

Legislative Analysis



REMOVING PARTY VIGNETTES FROM BALLOTS

House Bill 5723 as introduced
Sponsor: Rep. Henry Vaupel

House Bill 5724 as introduced
Sponsor: Rep. Edward Canfield

Committee: Elections
Complete to 12-5-16

Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

House Bill 5723 would amend Michigan Election Law (MCL 168.283 et al) to remove the requirement that party vignettes be printed with the political party's name on a ballot, and would remove references to vignettes throughout the Law.

According to Section 684, which would be repealed under the bill, "vignettes" are currently adopted by each political party to be a distinctive and characteristic representation of the party on the ballot. They may be no larger than 1.5 inches square, and must set forth legibly the name of the political party.

House Bill 5723 would also repeal Section 775 of the Law, which provides that vignettes be printed on ballot labels.

Section 685 of the Election Law, which applies to the formation of new political parties in Michigan, would take effect January 1, 2017 (meaning that a petition to form a new political party submitted after that date would not need to contain a proposed vignette).

House Bill 5724 would amend the Michigan Campaign Finance Act (MCL 169.220) to remove the requirement that a candidate be nominated by a party that qualifies to have its *party vignette* on the ballot under Section 685 of the Election Law.

The bill is tie-barred to House Bill 5723, meaning that it could not take effect unless HB 5723 is also enacted.

BACKGROUND:

These bills were introduced in June 2016 to address an issue presented by Senate Bill 13 (Public Act 268 of 2015), a bill eliminating straight ticket voting, which was signed into law by Governor Snyder in December 2015. That bill made no mention of vignettes, which are typically utilized in order to facilitate straight ticket voting. There was concern that the elimination of the straight ticket voting option without the removal of the vignettes would

result in voter confusion—that voters, left without the option of voting straight party for the first time, would simply circle the party vignette.

A preliminary injunction, issued by federal district judge Gershwin A. Drain, blocked implementation of the straight party voting ban. The Sixth Circuit Court of Appeals declined to stay the injunction, meaning that straight ticket voting was an option in the November 2016 presidential election. Appeals court judge Ronald Lee Gilman noted in his concurring opinion that "[t]he continued presence of vignettes on the ballot certainly appears to be a legislative oversight—perhaps precipitated by the Michigan Legislature's haste to create a purportedly better-informed electorate."

FISCAL IMPACT:

The bill would have no fiscal impact on state or local governments.

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