

**MICHIGAN ELECTION LAW (EXCERPT)**  
**Act 116 of 1954**

CHAPTER XXIV  
PRIMARY ELECTIONS

**168.531 Primary elections; nomination of candidates by direct vote.**

Sec. 531. Whenever any primary election shall be held in this state or in any city, county or district in this state, the nomination of candidates shall be made by direct vote of the qualified and registered electors of each political party participating therein as hereinafter prescribed.

**History:** 1954, Act 116, Eff. June 1, 1955.

**Popular name:** Election Code

**168.532 Nomination by caucus or convention where principal candidate receives less than 5% of vote cast for candidates for secretary of state.**

Sec. 532. A political party whose principal candidate received less than 5% of the total vote cast for all candidates for the office of secretary of state in the last preceding state election, either in the state or in any political subdivision affected, shall not make its nominations by the direct primary method. The nomination of all candidates of such parties shall be made by means of caucuses or conventions which shall be held and the names of the party's nominations filed at the time and manner provided in section 686a of this act. The term "principal candidate" of any party shall be construed to mean the candidate whose name shall appear nearest the top of the party column.

**History:** 1954, Act 116, Eff. June 1, 1955;—Am. 1973, Act 28, Imd. Eff. June 14, 1973.

**Popular name:** Election Code

**168.533 Applicability of act.**

Sec. 533. The provisions of this act relative to the conduct of elections shall be applicable as near as may be in all particulars to all regular and special primary elections except as the contrary is indicated.

**History:** 1954, Act 116, Eff. June 1, 1955.

**Popular name:** Election Code

**168.534 General primary; time; party candidates; condition to nomination.**

Sec. 534. A general primary of all political parties except as provided in sections 532 and 685 must be held in every election precinct in this state on the Tuesday after the first Monday in August before every general November election, at which time the qualified and registered voters of each political party may vote for party candidates for the office of governor, United States Senator, Representative in Congress, state senator, representative in the legislature, county executive, prosecuting attorney, sheriff, county clerk, county treasurer, register of deeds, drain commissioner, public works commissioner, county road commissioner, county mine inspector, surveyor, and candidates for office in townships. A nomination for an office must be made only if the official is to be elected at the next succeeding general November election.

**History:** 1954, Act 116, Eff. June 1, 1955;—Am. 1955, Act 271, Imd. Eff. June 30, 1955;—Am. 1963, 2nd Ex. Sess., Act 57, Imd. Eff. Dec. 27, 1963;—Am. 1976, Act 260, Imd. Eff. Aug. 12, 1976;—Am. 1988, Act 116, Imd. Eff. May 2, 1988;—Am. 2018, Act 224, Eff. Sept. 24, 2018.

**Compiler's note:** Section 2 of Act 116 of 1988 provides:

"If any portion of this amendatory act or the application of this amendatory act to any person or circumstances shall be found to be invalid by a court, the invalidity shall not affect the remaining portions or applications of this amendatory act which can be given effect without the invalid portion or application, if the remaining portions are not determined by the court to be inoperable, and to this end this amendatory act is declared to be severable."

**Popular name:** Election Code

**168.535 General primary; nomination of nonpartisan candidates.**

Sec. 535. A general primary shall be held in every election precinct in this state on the Tuesday succeeding the first Monday in August preceding every general November election, at which time the qualified and registered voters may vote for nonpartisan candidates for the office of judge of the court of appeals, judge of the circuit court, judge of probate and for circuit court commissioner in the years in which such officers are to be elected.

**History:** 1954, Act 116, Eff. June 1, 1955;—Am. 1955, Act 271, Imd. Eff. June 30, 1955;—Am. 1963, 2nd Ex. Sess., Act 57, Imd. Eff. Dec. 27, 1963.

**Popular name:** Election Code

**168.536, 168.537 Repealed. 1963, 2nd Ex. Sess., Act 57, Imd. Eff. Dec. 27, 1963.**

**Compiler's note:** The repealed sections provided for nomination in primary elections for certain local government offices.

**Popular name:** Election Code

**168.538 Primary election; notice; posting; publication.**

Sec. 538. Primary election notices shall be published and posted as provided in section 653a.

**History:** 1954, Act 116, Eff. June 1, 1955;—Am. 2003, Act 302, Eff. Jan. 1, 2005.

**Popular name:** Election Code

**168.539 City and county primary elections; not held when no opposition; certification of candidates; notice to city and township clerks, public notice.**

Sec. 539. If, upon the expiration of the time for filing petitions in any primary for city or county, it appears that there is no opposition to any candidate for any office upon any ticket, then the city or county clerk, as the case may be, shall certify to the board of election commissioners the names of all persons whose petitions have been properly filed and the office for which such petitions were filed, and such persons shall be declared by such board of election commissioners nominees for the respective offices, and such county clerk shall forthwith notify the several clerks of the townships and cities interested, if any, and give notice that the primary will not be held as contemplated, giving the reasons therefor, and a public notice shall be given of such determination by a brief notice published by such clerk in a newspaper circulated in such county.

**History:** 1954, Act 116, Eff. June 1, 1955.

**Popular name:** Election Code

**168.540 Nonpartisan primary elections; when not held; certification of candidates.**

Sec. 540. If, upon the expiration of the time for filing petitions for any nonpartisan primary election, it shall appear that as to any office on any nonpartisan ticket there are not to exceed twice the number of candidates as there are persons to be elected, then the officer with whom such petitions are filed shall certify to the proper board of election commissioners the names of such candidates whose petitions have been properly filed and such candidates shall be the nominees for such offices and shall be so certified. As to such offices, there shall be no primary election and such offices shall be omitted from the primary ballot.

**History:** 1954, Act 116, Eff. June 1, 1955.

**Popular name:** Election Code

**168.541 District primary elections; not held when no opposition; certification of candidates; notice to city and township clerks.**

Sec. 541. If upon the expiration of the time for filing petitions in any primary, the secretary of state shall find within a given district that there is no opposition for any office upon any ticket, he shall forthwith give notice to the clerk of the several counties embraced, at the same time certifying the names of the candidates and the office to which they aspire to the state board of canvassers, who shall declare them the nominees for the respective offices, and shall give notice to the clerk of the several counties embraced in such district, and if the clerk shall find that there is no opposition for any office upon any ticket for a county office, then it shall be the duty of such clerk to forthwith give notice to the several city and township clerks interested that a primary will not be held as contemplated, but in no event shall a primary election be abandoned in any township, city, county or district wherein there shall be opposition for any office upon any ticket.

**History:** 1954, Act 116, Eff. June 1, 1955.

**Popular name:** Election Code

PREPARATION AND FILING OF NOMINATING PETITIONS; FEES

**168.542 Nominating petitions; provisions governing.**

Sec. 542. The printing of the name of any person as a candidate for nomination by any political party for any office except a city or village under the particular party heading upon the official ballots for any primary election held in this state shall be obtained by following the provisions as set forth in the chapters of this act relative to the respective offices.

**History:** 1954, Act 116, Eff. June 1, 1955.

**Popular name:** Election Code

**168.543, 168.544 Repealed. 1965, Act 312, Eff. Jan. 1, 1966.**

**Compiler's note:** The repealed sections prescribed requirements for primary election nominating petitions.

Popular name: Election Code

**168.544a Nonpartisan nominating petitions; size, form, contents.**

Sec. 544a. The form, size and contents of all nonpartisan nominating petitions shall be the same as is provided in section 544c for partisan nominating petitions, except that under the heading "nominating petition" shall be printed in 12-point type the word "nonpartisan". The petition shall contain no reference to any political party.

History: Add. 1960, Act 23, Eff. Aug. 17, 1960;—Am. 1965, Act 312, Eff. Jan. 1, 1966.

Popular name: Election Code

**168.544b Candidates for judicial office; affidavit of qualifications to be filed with nominating petitions.**

Sec. 544b. (1) Except as provided in subsection (2), a person shall not qualify as a candidate for any judicial office of this state unless the person files an affidavit with his or her nominating petitions on a form prescribed by the secretary of state stating that he or she possesses the constitutional qualifications set forth in section 19 of article VI of the state constitution.

(2) In cases where candidates for judicial office are nominated at political party conventions, the chairperson and secretary of the party shall file the affidavit with the secretary of state not more than 1 business day after the conclusion of the convention.

History: Add. 1963, 2nd Ex. Sess., Act 57, Imd. Eff. Dec. 27, 1963;—Am. 1999, Act 216, Imd. Eff. Dec. 28, 1999.

Popular name: Election Code

**168.544c Nominating petition; type size; form; contents; circulation and signing; validity of elector's signature; agreement of circulator to accept jurisdiction; service with legal process; violations; misdemeanor; felony; sanctions; refusal of individual to comply with subpoena; applicability of section to all sections.**

Sec. 544c. (1) A nominating petition must be 8-1/2 inches by 14 inches in size. On a nominating petition, the words "nominating petition" must be printed in 24-point boldface type. "We, the undersigned," et cetera must be printed in 8-point type. "Warning" and language in the warning must be printed in 12-point boldface type. The balance of the petition must be printed in 8-point type. The name, address, and party affiliation of the candidate and the office for which petitions are signed must be printed in type not larger than 24-point. The petition must be in the following form:

NOMINATING PETITION  
(PARTISAN)

We, the undersigned, registered and qualified voters  
of the city or township of ..... , in the county  
(strike 1)

of ..... and state of Michigan, nominate,

..... ,  
(Name of Candidate)

..... ,  
(Street Address or Rural Route) (City or Township)

as a candidate of the ..... party for the office of ..... ,

..... ,  
(District, if any)

to be voted for at the primary election to be held on the ..... day of ..... , 20 .....

