignation, refusal or failure to vote, neglect  
 7 to attend, or ineligibility of any ~~person~~**individual** elected, or  
 8 for any other cause, the qualified electors of ~~president~~**President**  
 9 and ~~vice-president~~**Vice President** shall proceed to fill ~~such~~**the**  
 10 vacancy by ballot, by a plurality of votes. When all the electors  
 11 appear and the vacancy ~~shall be~~**is** filled, ~~they~~**the electors** shall  
 12 proceed to perform the duties of ~~such~~**the** electors, as required by  
 13 the constitution and laws of the United States. If ~~congress~~  
 14 **Congress** hereafter fixes a different day for ~~such~~**the** meeting, the  
 15 electors shall meet and give ~~their~~**the electors** votes on the day  
 16 designated by **the** act of ~~congress~~**Congress**.

17       Sec. 581. (1) The returns of ~~said~~**a** primary election ~~shall~~  
 18 **must** be canvassed and the results declared in the same manner and  
 19 within the same time after the primary election and by the same  
 20 officers as provided for general elections. ~~, except that in the~~  
 21 ~~case of~~**For** a primary election for the nomination of a candidate  
 22 for the office of United States ~~senator, or~~**Senator**, governor, or  
 23 for the nomination of candidates for district offices in districts  
 24 comprising more than 1 county, the county clerk of each county  
 25 affected shall transmit to the secretary of state, within 14 days  
 26 after the primary election, a certified statement of the number of  
 27 votes received by each ~~person~~**individual** for nomination as a  
 28 candidate of any political party for any of the ~~said~~ offices.

29       (2) The secretary of **the board of** state **canvassers** shall call

1 a meeting of the board of state canvassers ~~at his office~~ not later  
 2 than 20 days after the primary election. ~~, which date he~~ **The**  
 3 **secretary of state** shall ~~forthwith~~ **immediately** certify to the  
 4 ~~chairman~~ **chairperson** and secretary of the state central committee  
 5 of each political party ~~,~~ for the purpose of canvassing the returns  
 6 and declaring the results of the primary election for the  
 7 nomination of the candidates for ~~such~~ **those** offices.

8 (3) The ~~said~~ **board of state canvassers** shall proceed in the  
 9 same manner in canvassing the returns and in certifying, recording,  
 10 and determining results of a primary election for the nomination of  
 11 candidates for United States ~~senator~~ **Senator** and governor as is  
 12 done in canvassing the returns in the case of the election of state  
 13 officials.

14 (4) In canvassing the returns of a primary election for the  
 15 nomination of candidates for the offices of ~~representative~~  
 16 **Representative** in ~~congress~~ **Congress**, state senator, and  
 17 representatives in the legislature, in districts composed of more  
 18 than 1 county, ~~said~~ **the board of state canvassers** shall proceed in  
 19 ~~like~~ **the same** manner as is done in canvassing the returns ~~in case~~  
 20 ~~of~~ **for** the election of ~~representatives~~ **Representatives** in  
 21 ~~congress~~ **Congress**.

22 Sec. 795c. ~~(1)~~ The different parts of the ballot, such as  
 23 partisan, nonpartisan, and questions, ~~shall~~ **must** be prominently  
 24 indicated on the ballot label, and, if practicable, each part may  
 25 be placed on a separate page, column, or display. If 2 or more  
 26 elections are held on the same day, the ballot label ~~shall~~ **must** be  
 27 clearly marked to indicate the ballot for each election. In  
 28 partisan elections, the ballot label ~~shall not~~ **must** include a  
 29 position by which a voter may by a single selection record a

1 straight party ticket vote for all the candidates of 1 party.

2 ~~(2) For the 2015-2016 fiscal year, \$5,000,000.00 is~~  
3 ~~appropriated from the general fund to the department of state to~~  
4 ~~purchase voting equipment to implement the elimination of straight~~  
5 ~~party ticket voting.~~

6 **Sec. 814. A ballot cast by an eligible elector must not be**  
7 **rejected or otherwise not counted in a canvass, recount, or court**  
8 **order altering the certification of a canvassing board on the**  
9 **grounds that an election official failed to comply with a directive**  
10 **set forth in this act unless that ballot is otherwise ineligible**  
11 **under this act or federal law.**

12 Sec. 822. (1) The board of county canvassers shall then  
13 proceed without delay to canvass the returns of votes cast for all  
14 candidates for offices voted for and all questions voted on at the  
15 election, according to the precinct returns, **early voting returns,**  
16 **and absent voter counting board returns** filed with the probate  
17 judge or presiding probate judge by the several city and township  
18 clerks, or ~~in case of~~ **for** local elections according to the precinct  
19 returns filed with the county clerk, and must conclude the canvass  
20 at the earliest possible time and in every case no later than the  
21 fourteenth day after the election.

