

# HOUSE BILL No. 4780

May 28, 2003, Introduced by Rep. Rivet and referred to the Committee on Local Government and Urban Policy.

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 559, 561, 568, 570, 572, 575, 576, and 795 (MCL 168.559, 168.561, 168.568, 168.570, 168.572, 168.575, 168.576, and 168.795), section 561 as amended by 2002 PA 163, sections 568 and 570 as amended by 1985 PA 160, section 576 as amended by 1996 PA 213, and section 795 as amended by 2002 PA 91.

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

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

HOUSE BILL No. 4780

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

9           (2) If, in a district that is a county or entirely within 1  
10 county, 2 or more candidates, including candidates for  
11 nonpartisan offices, for the same office have the same or similar  
12 surnames, a candidate may file a written request with the board  
13 of county election commissioners for a clarifying designation.  
14 The request shall be filed not later than 3 days after the last  
15 date for filing nominating petitions. Not later than 3 days  
16 after the filing of the request, the board of county election  
17 commissioners shall determine whether a similarity exists and  
18 whether a clarifying designation should be granted. In a  
19 district located in more than 1 county, the board of state  
20 canvassers shall make a determination whether to grant a  
21 clarifying designation upon the written request of a candidate  
22 who files nominating petitions with the secretary of state. The  
23 request shall be filed with the state board of canvassers not  
24 later than 5 days after the last date for filing nominating  
25 petitions. The board of state canvassers shall make its  
26 determination at the same time it makes a declaration of the  
27 sufficiency or insufficiency of nominating petitions in

1 compliance with section 552.

2 (3) In each instance, the determining board shall immediately  
3 notify each candidate for the same office as the requester that a  
4 request for a clarifying designation has been made and of the  
5 date, time, and place of the hearing. The requester and each  
6 candidate for the same office shall be notified of the board's  
7 determination by first-class mail sent within 24 hours after the  
8 final date for the determination. A candidate who is  
9 dissatisfied with the determination of the board of county  
10 election commissioners may file an appeal in the circuit court of  
11 the county where the board is located. A candidate who is  
12 dissatisfied with the determination of the board of state  
13 canvassers may file an appeal in the Ingham county circuit  
14 court. The appeal shall be filed within 14 days after the final  
15 date for determination by the board. The court shall hear the  
16 matter de novo. Except as provided in subsection (4), in the  
17 case of the same surname or of a final determination by the board  
18 or by the court before the latest date that the board can arrange  
19 the ballot printing of the existence of similarity, the board  
20 shall print the occupation, date of birth, or residence of each  
21 of the candidates on the ballot or ballot labels under their  
22 respective names. The term "occupation" includes a currently  
23 held political office, even though it is not the candidate's  
24 principal occupation, but does not include reference to a  
25 previous position or occupation.

26 (4) If there are 2 candidates with the same or similar  
27 surnames and 1 of the candidates is entitled to an incumbency

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

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

21 Sec. 568. The official primary election ballots shall be  
22 prepared in the ~~following~~ form ~~:-~~ **prescribed in this section.**  
23 At the top of each ballot shall be printed in large type,  
24 "Official primary election ballot". Underneath the heading shall  
25 be printed the date of the election at which the ballot is to be  
26 used, together with a designation of the political subdivision,  
27 ~~as~~ **including but not limited to** county, district, city, or

1 ward, ~~et cetera,~~ in which it is to be used. Then shall follow,  
2 in bold-faced type, the name of the political party and vignette,  
3 below which shall appear the following instructions to electors:  
4 "Make a cross or a check mark in the square to the left of not  
5 more than the number of names for each office as may be indicated  
6 under the title of each office. **You may split your ticket by**  
7 **voting for not more than the number of names indicated for an**  
8 **office under 1 political party heading and for not more than the**  
9 **number of names indicated for a different office under another**  
10 **political party's heading.**" Under this heading shall appear the  
11 names of the candidates seeking nomination for various offices on  
12 the ticket of the political party. The order of the offices on  
13 the ballot shall be the same, as near as may be, as is required  
14 by law in making up the ballot used at general elections. The  
15 title of the office shall be immediately above the names of the  
16 candidate or candidates for the nomination of each office, and  
17 under the title the words "Vote for not more than," followed by  
18 the word "one" or "two" or ~~such~~ other word ~~as will designate~~  
19 **that designates** the number of candidates for the nomination to  
20 the office that may be voted for. The names of the different  
21 candidates shall be separated from each other by a light-faced  
22 rule with a square at the left of each name. The spaces devoted  
23 to the candidates for nomination to different offices shall be  
24 separated by a black-faced rule ~~so as~~ **in order** to separate each  
25 office division distinctly. However, the board of election  
26 commissioners in ~~any~~ a county or city may ~~, if considered~~  
27 ~~desirable,~~ arrange the ballots with an identification numeral to



1 candidates **for separate offices** on more than 1 party ticket. ~~— your~~  
2 ~~ballot will be rejected.~~

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

6 =====

7	State.	Legislative.
8		
9	Governor.	State Senator.
10		..... District.
11	Vote for not more than one.	Vote for not more than one.