WARNING

A person who knowingly signs more petitions for the same office than there are persons to be elected to the office, signs a petition more than once, or signs a name other than his or her own is violating the provisions of the Michigan election law.

Printed Name and Signature	Street Address		Zip Code	Mo.	Date of Signing	
	or Rural Route				Day	Year

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_

numbered lines as above

## CERTIFICATE OF CIRCULATOR

The undersigned circulator of the above petition asserts that he or she is 18 years of age or older and a United States citizen; that each signature on the petition was signed in his or her presence; that he or she has neither caused nor permitted a person to sign the petition more than once and has no knowledge of a person signing the petition more than once; and that, to his or her best knowledge and belief, each signature is the genuine signature of the person purporting to sign the petition, the person signing the petition was at the time of signing a registered elector of the city or township listed in the heading of the petition, and the elector was qualified to sign the petition.

Circulator—Do not sign or date certificate until after circulating petition.

\_\_\_\_\_ If the circulator is not a resident of Michigan, the circulator shall make a cross or check mark on the line provided, otherwise each signature on this petition sheet is invalid and the signatures will not be counted by a filing official. By making a cross or check mark on the line provided, the undersigned circulator asserts that he or she is not a resident of Michigan and agrees to accept the jurisdiction of this state for the purpose of any legal proceeding or hearing that concerns a petition sheet executed by the circulator and agrees that legal process served on the secretary of state or a designated agent of the secretary of state has the same effect as if personally served on the circulator.

\_\_\_\_\_  
(Printed Name and Signature of Circulator) (Date)

\_\_\_\_\_  
(Complete Residence Address (Street and Number or Rural Route)) Do not enter a post office box

\_\_\_\_\_  
(City or Township, State, Zip Code)

\_\_\_\_\_  
(County of Registration, if Registered to Vote, of a Circulator who is not a Resident of Michigan)

Warning-A circulator knowingly making a false statement in the above certificate, a person not a circulator who signs as a circulator, or a person who signs a name other than his or her own as circulator is guilty of a misdemeanor.

(2) The petition must be in a form providing a space for the circulator and each elector who signs the petition to print his or her name. The secretary of state shall prescribe the location of the space for the printed name. The failure of the circulator or an elector who signs the petition to print his or her name, to print his or her name in the location prescribed by the secretary of state, or to enter a zip code or his or her correct zip code does not affect the validity of the signature of the circulator or the elector who signs the petition. A printed name located in the space prescribed for printed names does not constitute the signature of the circulator or elector. If an elector does not include his or her signature, his or her street address or rural route, or the date of signing on the petition as required under subsection (1), the elector's signature is invalid and must not be counted by a filing official.

(3) If the circulator of a petition under section 482, a qualifying petition for an office named in section 590b(4), or a petition to form a new political party under section 685 is not a resident of this state, the circulator shall indicate where provided on the certificate of circulator that he or she agrees to accept the jurisdiction of this state for the purpose of any legal proceeding or hearing initiated under section 476, 552, 590f(2), or 685 that concerns a petition sheet executed by the circulator and agrees that legal process served on the secretary of state or a designated agent of the secretary of state has the same effect as if personally served on the circulator.

(4) If the secretary of state or a designated agent of the secretary of state is served with legal process as described in subsection (3), the secretary of state shall promptly notify the circulator by personal service or certified mail at the circulator's residential address as indicated in the certificate of circulator.

(5) The circulator of a petition shall sign and date the certificate of circulator before the petition is filed. A circulator shall not obtain electors' signatures after the circulator has signed and dated the certificate of circulator. A filing official shall not count electors' signatures that were obtained after the date the circulator signed the certificate or that are contained in a petition that the circulator did not sign and date.

(6) Except as provided in section 544d, a petition sheet must not be circulated in more than 1 city or township and each signer of a petition sheet must be a registered elector of the city or township indicated in the heading of the petition sheet. The invalidity of 1 or more signatures on a petition does not affect the

validity of the remainder of the signatures on the petition.

(7) An individual shall not sign more nominating petitions for the same office than there are persons to be elected to the office. An individual who violates this subsection is guilty of a misdemeanor.

(8) An individual shall not do any of the following:

- (a) Sign a petition with a name other than his or her own.
- (b) Make a false statement in a certificate on a petition.
- (c) If not a circulator, sign a petition as a circulator.
- (d) Sign a name as circulator other than his or her own.

(9) Except as otherwise provided in subsection (10), an individual who violates subsection (8) is guilty of a misdemeanor punishable by a fine of not more than \$500.00 or imprisonment for not more than 93 days, or both.

(10) An individual shall not sign a petition with multiple names. An individual who violates this subsection is guilty of a felony.

(11) If after a canvass and a hearing on a petition under section 476 or 552 the board of state canvassers determines that an individual has knowingly and intentionally failed to comply with subsection (8) or (10), the board of state canvassers may impose 1 or more of the following sanctions:

(a) Disqualify obviously fraudulent signatures on a petition form on which the violation of subsection (8) or (10) occurred, without checking the signatures against local registration records.

(b) Disqualify from the ballot a candidate who committed, aided or abetted, or knowingly allowed the violation of subsection (8) or (10) on a petition to nominate that candidate.

(12) If an individual violates subsection (8) or (10) and the affected petition sheet is filed, each of the following who knew of the violation of subsection (8) or (10) before the filing of the affected petition sheet and who failed to report the violation to the secretary of state, the filing official, if different, the attorney general, a law enforcement officer, or the county prosecuting attorney is guilty of a misdemeanor, punishable by a fine of not more than \$500.00 or imprisonment for not more than 1 year, or both:

(a) The circulator of the petition, if different than the individual who violated subsection (8) or (10).

(b) If the petition is a nominating petition, the candidate whose nomination is sought.

(c) If the petition is a petition for a ballot question or recall, the organization or other person sponsoring the petition drive.

(13) If after a canvass and a hearing on a petition under section 476 or 552 the board of state canvassers determines that an individual has violated subsection (12), the board of state canvassers may impose 1 or more of the following sanctions:

(a) Impose on the organization or other person sponsoring the petition drive an administrative fine of not more than \$5,000.00.

(b) Charge the organization or other person sponsoring the petition drive for the costs of canvassing a petition form on which a violation of subsection (8) or (10) occurred.

(c) Disqualify an organization or other person described in subdivision (a) from collecting signatures on a petition for a period of not more than 4 years.

(d) Disqualify obviously fraudulent signatures on a petition form on which a violation of subsection (8) or (10) occurred without checking the signatures against local registration records.

(e) Disqualify from the ballot a candidate who committed, aided or abetted, or knowingly allowed a violation of subsection (8) or (10) on a petition to nominate that candidate.

(14) If an individual refuses to comply with a subpoena of the board of state canvassers in an investigation of an alleged violation of subsection (8), (10), or (12), the board may hold the canvass of the petitions in abeyance until the individual complies.

(15) A person who aids or abets another in an act that is prohibited by this section is guilty of that act.

(16) The provisions of this section except as otherwise expressly provided apply to all petitions circulated under authority of the election law.

**History:** Add. 1965, Act 312, Eff. Jan. 1, 1966;—Am. 1972, Act 22, Imd. Eff. Feb. 19, 1972;—Am. 1982, Act 408, Eff. Mar. 30, 1983;—Am. 1989, Act 142, Imd. Eff. June 29, 1989;—Am. 1990, Act 329, Imd. Eff. Dec. 21, 1990;—Am. 1993, Act 137, Eff. Jan. 1, 1994;—Am. 1999, Act 219, Eff. Mar. 10, 2000;—Am. 2002, Act 431, Imd. Eff. June 6, 2002;—Am. 2014, Act 94, Imd. Eff. Apr. 3, 2014;—Am. 2014, Act 418, Imd. Eff. Dec. 30, 2014;—Am. 2018, Act 650, Imd. Eff. Dec. 28, 2018.

**Popular name:** Election Code

#### **168.544d Nominating petitions for offices and purposes; circulation; form; identification of city or township; certificate of circulator; other form not prohibited.**

Sec. 544d. Nominating petitions for the offices under this act and petitions for a local proposal may be circulated on a countywide form. Petitions circulated countywide must be on a form prescribed by the

secretary of state, which form must be substantially as provided in sections 482, 544a, or 544c, whichever is applicable. The secretary of state may provide for a petition form larger than 8-1/2 inches by 13 inches and shall provide for identification of the city or township in which the person signing the petition is registered. The certificate of the circulator may be on the reverse side of the petition. This section does not prohibit the circulation of petitions on another form prescribed by this act.

**History:** Add. 1975, Act 327, Imd. Eff. Jan. 12, 1976;—Am. 1988, Act 114, Imd. Eff. May 2, 1988;—Am. 1988, Act 116, Imd. Eff. May 2, 1988;—Am. 1999, Act 218, Eff. Mar. 10, 2000;—Am. 2018, Act 608, Imd. Eff. Dec. 28, 2018.

**Compiler's note:** Section 2 of Act 116 of 1988 provides:

“If any portion of this amendatory act or the application of this amendatory act to any person or circumstances shall be found to be invalid by a court, the invalidity shall not affect the remaining portions or applications of this amendatory act which can be given effect without the invalid portion or application, if the remaining portions are not determined by the court to be inoperable, and to this end this amendatory act is declared to be severable.”