22 (2) If the board of county canvassers fails to certify the  
23 results of any election for any officer or proposition by the  
24 fourteenth day after the election as provided, the board of county  
25 canvassers shall immediately deliver to the secretary of the board  
26 of state canvassers all records and other information pertaining to  
27 the election. The board of state canvassers shall meet immediately  
28 and make the necessary determinations and certify the results  
29 ~~within the 10 days immediately following the receipt of the records~~



1 ~~from the board of county canvassers. The cost not later than the~~  
2 **twentieth day after the election. The board of county canvassers**  
3 **and all other county staff necessary to complete the canvass must**  
4 **be present at all times during the completion of the canvass by the**  
5 **board of state canvassers. All costs associated with the completion**  
6 of the canvass must be borne by the county involved.

7       Sec. 841. (1) The board of state canvassers shall canvass the  
8 returns and determine the result of all elections for electors of  
9 ~~president~~**President** and ~~vice president~~**Vice President** of the United  
10 States, state officers, United States ~~senators, representatives~~  
11 **Senators, Representatives** in ~~congress, Congress~~, circuit judges,  
12 state senators and representatives elected by a district that is  
13 located in more than 1 county, and other officers as required by  
14 law. The board of state canvassers shall also determine the result  
15 of an election on a proposed amendment to the constitution or on  
16 any other ballot question that has been submitted, pursuant to law,  
17 to the qualified and registered electors of this state at large for  
18 ratification or rejection. The board of state canvassers shall  
19 canvass the returns and determine the result of an election on a  
20 ballot question submitted to the qualified and registered electors  
21 of more than 1 county under the regional transit authority act,  
22 2012 PA 387, MCL 124.541 to 124.558. Upon making the determination,  
23 the board of state canvassers shall immediately prepare a  
24 certificate of determination and deliver the properly certified  
25 certificate of determination to the secretary of state.

26       (2) Upon receipt of a properly certified certificate of  
27 determination from a board of county canvassers ~~pursuant to~~**under**  
28 section 826, the board of state canvassers, at its next meeting,  
29 shall record the results of the county canvass contained in the

1 certificate.

2 (3) It is the ministerial, clerical, and nondiscretionary duty  
3 of a board of county canvassers, and each of the members of a board  
4 of county canvassers, to certify election results based solely on  
5 statements of returns from the precincts and absent voter counting  
6 boards in the county and any corrected returns.

7 (4) As used in this section and section 842, "to certify"  
8 means to make a signed, written statement.

9 Sec. 842. (1) The board of state canvassers, for the purpose  
10 of canvassing the returns and ascertaining and determining the  
11 result of an election, shall meet ~~at the office of the secretary of~~  
12 ~~state~~ on or before the twentieth day after the election. The  
13 secretary of **the board of state canvassers** shall appoint the day of  
14 the meeting, **which must be as soon as practicable after the receipt**  
15 **of the returns from the boards of county canvassers**, and shall  
16 notify the other members of the board. The board ~~has power to~~  
17 ~~adjourn from time to time to await the receipt or correction of~~  
18 ~~returns, or for other necessary purposes, but~~ shall complete the  
19 canvass and announce ~~their~~ **the board's** determination not later than  
20 the ~~fortieth~~ **twentieth** day after the election. The board may at the  
21 time of its meeting ~~, or an adjournment of its meeting,~~ canvass the  
22 returns for any office for which the ~~complete~~ returns have been  
23 received.

24 (2) If the unofficial election returns show that the election  
25 of electors of President and Vice President of the United States is  
26 determined by a vote differential between the first place and  
27 second place candidates for President and Vice President of the  
28 United States of less than 25,000 votes, the secretary of state  
29 shall direct the boards of county canvassers to canvass returns for

1 electors of President and Vice President of the United States on an  
 2 expedited schedule. The secretary of state may direct the boards of  
 3 county canvassers to complete the statements for electors of  
 4 President and Vice President of the United States required by  
 5 section 824 and certify the statements as required by section 828  
 6 to the secretary of state by the seventh day after the election or  
 7 by a date before the fourteenth day after the election.

8 (3) The secretary of **the board of state canvassers** may appoint  
 9 the day for the board of state canvassers to conduct the expedited  
 10 canvass of the returns for electors of President and Vice President  
 11 of the United States and determine the results of that election.  
 12 The day appointed for the expedited canvass must be as soon as  
 13 practicable after receipt of the returns from the boards of county  
 14 canvassers, but **the board of state canvassers shall complete the**  
 15 **canvass and announce the board's determination** no later than the  
 16 twentieth day after the election.

17 (4) **It is the ministerial, clerical, and nondiscretionary duty**  
 18 **of a board of county canvassers, and each of the members of a board**  
 19 **of county canvassers, to certify election results based solely on**  
 20 **statements of returns from the precincts and absent voter counting**  
 21 **boards in the county and any corrected returns.**

22 Sec. 846. ~~In case~~ **If** 2 or more persons ~~individuals~~ have an  
 23 equal and the highest number of votes for any office, as canvassed  
 24 by the board of state canvassers, ~~the board of state canvassers~~  
 25 ~~shall certify the result of the canvass as to such office to the~~  
 26 ~~legislature and the legislature in joint convention shall choose 1~~  
 27 ~~of said persons to fill such office. When the determination of the~~  
 28 ~~board of state canvassers is contested, the legislature in joint~~  
 29 ~~convention shall decide which person is elected.~~ **tie must be**

1 resolved and the winner certified as provided under section 852.