

**SUBSTITUTE FOR
HOUSE BILL NO. 5723**

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
4 and determine the nominees of the convention for membership on
5 the state board of education, the board of regents of the

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

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

22 Sec. 570. Paper ballots shall be numbered consecutively and
23 identified by use of the words "official primary ballot" on the
24 upper right hand corner ~~upon~~ **ON** the front of the ballot with a
25 perforated line across the corner and underneath the number and
26 identification so that the corner with the number and
27 identification may be torn off. The detachable corner stub shall

1 serve for the several party tickets and the ballot number shall
2 be printed upon the stub on 1 side only. A political party
3 designation shall not appear upon a ballot corner so numbered and
4 identified. After the ballots are trimmed and wrapped in sealed
5 packages, they shall be distributed for use at the primary
6 election in the same manner as is ~~now~~ provided by law for the
7 distribution of ballots to be used at general elections. Ballots
8 shall be prepared in substantially the following form:

9 OFFICIAL PRIMARY BALLOT

10 No.

11 OFFICIAL PRIMARY ELECTION BALLOT

12 Primary election to be held 1920.....

13 in the county of

14party.
15 (Vignette)

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

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

21 _____
22 State.

Legislative.

23 _____
24 Governor.

State Senator.

25District.

26 Vote for not more than one.

Vote for not more than one.

27 _____
28 [] 1 John Doe

[] 7 John Doe

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

26 Sec. 685. (1) The name of a candidate of a new political
27 party shall not be printed upon the official ballots of an
28 election unless the chairperson and secretary of the state
29 central committee of the party files with the secretary of state,
30 not later than 4 p.m. of the one hundred-tenth day before the
31 general November election, a certificate signed by the
32 chairperson and secretary of the state central committee bearing
33 the name of the party, together with petitions bearing the
34 signatures of registered and qualified electors equal to not less

1 than 1% of the total number of votes cast for all candidates for
2 governor at the last election in which a governor was elected.
3 The petitions shall be signed by at least 100 registered electors
4 in each of at least 1/2 of the congressional districts of ~~the~~
5 **THIS** state. All signatures on the petitions shall be obtained not
6 more than 180 days immediately before the date of filing.

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

17 (3) The petitions shall be in substantially the following
18 form:

19 PETITION TO FORM NEW POLITICAL PARTY

20 We, the undersigned, duly registered electors of the
21 city, township of county of
22 (strike one)
23 state of Michigan, residing at the places set opposite our
24 names, respectfully request the secretary of state, in
25 accordance with section 685 of the Michigan election law,
26 1954 PA 116, MCL 168.685, to ~~receive the certificate and~~
27 ~~vignette accompanying this petition, and place the names of~~

1 the candidates of the party on the
2 ballot at the election.

3 Warning: A person who knowingly signs petitions to organize
4 more than 1 new state political party, signs a petition to
5 organize a new state political party more than once, or signs a
6 name other than his or her own is violating the provisions of the
7 Michigan election law.

8
9
10

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

19 (5) Petitions circulated under this section may be
20 circulated on a countywide basis. A petition that is circulated
21 countywide shall be on a form prescribed by the secretary of
22 state.

23 (6) If the principal candidate of a political party receives
24 a vote equal to less than 1% of the total number of votes cast
25 for the successful candidate for the office of secretary of state

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

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

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

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

1 ~~for which the candidate was certified to have been~~
2 ~~nominated.~~ **UNDER THE NAME OF THE OFFICE FOR WHICH THE CANDIDATE**
3 **WAS CERTIFIED TO HAVE BEEN NOMINATED ALONG WITH THE POLITICAL**
4 **PARTY NAME UNDER THE CANDIDATE'S NAME.**

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

26 (3) In each instance, the determining board shall
27 immediately notify each candidate for the same office as the

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

1 not include reference to a previous position or occupation.

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

19 (5) The board of state canvassers shall issue guidelines to
20 ensure fairness and uniformity in the granting of designations
21 and 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,
25 and 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
2 act upon and to the various committees of the different political
3 organizations are hereby prescribed for city, village, or
4 township committees in matters pertaining to any city, village,
5 or township election, except that it shall not be necessary for a
6 city, township or village committee of a political party or
7 organization to furnish a ~~vignette or~~ heading for the ballots
8 other than to designate the name of the party or political
9 organization which they represent. In cities, villages, and
10 townships, the names of candidates for city, township, or village
11 offices ~~, as the case may be,~~ shall be given by the committees of
12 the various political organizations to the board of election
13 commissioners of ~~such~~ **THE** city, village, or township not less
14 than 18 days before each election, but it ~~shall~~ **IS** not be
15 necessary for any party committee to give to the board of
16 election commissioners the name of any candidate nominated at an
17 official primary election. The proof of the ballot shall be open
18 to public inspection at the office of the township, city, or
19 village clerk ~~, not less than 15 days before~~ ~~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
23 law, 1954 PA 116, MCL 168.685, as amended by this amendatory act,
24 takes effect January 1, 2017.

25 Enacting section 3. This amendatory act does not take effect
26 unless House Bill No. 4724 of the 98th Legislature is enacted
27 into law.