**Popular name:** Election Code

**168.544e Canvassing petitions; number designations for months.**

Sec. 544e. When canvassing petitions filed pursuant to this act, the official canvassing the petitions shall accept number designations for the months of the year in lieu of the names of the months.

**History:** Add. 1975, Act 327, Imd. Eff. Jan. 12, 1976.

**Popular name:** Election Code

**168.544f Number of signatures required.**

Sec. 544f. The number of signatures of qualified and registered electors necessary for nominating petitions under this act, based upon the population of the district involved according to the most recent federal census, is as follows:

Population	Partisan Petition		Non Partisan Petition		Qualifying Petition	
	Min	Max	Min	Max	Min	Max
0 - 9,999	3	10	6	20	9	30
10,000 - 24,999	20	50	40	100	60	150
25,000 - 49,999	50	100	100	200	150	300
50,000 - 74,999	100	200	200	400	300	600
75,000 - 99,999	200	400	400	800	600	1,200
100,000 - 199,999	300	500	600	1,000	900	1,500
200,000 - 499,999	500	1,000	1,000	2,000	1,500	3,000
500,000 - 999,999	1,000	2,000	2,000	4,000	3,000	6,000
1,000,000 - 1,999,999	2,000	4,000	4,000	8,000	6,000	12,000
2,000,000 - 4,999,999	4,000	8,000	6,200	12,000	12,000	24,000
Over 5 million (statewide)	15,000	30,000	30,000	60,000	30,000	60,000

**History:** Add. 1999, Act 218, Eff. Mar. 10, 2000.

**Popular name:** Election Code

**168.545 Nominating petitions; combination of two offices.**

Sec. 545. In those instances in which the duties of 2 offices are combined, all nominating petitions shall include and name the 2 offices.

**History:** 1954, Act 116, Eff. June 1, 1955.

**Popular name:** Election Code

**168.546 Nominating petitions; supply by county and city clerks; printing by candidate.**

Sec. 546. The various county clerks and city clerks shall prepare and keep on hand blank forms of nominating petitions for use of the electors and candidates in said city or county. Nothing herein contained shall be construed to prohibit any candidate from having his own nominating petitions printed, but they must comply substantially with the above form.

**History:** 1954, Act 116, Eff. June 1, 1955.

**Popular name:** Election Code

**168.547 Repealed. 1965, Act 312, Eff. Jan. 1, 1966.**

**Compiler's note:** The repealed section made it unlawful for voter to sign more than one nominating petition for the same office.

**Popular name:** Election Code

**168.547a Nominating petitions; signatures by voters, number, counting.**

Sec. 547a. If a qualified and registered voter signs nominating petitions for a greater number of candidates for public office than the number of persons to be elected thereto, his signatures, if they bear the same date, shall not be counted upon any petition, and if they bear different dates shall be counted in the order of their priority of date for only so many candidates as there are persons to be elected.

**History:** Add. 1959, Act 44, Eff. Mar. 19, 1960.

**Popular name:** Election Code

**168.548 Nominating petitions; maximum number of signatures.**

Sec. 548. It shall be unlawful for any candidate to wilfully and intentionally procure more names upon nominating petitions than the maximum number prescribed in this act.

**History:** 1954, Act 116, Eff. June 1, 1955.

**Popular name:** Election Code

**168.549 Nominating petitions; excess signatures, counting.**

Sec. 549. If any nominating petitions contain more than the necessary percentage of names, the excess over 1% shall neither be considered nor counted.

**History:** 1954, Act 116, Eff. June 1, 1955.

**Popular name:** Election Code

**168.550 Candidates for nomination; qualification upon compliance with act.**

Sec. 550. No candidate shall have his name printed upon any official primary election ballot of any political party in any voting precinct in this state unless he shall have filed nominating petitions according to the provisions of this act, and all other requirements of this act have been complied within his behalf, except in those counties qualifying candidates upon the payment of fees.

**History:** 1954, Act 116, Eff. June 1, 1955.

**Popular name:** Election Code

**168.551 Nominating petitions or filing fees; filing period.**

Sec. 551. Until December 31, 2013, the secretary of state and the various county, township, and city clerks shall receive nominating petitions or filing fees filed under this act up to 4 p.m., eastern standard time, of the twelfth Tuesday before the August primary. Beginning January 1, 2014, the secretary of state and the various county, township, and city clerks shall receive nominating petitions or filing fees filed under this act up to 4 p.m., eastern standard time, of the fifteenth Tuesday before the August primary. The provisions of this section do not apply to a city that does not nominate its officers under the provisions of this act.

**History:** 1954, Act 116, Eff. June 1, 1955;—Am. 1955, Act 271, Imd. Eff. June 30, 1955;—Am. 1963, 2nd Ex. Sess., Act 57, Imd. Eff. Dec. 27, 1963;—Am. 1990, Act 7, Imd. Eff. Feb. 12, 1990;—Am. 2012, Act 276, Eff. Aug. 16, 2012.

**Popular name:** Election Code

**168.551a Repealed. 1956, Act 37, Imd. Eff. Mar. 28, 1956.**

**Compiler's note:** The repealed section provided for contents and filing of nominating petitions at any nonpartisan judicial primary.

**Popular name:** Election Code

**168.552 Nominating petitions; certification by county or city clerk; sworn complaint; investigation to determine validity of signatures and genuineness of petition; examination of petitions; declaration of sufficiency or insufficiency of petitions; review; filing of nominating petitions with secretary of state; notification; canvass of petitions; hearing; subpoenas; oaths; adjournment; completion of canvass; availability to public; declaration; request for notice of approval or rejection of petition; judicial review; use of qualified voter file; certification to boards of election commissioners.**

Sec. 552. (1) The county or city clerk, after the last day specified in this act for receiving and filing nominating petitions, shall immediately certify to the proper board or boards of election commissioners in the city, county, district, or state the name and post office address of each party candidate whose petitions meet the requirements of this act, together with the name of the political party and the office for which he or she is a candidate.

(2) If the county clerk receives a sworn complaint, in writing, questioning the registration or genuineness of the signature of the circulator or of a person signing a petition filed with the county clerk for an office, the county clerk shall commence an investigation. The county clerk shall cause the petition that he or she considers necessary to be forwarded to the proper city clerk or township clerk to compare the signatures appearing on the petition with the signatures appearing on the registration record as required by subsection (13). The county clerk may conduct the signature comparisons as required by subsection (13) using the digitized signatures in the qualified voter file, in lieu of requesting the local clerk to conduct the signature comparison. If the request has been made by the county clerk, the city clerk or township clerk shall complete the investigation and report his or her findings to the county clerk within 7 days after the request. The investigation shall include the validity of the signatures and the genuineness of a petition as is specified in the sworn complaint and may include any other doubtful signatures or petitions filed on behalf of the candidate against whose petitions the sworn complaint is directed, as the county clerk considers necessary. The county clerk is not required to act on a complaint respecting the validity and genuineness of signatures on a petition unless the complaint sets forth the specific signatures claimed to be invalid and the specific petition for which the complaint questions the validity and genuineness of the signature or registration of the circulator, and unless the complaint is received by the county clerk within 7 days after the deadline for the filing of the nominating petitions.

(3) In addition to the duty specified in subsection (2) for the examination of petitions, the county clerk, on his or her own initiative, on receipt of the nominating petitions, may examine the petitions, and if after examination the county clerk is in doubt as to the validity of the registration or genuineness of the signature of the circulator or persons signing or purported to have signed the petitions, the county clerk shall commence an investigation. Subject to subsection (13), the county clerk shall cause the petitions in question to be forwarded to the proper city clerk or township clerk to compare the signatures appearing on the petitions with the signatures appearing on the registration records. The county clerk may conduct the signature comparisons as required by subsection (13) using the digitized signatures in the qualified voter file, in lieu of requesting the local clerk to conduct the signature comparison.

(4) The clerk of a political subdivision shall cooperate fully with the county clerk in a request made to the clerk by the county clerk in determining the validity of doubtful signatures by checking the signatures against registration records in an expeditious and proper manner.

(5) At least 2 business days before the county clerk makes a final determination on challenges to and sufficiency of a petition, the county clerk shall make public its staff report concerning disposition of challenges filed against the petition. Beginning with the receipt of any document from local election officials under subsection (2) or (3), the county clerk shall make that document available to petitioners and challengers on a daily basis.

(6) Upon the completion of the investigation or examination, the county clerk shall immediately make an official declaration of the sufficiency or insufficiency of nominating petitions for which a sworn complaint has been received or of the sufficiency or insufficiency of nominating petitions that the county clerk has examined or investigated on his or her own initiative. A person feeling aggrieved by a determination made by the county clerk may have the determination reviewed by the secretary of state by filing a written request with the secretary of state within 3 days after the official declaration of the county clerk, unless the third day falls on a Saturday, Sunday, or legal holiday, in which case the request may be filed not later than 4 p.m. on the



next day that is not a Saturday, Sunday, or legal holiday. Alternatively, the aggrieved person may have the determination of the county clerk reviewed by filing a mandamus, certiorari, or other appropriate remedy in the circuit court. A person who filed a nominating petition and feels aggrieved by the determination of the secretary of state may then have that determination reviewed by mandamus, certiorari, or other appropriate remedy in the circuit court.

(7) A city clerk with whom nominating petitions are filed may examine the petitions and investigate the validity and genuineness of signatures appearing on the petitions. Subject to subsection (13), the city clerk may check the signatures against registration records. The city clerk shall make a determination as to the sufficiency or insufficiency of the petitions upon the completion of the examination or investigation, and shall make an official declaration of the findings. A person feeling aggrieved by the determination has the same rights of review as in case of a determination by the county clerk.