12		
13	<input type="checkbox"/> 1 John Doe	<input type="checkbox"/> 7 John Doe
14		
15	<input type="checkbox"/> 2 Richard Roe	<input type="checkbox"/> 8 Richard Roe
16		
17	<input type="checkbox"/>	<input type="checkbox"/>

18 =====

19	Congressional.	Representative in State
20		Legislature.
21	United States Senator.....	..... District.
22	Vote for not more than one.	Vote for not more than one.

23		
24	<input type="checkbox"/> 3 John Doe	<input type="checkbox"/> 9 John Doe
25		
26	<input type="checkbox"/> 4 Richard Roe	<input type="checkbox"/> 10 Richard Roe
27		
28	<input type="checkbox"/>	<input type="checkbox"/>

29 =====

30	Representative in Congress.	County.
31	..... District.	Prosecuting Attorney.
32	Vote for not more than one.	Vote for not more than one.

33		
34	<input type="checkbox"/> 5 John Doe	<input type="checkbox"/> 11 John Doe
35		
36	<input type="checkbox"/> 6 Richard Roe	<input type="checkbox"/> 12 Richard Roe
37		
38	<input type="checkbox"/>	<input type="checkbox"/>

39 =====

40 Sec. 572. The **official primary election** ballots shall be  
41 prepared in ~~such~~ a manner that the electors ~~of each political~~  
42 ~~party~~ **at the primary** may write, print, or paste the name of a  
43 candidate ~~thereon~~ **on a ballot.**

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

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

18           (2) ~~The elector shall indicate his or her choice of~~  
19 ~~candidates on 1 party ticket only and, after~~ **After** marking the  
20 ballot **or ballots**, the elector shall fold ~~it~~ **each ballot** for  
21 deposit ~~pursuant to the provisions of~~ **as provided in** this act.  
22 ~~A ballot on which more than 1 party ticket has been voted is~~  
23 ~~void.~~

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

25           Sec. 795. (1) An electronic voting system acquired or used  
26 under sections 794 to 799a shall meet all of the following  
27 requirements:



1 (a) Provide for voting in secrecy, except in the case of  
2 voters who receive assistance as provided by this act.

3 (b) Permit each elector to vote at an election for all  
4 persons and offices for whom and for which the elector is  
5 lawfully entitled to vote; to vote for as many persons for an  
6 office as the elector is entitled to vote for; and to vote for or  
7 against ~~any~~ a question upon which the elector is entitled to  
8 vote. Except as otherwise provided in this subdivision, the  
9 electronic tabulating equipment shall reject all choices recorded  
10 on the elector's ballot for an office or a question if the number  
11 of choices exceeds the number that the elector is entitled to  
12 vote for on that office or question. Electronic tabulating  
13 equipment that can detect that the choices recorded on an  
14 elector's ballot for an office or a question exceeds the number  
15 that the elector is entitled to vote for on that office or  
16 question **shall be** located at each polling place and shall be  
17 programmed to reject a ballot containing that type of an error.  
18 If a choice on a ballot is rejected as provided in this  
19 subdivision, an elector shall be given the opportunity to have  
20 that ballot considered a spoiled ballot and to vote another  
21 ballot.

22 (c) Permit an elector, at a presidential election, by a  
23 single selection to vote for the candidates of a party for  
24 president, vice-president, and presidential electors.

25 (d) Permit an elector in a primary election to vote for the  
26 candidates ~~in the party primary~~ of the elector's choice.  
27 ~~Except as otherwise provided in this subdivision, the electronic~~

~~1 tabulating equipment shall reject each ballot on which votes are  
2 cast for candidates of more than 1 political party. Electronic  
3 tabulating equipment that can detect that the elector has voted  
4 for candidates of more than 1 political party shall be located at  
5 each polling place and programmed to reject a ballot containing  
6 that type of an error. If a choice on a ballot is rejected as  
7 provided in this subdivision, an elector shall be given the  
8 opportunity to have that ballot considered a spoiled ballot and  
9 to vote another ballot.~~

10 (e) Prevent an elector from voting for the same person more  
11 than once for the same office.

12 (f) Reject a ballot on which no valid vote is cast.  
13 Electronic tabulating equipment shall be programmed to reject a  
14 ballot on which no valid vote is cast.

15 (g) Be suitably designed for the purpose used; be durably  
16 constructed; and be designed to provide for safety, accuracy, and  
17 efficiency.

18 (h) Be designed to accommodate the needs of an elderly voter  
19 or a person with 1 or more disabilities.

20 (i) Record correctly and count accurately each vote properly  
21 cast.

22 (j) Provide an audit trail.

23 (k) Provide an acceptable method for an elector to vote for a  
24 person whose name does not appear on the ballot.

25 (l) Allow for accumulation of vote totals from the precincts  
26 in the jurisdiction. The accumulation software must meet  
27 specifications prescribed by the secretary of state and must be

1 certified by the secretary of state as meeting these  
2 specifications.

3       (2) Electronic tabulating equipment that counts votes at the  
4 precinct before the close of the polls shall provide a method for  
5 rendering the equipment inoperable if vote totals are revealed  
6 before the close of the polls.