(8) Upon the filing of nominating petitions with the secretary of state, the secretary of state shall notify the board of state canvassers within 5 days after the last day for filing the petitions. The notification shall be by first-class mail. Upon the receipt of the nominating petitions, the board of state canvassers shall canvass the petitions to ascertain if the petitions have been signed by the requisite number of qualified and registered electors. Subject to subsection (13), for the purpose of determining the validity of the signatures, the board of state canvassers may cause a doubtful signature to be checked against the qualified voter file or the registration records by the clerk of a political subdivision in which the petitions were circulated. If the board of state canvassers receives a sworn complaint, in writing, questioning the registration of or the genuineness of the signature of the circulator or of a person signing a nominating petition filed with the secretary of state, the board of state canvassers shall commence an investigation. Subject to subsection (13), the board of state canvassers shall verify the registration or the genuineness of a signature as required by subsection (13). If the board is unable to verify the genuineness of a signature on a petition, the board shall cause the petition to be forwarded to the proper city clerk or township clerk to compare the signatures on the petition with the signatures on the registration record, or in some other manner determine whether the signatures on the petition are valid and genuine. The board of state canvassers is not required to act on a complaint respecting the validity and genuineness of signatures on a petition unless the complaint sets forth the specific signatures claimed to be invalid and the specific petition for which the complaint questions the validity and genuineness of the signature or the registration of the circulator, and unless the complaint is received by the board of state canvassers within 7 days after the deadline for filing the nominating petitions. After receiving a request from the board of state canvassers under this subsection, the clerk of a political subdivision shall cooperate fully in determining the validity of doubtful signatures by rechecking the signatures against registration records in an expeditious and proper manner. The board of state canvassers may extend the 7-day challenge period if it finds that the challenger did not receive a copy of each petition sheet that the challenger requested from the secretary of state. The extension of the challenge deadline under this subsection does not extend another deadline under this section.

(9) The board of state canvassers may hold a hearing upon a complaint filed or for a purpose considered necessary by the board of state canvassers to conduct an investigation of the petitions. In conducting a hearing, the board of state canvassers may issue subpoenas and administer oaths. The board of state canvassers may also adjourn periodically awaiting receipt of returns from investigations that are being made or for other necessary purposes, but shall complete the canvass not less than 9 weeks before the primary election at which candidates are to be nominated. Before making a final determination, the board of state canvassers may consider any deficiency found on the face of the petition that does not require verification against data maintained in the qualified voter file or in the voter registration files maintained by a city or township clerk.

(10) At least 2 business days before the board of state canvassers meets to make a final determination on challenges to and sufficiency of a petition, the board shall make public its staff report concerning disposition of challenges filed against the petition. Beginning with the receipt of any document from local election officials under subsection (8), the board of state canvassers shall make that document available to candidates and challengers on a daily basis.

(11) An official declaration of the sufficiency or insufficiency of a nominating petition shall be made by the board of state canvassers not less than 60 days before the primary election at which candidates are to be nominated. At the time of filing a nominating petition with the secretary of state, the person filing the petition may request a notice of the approval or rejection of the petition. If a request is made at the time of filing the petition, the secretary of state, immediately upon the determination of approval or rejection, shall transmit by registered mail to the person making the request an official notice of the sufficiency or insufficiency of the petitions.

(12) A person who filed a nominating petition with the secretary of state and who feels aggrieved by a

determination made by the board of state canvassers may have the determination reviewed by mandamus, certiorari, or other appropriate process in the supreme court.

(13) The qualified voter file may be used to determine the validity of petition signatures by verifying the registration of signers. If the qualified voter file indicates that, on the date the elector signed the petition, the elector was not registered to vote, there is a rebuttable presumption that the signature is invalid. If the qualified voter file indicates that, on the date the elector signed the petition, the elector was not registered to vote in the city or township designated on the petition, there is a rebuttable presumption that the signature is invalid. The qualified voter file shall be used to determine the genuineness of a signature on a petition. Signature comparisons shall be made with the digitized signatures in the qualified voter file. The county clerk or the board of state canvassers shall conduct the signature comparison using digitized signatures contained in the qualified voter file for their respective investigations. If the qualified voter file does not contain a digitized signature of an elector, the city or the township clerk shall compare the petition signature to the signature contained on the master card.

(14) Not less than 60 days before the primary election at which candidates are to be nominated, the secretary of state shall certify to the proper boards of election commissioners in the various counties in the state, the name and post office address of each partisan or nonpartisan candidate whose petitions have been filed with the secretary of state and meet the requirements of this act, together with the name of the political party, if any, and the office for which he or she is a candidate.

**History:** 1954, Act 116, Eff. June 1, 1955;—Am. 1956, Act 125, Imd. Eff. Apr. 13, 1956;—Am. 1958, Act 25, Imd. Eff. Apr. 3, 1958;—Am. 1963, Act 193, Eff. Sept. 6, 1963;—Am. 1978, Act 338, Imd. Eff. July 11, 1978;—Am. 1990, Act 7, Imd. Eff. Feb. 12, 1990;—Am. 1999, Act 220, Eff. Mar. 10, 2000;—Am. 2003, Act 188, Imd. Eff. Oct. 31, 2003;—Am. 2005, Act 71, Eff. Jan. 1, 2007.

**Compiler's note:** Enacting section 4 of Act 71 of 2005 provides:

"Enacting section 4. If any portion of this amendatory act or the application of this amendatory act to any person or circumstances is found invalid by a court, the invalidity shall not affect the remaining portions or applications of this amendatory act that can be given effect without the invalid portion or application, if the remaining portions are not determined by the court to be inoperable, and to this end this amendatory act is declared to be severable."

**Popular name:** Election Code

#### **168.552a Validity of petition or signature.**

Sec. 552a. (1) Notwithstanding any other provision of this act to the contrary, a petition or a signature is not invalid solely because the designation of city or township has not been made on the petition form if a city and an adjoining township have the same name.

(2) Notwithstanding any other provision of this act to the contrary, if a person who signs a petition uses his or her mailing address on the petition and that mailing address incorporates the political jurisdiction in which the person is registered to vote, that signature shall be counted if the signature is otherwise determined to be genuine and valid under this act.

**History:** Add. 1995, Act 261, Eff. Mar. 28, 1996.

**Popular name:** Election Code

#### **168.553 Nominating petitions; insufficiency, notice to candidate.**

Sec. 553. In case it is determined that the nominating petitions of any candidate do not comply with the requirements of this act, or if for any other cause such candidate is not entitled to have his name printed upon the official primary ballots, it shall be the duty of the secretary of state or county or city clerk to immediately notify such candidate of such fact, together with a statement of the reasons why his name was not certified to the respective boards of election commissioners.

**History:** 1954, Act 116, Eff. June 1, 1955.

**Popular name:** Election Code

#### **168.554 List of candidates; posting.**

Sec. 554. The secretary of state or county or city clerk shall forthwith prepare and publicly expose in his office a list of the candidates who have filed nominating petitions or filing fees in his office, as near as may be, as they will appear upon the official primary election ballots.

**History:** 1954, Act 116, Eff. June 1, 1955;—Am. 1955, Act 271, Imd. Eff. June 30, 1955.

**Popular name:** Election Code

#### **168.554a Repealed. 1971, Act 5, Eff. Mar. 30, 1972.**

**Compiler's note:** The repealed section pertained to time for filing candidate's filing fee.

**Popular name:** Election Code

### **168.555 Nominating petitions and filing fees; public record, contents; public inspection.**

Sec. 555. The various officers named herein shall keep a public record of the nominating petitions and filing fees filed in a book for that purpose, which record shall indicate the names of the candidates, the offices sought, and the dates when such nominating petitions or filing fees were filed. All such nominating petitions shall be open to public inspection and subject to examination after being filed in the office of the secretary of state, county clerk or city clerk, in accordance with such reasonable rules and regulations as may be prescribed by such officers.

**History:** 1954, Act 116, Eff. June 1, 1955;—Am. 1955, Act 271, Imd. Eff. June 30, 1955.

**Popular name:** Election Code

### **168.556 Nominating petitions; final disposition, record.**

Sec. 556. All nominating petitions filed under the provisions of this act shall be preserved by the secretary of state, county, city, village or township clerk, as the case may be, until the first day of January following the primary election for which the same were filed. At the expiration of that period, the secretary of state, county, city, village or township clerk may destroy all nominating petitions, the return of which has not been requested. In the record of nominating petitions, the various officers keeping such record shall cause entries to be made, stating the final disposition of each candidate's petition.

**History:** 1954, Act 116, Eff. June 1, 1955.

**Popular name:** Election Code

### **168.557 Repealed. 2002, Act 163, Imd. Eff. Apr. 9, 2002.**

**Compiler's note:** The repealed section pertained to requirements for nominating petitions.

**Popular name:** Election Code

### **168.558 Filing nominating petition, qualifying petition, filing fee, or affidavit of candidacy; affidavit of identity; requirement to indicate name change; exception; statement; noncompliance; selection of office to which candidacy restricted; failure to make selection; perjury separate violation.**

Sec. 558. (1) When filing a nominating petition, qualifying petition, filing fee, or affidavit of candidacy for a federal, county, state, city, township, village, metropolitan district, or school district office in any election, a candidate shall file with the officer with whom the petitions, fee, or affidavit is filed 2 copies of an affidavit of identity. A candidate nominated for a federal, state, county, city, township, or village office at a political party convention or caucus shall file an affidavit of identity within 1 business day after being nominated with the secretary of state. The affidavit of identity filing requirement does not apply to a candidate nominated for the office of President of the United States or Vice President of the United States.

(2) An affidavit of identity must contain the candidate's name and residential address; a statement that the candidate is a citizen of the United States; the title of the office sought including the jurisdiction, district, circuit, or ward; the candidate's political party or a statement indicating no party affiliation if the candidate is running without political party affiliation; the term of office; the date of the election in which the candidate wishes to appear on the ballot; a statement that the candidate meets the constitutional and statutory qualifications for the office sought; other information that may be required to satisfy the officer as to the identity of the candidate; and the manner in which the candidate wishes to have his or her name appear on the ballot. If a candidate is using a name that is not a name that he or she was given at birth, the candidate shall include on the affidavit of identity the candidate's full former name. If the affidavit of identity is for a candidate for precinct delegate, the candidate shall include his or her precinct number on the affidavit of identity. If the affidavit of identity is for a judicial candidate, the candidate shall include on the affidavit of identity whether the office sought is an incumbent position, a nonincumbent position, or a new judgeship.

(3) The requirement to indicate a name change on the affidavit of identity does not apply if the name in question is 1 of the following:

- (a) A name that was formally changed at least 10 years before filing as a candidate.
- (b) A name that was changed in a certificate of naturalization issued by a federal district court at the time the individual became a naturalized citizen at least 10 years before filing as a candidate.
- (c) A name that was changed because of marriage.
- (d) A name that was changed because of divorce, but only if to a legal name by which the individual was previously known.

(e) A name that constitutes a common law name as provided in section 560b.

(4) An affidavit of identity must include a signed and notarized statement that as of the date of the

affidavit, all statements, reports, late filing fees, and fines required of the candidate or any candidate committee organized to support the candidate's election under the Michigan campaign finance act, 1976 PA 388, MCL 169.201 to 169.282, have been filed or paid; and a statement that the candidate acknowledges that making a false statement in the affidavit is perjury, punishable by a fine up to \$1,000.00 or imprisonment for up to 5 years, or both. If a candidate files the affidavit of identity with an officer other than the county clerk or secretary of state, the officer shall immediately forward to the county clerk 1 copy of the affidavit of identity by first-class mail, facsimile, or electronic transmission. The county clerk shall immediately forward 1 copy of the affidavit of identity for state and federal candidates to the secretary of state by first-class mail, facsimile, or electronic transmission. An officer shall not certify to the board of election commissioners the name of a candidate who fails to comply with this section, or the name of a candidate who executes an affidavit of identity that contains a false statement with regard to any information or statement required under this section.

(5) If petitions or filing fees are filed by or on behalf of a candidate for more than 1 office, either federal, state, county, city, village, township, metropolitan district, or school district, the terms of which run concurrently or overlap, the candidate so filing, or on behalf of whom petitions or fees were so filed, shall select the 1 office to which his or her candidacy is restricted within 3 days after the last day for the filing of petitions or filing fees unless the petitions or filing fees are filed for 2 offices that are combined or for offices that are not incompatible. Failure to make the selection disqualifies a candidate with respect to each office for which petitions or fees were so filed and the name of the candidate must not be printed upon the ballot for those offices. A vote cast for that candidate at the ensuing primary or general election must not be counted and is void.

(6) A violation of this section for perjury is distinct and separate from any violation of the Michigan campaign finance act, 1976 PA 388, MCL 169.201 to 169.282.

**History:** 1954, Act 116, Eff. June 1, 1955;—Am. 1955, Act 271, Imd. Eff. June 30, 1955;—Am. 1956, Act 190, Imd. Eff. Apr. 26, 1956;—Am. 1964, Act 190, Imd. Eff. May 20, 1964;—Am. 1984, Act 394, Imd. Eff. Dec. 28, 1984;—Am. 1992, Act 264, Eff. Jan. 1, 1993;—Am. 1996, Act 583, Eff. Mar. 31, 1997;—Am. 1997, Act 137, Imd. Eff. Nov. 17, 1997;—Am. 1999, Act 217, Eff. Mar. 10, 2000;—Am. 2002, Act 163, Imd. Eff. Apr. 9, 2002;—Am. 2012, Act 128, Imd. Eff. May 14, 2012;—Am. 2012, Act 586, Imd. Eff. Jan. 7, 2013;—Am. 2014, Act 94, Imd. Eff. Apr. 3, 2014;—Am. 2018, Act 650, Imd. Eff. Dec. 28, 2018;—Am. 2021, Act 158, Imd. Eff. Dec. 27, 2021.

**Popular name:** Election Code

## PREPARATION AND DISTRIBUTION OF BALLOTS

### **168.559 Official primary election ballots; preparation, distribution.**

Sec. 559. It shall be the duty of the board of election commissioners of each county in this state to prepare and furnish the necessary official primary election ballots, except for city offices, which may be required for use by the electors of any political party at the August primary.

**History:** 1954, Act 116, Eff. June 1, 1955.

**Popular name:** Election Code

### **168.560 Ballots; use; size.**

Sec. 560. Ballots other than those furnished by the board of election commissioners, according to the provisions of this act, shall not be used, cast, or counted in any election precinct at any election. The size of all official ballots shall be as the board of election commissioners prescribes.

**History:** 1954, Act 116, Eff. June 1, 1955;—Am. 2012, Act 128, Imd. Eff. May 14, 2012.

**Popular name:** Election Code

### **168.560a General election ballot; listing political party and name; qualification.**

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

**History:** Add. 1976, Act 94, Imd. Eff. Apr. 22, 1976;—Am. 2017, Act 113, Eff. Oct. 25, 2017.

**Constitutionality:** The Michigan supreme court, in *Socialist Workers Party v Secretary of State*, 412 Mich 571; 317 NW2d 1 (1982), held that 1976 PA 94, which added this section, violates Const 1963, art 1, § 2 and art 2, § 4, and the first and fourteenth amendments to the United States Constitution.

**Popular name:** Election Code

### **168.560b Name appearing on ballot; change; appearance of given and middle name;**

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**nickname; common law name; married name; violation.**

Sec. 560b. (1) A candidate required to indicate a name change on the affidavit of identity under section 558 shall be listed on the ballot with his or her current name and former name as prescribed by the secretary of state.

(2) Subject to subsections (3) and (4), both a candidate's given name and surname that he or she was given at birth, and only those names, shall appear on the ballot, except under 1 of the following circumstances:

(a) The name in question, whether a given name, a surname, or otherwise, is a name that was formally changed.

(b) The candidate is subject to subsection (1).

(c) The name in question, whether a given name, a surname, or otherwise, is 1 of the following:

(i) A name that was changed in a certificate of naturalization issued by a federal district court at the time the individual became a naturalized citizen at least 10 years before filing as a candidate.

(ii) A name that was changed because of marriage.

(iii) A name that was changed because of divorce, but only if to a legal name by which the individual was previously known.

(3) A candidate may specify that both his or her given name and middle name, or only a middle name, shall appear on the ballot. A candidate may specify that either an initial or a recognized diminutive for the candidate's given or middle name, or for both, shall appear on the ballot. In addition, a candidate may specify that a common law name used in accordance with Michigan department of state guidelines for use of a common law name on a driver license or state personal identification card shall appear on that ballot.

(4) A candidate is prohibited from specifying that a nickname that is not a recognized diminutive of the candidate's common law name, given name, or middle name appear on the ballot. A married individual is prohibited from specifying that his or her spouse's given name, or an alternative for that given name otherwise permitted under subsection (3), appear on the ballot.

(5) A ballot that would violate this section shall not be produced, printed, or distributed.

**History:** Add. 2002, Act 163, Imd. Eff. Apr. 9, 2002;—Am. 2012, Act 128, Imd. Eff. May 14, 2012.

**Compiler's note:** Former MCL 168.560b, which pertained to primary election ballot and rights of voters, was repealed by Act 116 of 1988, Imd. Eff. May 2, 1988.

**Popular name:** Election Code

**168.561 Official primary election ballots; offices for which name of candidate to be included; filing request for clarifying designation of same or similar surnames; notice of determination; appeal; printing occupation, date of birth, or residence of candidate; incumbency designation; guidelines.**

Sec. 561. (1) The ballots prepared by the board of election commissioners in each county for use by the electors of a political party at a primary election shall include the name of each candidate of the political party for the office of governor, United States senator, and district offices; for the county, the name of each candidate of the political party for county offices; and for each township, the name of each candidate of the political party for township offices.

(2) If, in a district that is a county or entirely within 1 county, 2 or more candidates, including candidates for nonpartisan offices, for the same office have the same or similar surnames, a candidate may file a written request with the board of county election commissioners for a clarifying designation. The request shall be filed not later than 3 days after the last date for filing nominating petitions. Not later than 3 days after the filing of the request, the board of county election commissioners shall determine whether a similarity exists and whether a clarifying designation should be granted. In a district located in more than 1 county, the board of state canvassers shall make a determination whether to grant a clarifying designation upon the written request of a candidate who files nominating petitions with the secretary of state. The request shall be filed with the state board of canvassers not later than 5 days after the last date for filing nominating petitions. The board of state canvassers shall make its determination at the same time it makes a declaration of the sufficiency or insufficiency of nominating petitions in compliance with section 552.

(3) In each instance, the determining board shall immediately notify each candidate for the same office as the requester that a request for a clarifying designation has been made and of the date, time, and place of the hearing. The requester and each candidate for the same office shall be notified of the board's determination by first-class mail sent within 24 hours after the final date for the determination. A candidate who is dissatisfied with the determination of the board of county election commissioners may file an appeal in the circuit court of the county where the board is located. A candidate who is dissatisfied with the determination of the board of state canvassers may file an appeal in the Ingham county circuit court. The appeal shall be filed within 14

days after the final date for determination by the board. The court shall hear the matter de novo. Except as provided in subsection (4), in the case of the same surname or of a final determination by the board or by the court before the latest date that the board can arrange the ballot printing of the existence of similarity, the board shall print the occupation, date of birth, or residence of each of the candidates on the ballot or ballot labels under their respective names. The term "occupation" includes a currently held political office, even though it is not the candidate's principal occupation, but does not include reference to a previous position or occupation.

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

(5) The board of state canvassers shall issue guidelines to ensure fairness and uniformity in the granting of designations and may issue guidelines relating to what constitutes the same or similar surnames. The board of state canvassers and the boards of county election commissioners shall follow the guidelines.

**History:** 1954, Act 116, Eff. June 1, 1955;—Am. 1955, Act 271, Imd. Eff. June 30, 1955;—Am. 1966, Act 328, Imd. Eff. July 19, 1966;—Am. 1967, Act 36, Eff. Nov. 2, 1967;—Am. 1976, Act 260, Imd. Eff. Aug. 12, 1976;—Am. 2002, Act 163, Imd. Eff. Apr. 9, 2002.

**Popular name:** Election Code

#### **168.561a Official ballots; designation of candidate with same given and surname as incumbent.**

Sec. 561a. In any primary election whenever any candidate for public office has the same given and surname as the name of the person last elected to such office, when the person last elected is not seeking renomination, below the name of said candidate on the ballot shall appear the words "not the present ....." and in said space shall be printed the title of the office sought. The size of type used in any other designation on the ballot shall not be reduced in size from the size of type normally used.

**History:** Add. 1960, Act 88, Imd. Eff. Apr. 25, 1960.

**Compiler's note:** Act 269 of 2001, which was approved by the Governor and filed with the Secretary of State on January 11, 2002, provided for the amendment of MCL 168.31, 168.73, 168.283, 168.393, 168.509y, 168.509aa, 168.561a, 168.624, 168.624a, 168.686, 168.706, 168.727, 168.737, 168.745, 168.769, 168.782b, 168.795, 168.795c, 168.797a, 168.798c, 168.799a, 168.803, 168.804, 168.842, and 168.931 of, the addition of Sec. 701 to, and the repeal of Sec. 509 of, Act 116 of 1954, known as the Michigan Election Law. A petition seeking a referendum on Act 269 of 2001 was filed with the Secretary of State. The Board of State Canvassers officially declared the sufficiency of the referendum petition on May 14, 2002. Const 1963, art 2, sec 9, provides that no law as to which the power of referendum properly has been invoked shall be effective thereafter unless approved by a majority of the electors voting thereon at the next general election. A referendum on Act 269 of 2001 was presented to the electors at the November 5, 2002, general election as Proposal 02-1, which read as follows:

#### **“A REFERENDUM ON PUBLIC ACT 269 OF 2001—AN ACT TO AMEND CERTAIN SECTIONS OF MICHIGAN ELECTION LAW**

Public Act 269 of 2001 would:

- Eliminate “straight party” vote option on partisan general election ballots.
- Require Secretary of State to obtain training reports from local election officials.
- Require registered voters who do not appear on registration list to show picture identification before voting a challenged ballot.
- Require expedited canvass if presidential vote differential is under 25,000.
- Require ballot counting equipment to screen ballots for voting errors to ensure the accurate tabulation of absentee ballots. Permit voters in polls to correct errors.

—Provide penalties for stealing campaign signs or accepting payment for campaign work while being paid as a public employee to perform election duties.

Should this law be approved?

Yes \_\_\_\_\_

No \_\_\_\_\_”

Act 269 of 2001 was not approved by a majority of the electors voting thereon at the November 5, 2002, general election.

**Popular name:** Election Code

#### **168.562 Official ballots; delegates to county convention.**

Sec. 562. The said ballots shall also contain as many lines as there are delegates to be elected to the county convention by the particular political party. Such lines shall be printed under the title "Delegates to county

convention", and no ballot for a delegate to a county convention of any political party shall be counted unless prepared and voted under authority of this act.

**History:** 1954, Act 116, Eff. June 1, 1955.

**Popular name:** Election Code

### **168.562a Repealed. 1983, Act 181, Imd. Eff. Oct. 25, 1983.**

**Compiler's note:** The repealed section pertained to delegate ballots.

**Popular name:** Election Code

### **168.562b Election as delegate to state convention or national convention; signing affidavit; voting for presidential candidate; filing affidavit.**

Sec. 562b. (1) Before an individual may be elected as a delegate to the state convention or national convention of a political party, that individual shall sign an affidavit including 1 of the following:

(a) The name of a candidate for president of the United States of that individual's political party that he or she is bound to vote for at each stage of the nominating process until the end of the first ballot at the national convention of that political party unless otherwise released from that commitment under subsection (3). The requirements of this subdivision are met only if the designated presidential candidate's name appears on the presidential primary election ballot.

(b) A statement that the individual is uncommitted regarding the candidates for president of the United States.

(2) Except as provided in subsection (3), an individual elected as a delegate to the state convention or national convention of a political party is bound to vote at each stage of the presidential nomination process until the end of the first ballot at the national convention of that political party for the candidate for president of the United States that he or she designated a commitment to by written affidavit as required in subsection (1), if any, before his or her election.

(3) A delegate to the state convention or national convention is bound to vote for the presidential candidate the delegate is committed to under subsection (2) unless the delegate is released from that commitment by written notice to the chairperson of the state central committee by the presidential candidate or the presidential candidate publicly withdraws from contention for that party's nomination.

(4) An individual seeking election as a delegate to the state convention, or his or her designee, shall file the affidavit required under subsection (1) with the county chairperson or the chairperson of the district committee. The county chairperson or the chairperson of the district committee shall file a copy of that affidavit with the chairperson of the state central committee.

(5) An individual who has not filed an affidavit under subsection (4) and who is seeking election as a delegate to the national convention, or his or her designee, shall file the affidavit required under subsection (1) with the chairperson of the state central committee.

**History:** Add. 1988, Act 275, Eff. Sept. 1, 1988.

**Compiler's note:** See [Green Party of Michigan, et al v Terri Lynn Land](#), case no. 08-10149, March 26, 2008.

**Popular name:** Election Code

### **168.563 Primary election ballots; number; weight and color of paper; printing and arrangement.**

Sec. 563. The number of ballots to be printed for the use of the electors at any primary election in any election precinct shall be not less than 25% more than the total number of ballots cast therein at the corresponding primary election held 4 years previously. The ballot at any partisan primary election shall consist of 1 sheet of 70-pound white book paper, machine finished, or the equivalent. The elections commission may provide that 1 of the political party tickets shall be printed on each side thereof or that the party tickets shall appear on 1 side of the ballot only. If 3 or more parties are represented at a partisan primary, the ballots shall be arranged with a foldover extension or the election commission may provide that the parties shall appear on 1 side of the ballot only. If the ballots are printed on 1 side only the order of the parties on the ballot shall be the same as they will appear on the general election ballot. The parties shall be separated by a heavy black line. If ballots are printed on 2 sides or with a foldover extension the various party tickets shall be printed, as near as may be, in the manner herein before set forth and shall be rotated so that each party ticket will appear face up on alternate ballots. The election commission may provide for the printing of the ballots on colored paper as follows: State and county ballots, white paper; nonpartisan ballots, blue tinted paper; constitutional amendments and state propositions, red tinted paper; county propositions, green tinted paper; local propositions, buff paper; local candidates, white paper. If the election commission prints ballots on colored paper, all instruction ballots shall be printed on any color paper not used for official

ballots.

**History:** 1954, Act 116, Eff. June 1, 1955;—Am. 1958, Act 192, Eff. Sept. 13, 1958;—Am. 1970, Act 34, Imd. Eff. June 16, 1970;—Am. 1972, Act 198, Imd. Eff. June 29, 1972.

**Popular name:** Election Code

**168.564 Official ballots; failure of party to file required petitions, party ballot not printed.**

Sec. 564. If in the case of any political party it shall appear that no person has filed the necessary number of nominating petitions, as required by this act, for nomination as a candidate of said party for any office, then no ballot for the use of said political party at the primary shall be printed.

**History:** 1954, Act 116, Eff. June 1, 1955.

**Popular name:** Election Code

**168.565 Filing, mailing, and correcting proof copies of ballots; affidavit.**

Sec. 565. (1) Not less than 58 days before the primary election, proof copies of the ballots must be placed on file in the office of the county clerk. At the time of filing, the county clerk shall send by email 1 proof copy of the ballot to the secretary of state and shall send by first-class mail 1 proof copy of the ballot to each candidate whose name appears on the ballot to the candidate's address listed on his or her affidavit of identity. If a candidate provides an email address on his or her affidavit of identity, the county clerk may also send a proof copy of the ballot to the candidate by email.

(2) If a candidate desires to correct an error on the ballot, the candidate shall contact the county clerk by telephone or email with the corrections. All corrections must be received by the county clerk no later than 4 p.m. on the fifth business day after the proof copy of the ballot is mailed to each candidate as provided in subsection (1). After 4 p.m. on the fifth business day after the county clerk mails the proof copy of the ballot to each candidate as provided in subsection (1), the county clerk is authorized to begin printing the ballots.

(3) The county clerk shall prepare and sign an affidavit when sending proof ballots that attests to all of the following:

- (a) Proof ballots were mailed as required.
- (b) The names of the candidates who were mailed proof ballots.
- (c) Each address to which the proof ballots were mailed.
- (d) The date or dates proof ballots were mailed.

**History:** 1954, Act 116, Eff. June 1, 1955;—Am. 1956, Act 190, Imd. Eff. Apr. 26, 1956;—Am. 1984, Act 113, Imd. Eff. May 29, 1984;—Am. 2022, Act 94, Imd. Eff. June 14, 2022.

**Popular name:** Election Code

**168.566 Official primary ballots; posting for public inspection.**

Sec. 566. The official primary ballots shall be posted in a conspicuous place at the office of the county, city, village or township clerk, as the case may be, for public inspection at least 3 days prior to distribution for use at the primary election.

**History:** 1954, Act 116, Eff. June 1, 1955.

**Popular name:** Election Code

**168.567 Official primary ballots; errors, correction by board of election commissioners.**

Sec. 567. The boards of election commissioners shall correct such errors as may be found in said ballots, and a copy of such corrected ballots shall be sent to the secretary of state by the county clerk.

**History:** 1954, Act 116, Eff. June 1, 1955.

**Popular name:** Election Code

**168.568 Official primary election ballots; form; order and title of offices.**

Sec. 568. (1) The official primary election ballots shall be prepared in a form prescribed by the secretary of state based upon the voting equipment being used in each county.

(2) The order of the offices on the ballot shall be the same, as near as may be, as is required by law in making up the ballot used at general elections. The title of the office shall be immediately above the names of the candidate or candidates for the nomination of each office, and under the title the words "Vote for not more than," followed by the number "1" or "2" or such other identifier as will designate the number of candidates for the nomination to the office that may be voted for.

**History:** 1954, Act 116, Eff. June 1, 1955;—Am. 1985, Act 160, Imd. Eff. Nov. 20, 1985;—Am. 2012, Act 128, Imd. Eff. May 14, 2012.

**Popular name:** Election Code



**168.569 Official primary ballots; numbering; separation of columns.**

Sec. 569. The ballots for each election district shall be numbered consecutively in the manner provided for the preparation of ballots for general election. Said ballot may be in 1 or more columns as may be determined by the board of election commissioners preparing the same. If 2 or more columns are used on the ballots, the columns shall be separated by a heavy black line.

**History:** 1954, Act 116, Eff. June 1, 1955.

**Popular name:** Election Code

**168.569a Rotation of names; manner; effect of using absent voter counting board; section applicable to nonpartisan general elections and municipal elections.**

Sec. 569a. (1) In all primary elections, if there are more names under the heading of an office than there are candidates to be nominated and the same office appears in more than 1 precinct, the names shall be rotated in the following manner: In printing each set of ballots for the several election precincts, the relative positions of the different names printed in each division shall be changed as many times as there are candidates in that division and as reasonably as possible a candidate's name shall not appear at the top of the ballot more times than any other candidate's name in that division. The names shall first be arranged alphabetically according to surnames on each ballot used in the precinct. In the next precinct the names shall appear in the same order on each ballot, except that the name appearing first under each office in the preceding precinct shall be last. The names shall be changed in that manner in every precinct of the city, village, township, or county.

(2) Except as otherwise provided in this subsection, an absent voter counting board is a separate precinct for the purposes of this act. If a municipality has 250 or more precincts and absent voter counting boards are used, each ballot form which contains identical offices and names may be considered a separate precinct for the purposes of this section.

(3) Notwithstanding provisions of law or charter to the contrary, this section applies to nonpartisan general elections and to municipal elections.

**History:** Add. 1985, Act 24, Imd. Eff. May 24, 1985;—Am. 2012, Act 272, Imd. Eff. July 3, 2012.

**Popular name:** Election Code

**168.570 Paper ballots; numbering; identification; function of and requirements for detachable stub; distribution of ballots; form.**

Sec. 570. Except for ballots used for early voting that are produced by an on-demand ballot printing system, paper ballots must be numbered consecutively and identified by use of the words "official primary ballot" on the upper right hand corner on the front of the ballot with a perforated line across the top of the ballot and underneath the number and identification so that the stub with the number and identification may be torn off. The detachable stub serves for the several party tickets and the ballot number must be printed on the stub on 1 side only. A political party designation must not appear on a ballot stub so numbered and identified. After the ballots are trimmed and wrapped in sealed packages, the ballots must be distributed for use at the primary election in the same manner as is provided by law for the distribution of ballots to be used at general elections. Ballots must be prepared in substantially the following form:

OFFICIAL PRIMARY BALLOT

No. ....

OFFICIAL PRIMARY ELECTION BALLOT

Primary election to be held ..... 20..... in the county of .....

.....party.

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

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

State.	Legislative.
Governor.	State Senator. .....District.
Vote for not more than one.	Vote for not more than one.

1 John Doe

7 John Doe

<input type="checkbox"/> 2 Richard Roe	<input type="checkbox"/> 8 Richard Roe
<input type="checkbox"/>	<input type="checkbox"/>
Congressional. United States Senator..... Vote for not more than one.	Representative in State Legislature. ..... District. Vote for not more than one.
<input type="checkbox"/> 3 John Doe	<input type="checkbox"/> 9 John Doe
<input type="checkbox"/> 4 Richard Roe	<input type="checkbox"/> 10 Richard Roe
<input type="checkbox"/>	<input type="checkbox"/>
Representative in Congress. ..... District. Vote for not more than one.	County. Prosecuting Attorney. Vote for not more than one.
<input type="checkbox"/> 5 John Doe	<input type="checkbox"/> 11 John Doe
<input type="checkbox"/> 6 Richard Roe	<input type="checkbox"/> 12 Richard Roe
<input type="checkbox"/>	<input type="checkbox"/>

**History:** 1954, Act 116, Eff. June 1, 1955;—Am. 1967, Act 108, Eff. Nov. 2, 1967;—Am. 1968, Act 46, Imd. Eff. May 24, 1968;—Am. 1985, Act 24, Imd. Eff. May 24, 1985;—Am. 1985, Act 160, Imd. Eff. Nov. 20, 1985;—Am. 2017, Act 113, Eff. Oct. 25, 2017;—Am. 2023, Act 81, Eff. Feb. 13, 2024.

**Popular name:** Election Code

**168.570a Official primary ballot; candidates for township offices; party qualification.**

Sec. 570a. The official primary ballot shall include candidates for township offices. Township offices and candidates shall follow state and county offices and candidates. Parties qualified to appear on the primary ballot for state and county offices and no others are qualified to appear and have the names of their candidates printed on the township portion of the primary ballot. Parties qualified to nominate candidates for state and county offices under section 685 and no others are qualified to nominate candidates for township offices at the county caucuses provided in section 686a.

**History:** Add. 1966, Act 58, Imd. Eff. June 7, 1966;—Am. 2015, Act 98, Eff. Sept. 28, 2015.

**Popular name:** Election Code

**168.571 Repealed. 1963, 2nd Ex. Sess., Act 57, Imd. Eff. Dec. 27, 1963.**

**Compiler's note:** The repealed section provided that provisions pertaining to primary election ballots should apply to February primary.

**Popular name:** Election Code

**168.572 Official primary ballots; provision for write-in votes.**

Sec. 572. The ballots shall be prepared in such manner that the electors of each political party may write, print or paste the name of a candidate thereon.

**History:** 1954, Act 116, Eff. June 1, 1955.

**Popular name:** Election Code

**168.573 Official primary ballots; packaging, seal, certification.**

Sec. 573. The ballots of each kind for each election precinct shall be wrapped and secured in 2 separate packages. Each package shall be securely sealed with a red paper seal furnished by the secretary of state and shall bear on its wrapper the name and number of the precinct and a certificate signed by the county clerk or some member of the board of county election commissioners, or his or its duly authorized agent, setting forth the number and kind of ballots in such package and that such ballots were counted, packaged and sealed by

himself personally, or by his duly authorized agent.

**History:** 1954, Act 116, Eff. June 1, 1955.

**Popular name:** Election Code

## CONDUCT OF PRIMARY ELECTIONS

### **168.574 Primary election; board of primary election inspectors, membership.**

Sec. 574. Each primary election shall be presided over by a board of primary election inspectors, which board shall be composed of the members of the board of election inspectors as provided in section 674 of this act.

**History:** 1954, Act 116, Eff. June 1, 1955;—Am. 1955, Act 271, Imd. Eff. June 30, 1955.

**Popular name:** Election Code

### **168.575 Primary elections; furnishing ballots to electors.**

Sec. 575. After the polls are opened at a primary election, any elector who is legally registered and qualified shall, before entering the booth or voting compartment, be furnished a party ballot, together with any other ballot or ballots to be voted at that primary election.

**History:** 1954, Act 116, Eff. June 1, 1955.

**Popular name:** Election Code

### **168.576 Marking ballot; voting for person not on ballot; effect of voting more than 1 party ticket; section subject to MCL 168.736a.**

Sec. 576. (1) An elector, after having received a ballot or ballots, shall enter a booth or voting compartment and, while there concealed from view, shall vote the ballot or ballots by making a cross or a check mark in the square at the left of the names of those candidates for whom the elector desires to vote, but in no case for more candidates for any office than is indicated under the title of each office. However, an elector may vote for a person whose name is not printed on the ballot by inserting the name in a manner that will substitute it for any name that is printed on the ballot or where no candidate's name appears upon the ballot.

(2) The elector shall indicate his or her choice of candidates on 1 party ticket only and, after marking the ballot, the elector shall fold it for deposit pursuant to the provisions of this act. A ballot on which more than 1 party ticket has been voted is void.

(3) This section is subject to section 736a.

**History:** 1954, Act 116, Eff. June 1, 1955;—Am. 1985, Act 160, Imd. Eff. Nov. 20, 1985;—Am. 1996, Act 213, Imd. Eff. May 28, 1996.

**Popular name:** Election Code

### **168.576a Primary elections; electors, number of votes.**

Sec. 576a. In all partisan and nonpartisan primary elections, the voter shall be entitled to vote for a number of candidates for each office equal to the number of persons to be elected for that office.

**History:** Add. 1969, Act 275, Imd. Eff. Aug. 11, 1969.

**Popular name:** Election Code

### **168.577 Primary elections; electors, folding and delivery of ballots.**

Sec. 577. The elector shall then fold the ballot so that the perforated corner bearing the number and identification shall be on the outside, and shall present it to the proper member of the board of inspectors, who shall tear off the corner bearing the number and shall deposit the ballot in the ballot box.

**History:** 1954, Act 116, Eff. June 1, 1955.

**Popular name:** Election Code

### **168.578 Primary elections; poll list, comparison of ballot number.**

Sec. 578. When a duly registered and qualified elector shall ask for a ballot as before provided, the inspector shall enter his name upon the poll list, and the number of the ballot given to the elector. The inspector receiving the ballot after the same has been voted shall, before depositing it in the box, ascertain by comparison with such list whether the ballot given to him is the same ballot furnished to the elector, and if it is not the same ballot, he shall reject it and the elector shall not be allowed to vote at such primary election.

**History:** 1954, Act 116, Eff. June 1, 1955.

**Popular name:** Election Code

### **168.579 Primary elections; electors; exposure of ballot; rejection; applicability of section**

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**under MCL 168.736a.**

Sec. 579. If an elector, after marking his or her ballot, exposes it to any person in a manner likely to reveal the name of any candidate for whom the elector voted, the board of election inspectors shall reject the ballot and the elector shall forfeit the right to vote at the primary. A note of the occurrence shall be made upon the poll list opposite the name of the elector. This section does not apply to an elector who exposes his or her ballot to a minor child accompanying that elector in the booth or voting compartment under section 736a.

**History:** 1954, Act 116, Eff. June 1, 1955;—Am. 1996, Act 213, Imd. Eff. May 28, 1996.

**Popular name:** Election Code

**168.580 Counting ballots; candidates considered to have received votes; rejection of ballot.**

Sec. 580. In counting the ballots after the closing of the polls, only those candidates having crosses or check marks marked in the squares to the left of their names shall be considered to have received votes, and any ballot upon which more votes have been recorded for candidates for any office than may, by law, be elected to that office shall be rejected as to all names appearing on the ballot for that office only.

**History:** 1954, Act 116, Eff. June 1, 1955;—Am. 1985, Act 160, Imd. Eff. Nov. 20, 1985.

**Popular name:** Election Code

CANVASSING OF PRIMARY RETURNS

**168.581 Primary elections; canvass of returns and declaration of results.**

Sec. 581. (1) The returns of a primary election must be canvassed and the results declared in the same manner and within the same time after the primary election and by the same officers as provided for general elections. For a primary election for the nomination of a candidate for the office of United States Senator, governor, or for the nomination of candidates for district offices in districts comprising more than 1 county, the county clerk of each county affected shall transmit to the secretary of state, within 14 days after the primary election, a certified statement of the number of votes received by each individual for nomination as a candidate of any political party for any of the offices.

(2) The secretary of the board of state canvassers shall call a meeting of the board of state canvassers not later than 20 days after the primary election. The secretary of state shall immediately certify to the chairperson and secretary of the state central committee of each political party for the purpose of canvassing the returns and declaring the results of the primary election for the nomination of the candidates for those offices.

(3) The board of state canvassers shall proceed in the same manner in canvassing the returns and in certifying, recording, and determining results of a primary election for the nomination of candidates for United States Senator and governor as is done in canvassing the returns in the case of the election of state officials.

(4) In canvassing the returns of a primary election for the nomination of candidates for the offices of Representative in Congress, state senator, and representatives in the legislature, in districts composed of more than 1 county, the board of state canvassers shall proceed in the same manner as is done in canvassing the returns for the election of Representatives in Congress.

**History:** 1954, Act 116, Eff. June 1, 1955;—Am. 1959, Act 173, Eff. Mar. 19, 1960;—Am. 1963, 2nd Ex. Sess., Act 57, Imd. Eff. Dec. 27, 1963;—Am. 2023, Act 269, Eff. Feb. 13, 2024.

**Popular name:** Election Code

**168.582 Person voted for on party ballot whose name is not printed on ballot and who has not filed nominating petition; votes required for nomination.**

Sec. 582. A person who is voted for on a party ballot for a state, district, township, county, city, or ward office or for the office of United States senator or representative in Congress whose name is not printed on the ballot and who has not filed a nominating petition for the office voted for, shall not be considered nominated as the candidate of the party for the office, nor be certified as a nominee unless the person receives a total vote equal to not less than .15 of 1% of the total population, as reflected by the last official federal census, of the district for which nomination is sought, but not less than 10 votes for the office, or a total vote equal to 5% of the greatest number of votes cast by the party for any office at the primary in the state, congressional, or other district, township, county, city, or ward, for a candidate or for all candidates for nomination for an office for which only 1 person is to be nominated, whichever is greater. However, for an office to which more than 1 candidate is to be elected, the 5% limitation shall be based upon the greatest number of votes cast at the primary for any candidate for the same office.

**History:** 1954, Act 116, Eff. June 1, 1955;—Am. 1957, Act 226, Eff. Sept. 27, 1957;—Am. 1980, Act 160, Imd. Eff. June 18, 1980.

**Popular name:** Election Code

**168.583 Primary election day; service of civil process on electors prohibited.**

Sec. 583. During the day on which any primary election shall be held, pursuant to the provisions of law, no civil process shall be served on any elector entitled to vote at such primary election.

**History:** 1954, Act 116, Eff. June 1, 1955.

**Popular name:** Election Code

VOTING MACHINES AT PRIMARIES

**168.584 Voting machines authorized in primaries.**

Sec. 584. At all state, county, city, village and township primaries, ballots or votes may be cast, registered, recorded or counted by means of voting machines as hereinafter provided.

**History:** 1954, Act 116, Eff. June 1, 1955;—Am. 1965, Act 386, Eff. Mar. 31, 1966;—Am. 1972, Act 214, Imd. Eff. July 7, 1972.

**Popular name:** Election Code

**168.585 Primary elections; use of voting machines; supplementary ballots.**

Sec. 585. Any voting machine which is by law authorized to be used at a general election may, by the order of the board of supervisors of any county, the legislative body of any city, the township board of any township, or the village council of any village, be purchased and used therein at primary elections in like manner and to the same extent that such machines may be used at general elections, and in case there are more candidates than can have their names placed on any such machines so to be used, or in case such machine is so constructed that an elector cannot vote for candidates of more than 1 political party, then it shall be the duty of the proper election commission to designate what names shall be voted for on the machines, and to print the remaining names upon proper ballots in such manner as nearly as may be that the political party or parties polling the largest vote in such county for secretary of state at the last preceding election shall be placed upon the machine, and the candidates of smaller parties shall be placed upon ballots, but all the candidates of any party shall either be upon the machine or upon a ballot.

**History:** 1954, Act 116, Eff. June 1, 1955.

**Popular name:** Election Code

**168.586 Provisions applicable to use of voting machines; appearance of names of candidates; determination of feasibility.**

Sec. 586. The provisions relative to the use of voting machines at general elections shall apply, as near as may be, to the use of voting machines at primary elections. The names of all candidates of each political party, where feasible, shall appear on a single row of the voting machine assigned to that party. If not feasible because of limitations of space, the names of the candidates may appear on the next succeeding row or rows. Before providing that the names of candidates shall appear on a succeeding row, all available spaces on the row assigned to a party shall be used. The determination of the feasibility shall be made by the election commission of the political entity setting up the arrangement of the face of the machine. In determining feasibility the same consideration shall be given to nonpartisan and local candidates as is given to state and county candidates.

**History:** 1954, Act 116, Eff. June 1, 1955;—Am. 1961, Act 50, Eff. Sept. 8, 1961;—Am. 1968, Act 46, Imd. Eff. May 24, 1968;—Am. 1985, Act 24, Imd. Eff. May 24, 1985.

**Popular name:** Election Code

**168.587 Primary elections; voting machines, straight ticket and excess voting prevented.**

Sec. 587. Whenever a voting machine is used in a primary election, the party levers or bars, if any, shall be locked against voting so as to prevent straight ticket voting, and the machine shall be properly arranged so that the elector may vote for as many candidates for each office as there are candidates to be nominated to that office and no more.

**History:** 1954, Act 116, Eff. June 1, 1955.

**Popular name:** Election Code

**168.588 Primary elections; voting machines, number in precinct.**

Sec. 588. More than 1 voting machine may be used in a precinct.

**History:** 1954, Act 116, Eff. June 1, 1955.

**Popular name:** Election Code