SENATE BILL NO. 529

September 26, 2023, Introduced by Senator MOSS and referred to the Committee on Elections and Ethics.

A bill to amend 1954 PA 116, entitled "Michigan election law,"

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:
Sec. 46. (1) As soon as practicable after the state board of state canvassers has, by the official canvass, ascertained the result of an election as to the electors of President and Vice President of the United States, but not less than 6 days before the date that the electors for President and Vice President of the United States convene under section 47, the governor shall certify, under the seal of the state, to the United States secretary of state, the names and addresses of the electors of this state chosen as electors of president and vice president of the United States. The issue a certificate of ascertainment of appointment of electors that does all of the following:

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

(b) Bears the seal of this state.

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

(2) Immediately after issuing the certificate of ascertainment of appointment of electors under subsection (1), the governor shall transmit to the Archivist of the United States, by the most expeditious method available, the certificate of ascertainment of appointment of electors. The governor shall also transmit to each elector chosen as an elector for President and Vice President of the United States, on or before the
date on which the electors are to convene under section 47, 6
duplicate-originals of the certificate, in triplicate, under the
eal of the state, of his or her election.

Sec. 47. The electors of president-President and vice-
vice-Vice President shall convene in the senate chamber at the
capitol of the this state at 2 p.m., eastern standard time, on the
first Monday-Tuesday after the second Wednesday in December
following their the elector's election. At any time before receipt
of receiving the certificate of ascertainment from the governor or
within 48 hours thereafter, an elector may resign by submitting his
the elector's written and verified resignation to the governor.

Failure to so resign signifies consent to serve and to cast his the
elector's vote for the candidates for president-President and vice-
vice-Vice President appearing on the Michigan ballot of the
political party which that nominated him the elector. Refusal or
failure to vote for the candidates for president-President and
vice-Vice President appearing on the Michigan ballot of
the political party which that nominated the elector constitutes a
resignation from the office of elector, his the elector's vote
shall must not be recorded, and the remaining electors shall must
forthwith fill the vacancy. The ballot used by the elector shall
must bear the name of the elector. If at the time of convening
there is any vacancy caused by death, resignation, refusal or
failure to vote, neglect to attend, or ineligibility of any person
individual elected, or for any other cause, the qualified electors
of president-President and vice-Vice President shall
proceed to fill such the vacancy by ballot, by a plurality of
votes. When all the electors appear and the vacancy shall be is
filled, they the electors shall proceed to perform the duties of
such the electors, as required by the constitution and laws of the
United States. If congress Congress hereafter fixes a different day
for such the meeting, the electors shall meet and give their the
electors votes on the day designated by the act of
congress Congress.

Sec. 581. (1) The returns of said a primary election shall
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. except that in the
case of For a primary election for the nomination of a candidate
for the office of United States senator, or 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 person individual for nomination as a
candidate of any political party for any of the said offices.

(2) The secretary of the board of state canvassers shall call
a meeting of the board of state canvassers at his office not later
than 20 days after the primary election. which date he The
secretary of state shall forthwith immediately certify to the
chairman 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 such those offices.

(3) The said 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 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 Representative in Congress, Congress, state senator, and representatives in the legislature, in districts composed of more than 1 county, said the board of state canvassers shall proceed in like the same manner as is done in canvassing the returns in case of the election of representatives Representatives in Congress.

Sec. 795c. (1) The different parts of the ballot, such as partisan, nonpartisan, and questions, shall must be prominently indicated on the ballot label, and, if practicable, each part may be placed on a separate page, column, or display. If 2 or more elections are held on the same day, the ballot label shall must be clearly marked to indicate the ballot for each election. In partisan elections, the ballot label shall not must include a position by which a voter may by a single selection record a straight party ticket vote for all the candidates of 1 party.

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

Sec. 814. A ballot cast by an eligible elector must not be rejected or otherwise not counted in a canvass, recount, or court order altering the certification of a canvassing board on the grounds that an election official failed to comply with a mandatory directive set forth in this act unless that mandatory directive explicitly states otherwise.
Sec. 822. (1) The board of county canvassers shall then proceed without delay to canvass the returns of votes cast for all candidates for offices voted for and all questions voted on at the election, according to the precinct returns filed with the probate judge or presiding probate judge by the several city and township clerks, or in case of local elections according to the precinct returns filed with the county clerk, and must conclude the canvass at the earliest possible time and in every case no later than the fourteenth day after the election.

(2) If the board of county canvassers fails to certify the results of any election for any officer or proposition by the fourteenth day after the election as provided, the board of county canvassers shall immediately deliver to the secretary of the board of state canvassers all records and other information pertaining to the election. The board of state canvassers shall meet immediately and make the necessary determinations and certify the results within the 10 days immediately following the receipt of the records from the board of county canvassers. The cost not later than the twentieth day after the election. The board of county canvassers and all other county staff necessary to complete the canvass must be present at all times during the completion of the canvass by the board of state canvassers. All costs associated with the completion of the canvass must be borne by the county involved.

Sec. 842. (1) The board of state canvassers, for the purpose of canvassing the returns and ascertaining and determining the result of an election, shall meet at the office of the secretary of state on or before the twentieth day after the election. The secretary of the board of state canvassers shall appoint the day of the meeting, which must be as soon as practicable after the receipt
of the returns from the boards of county canvassers, and shall notify the other members of the board. The board has the power to adjourn from time to time to await the receipt or correction of returns, or for other necessary purposes, but shall complete the canvass and announce their determination not later than the fortieth-twentieth day after the election. The board may at the time of its meeting, or an adjournment of its meeting, canvass the returns for any office for which the complete returns have been received.

(2) If the unofficial election returns show that the election of electors of President and Vice President of the United States is determined by a vote differential between the first place and second place candidates for President and Vice President of the United States of less than 25,000 votes, the secretary of state shall direct the boards of county canvassers to canvass returns for electors of President and Vice President of the United States on an expedited schedule. The secretary of state may direct the boards of county canvassers to complete the statements for electors of President and Vice President of the United States required by section 824 and certify the statements as required by section 828 to the secretary of state by the seventh day after the election or by a date before the fourteenth day after the election.

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

Sec. 846. In case if 2 or more persons—individuals have an equal and the highest number of votes for any office, as canvassed by the board of state canvassers, the board of state canvassers shall certify the result of the canvass as to such office to the legislature and the legislature in joint convention shall choose 1 of said persons to fill such office. When the determination of the board of state canvassers is contested, the legislature in joint convention shall decide which person is elected. Tie must be resolved and the winner certified by the drawing of lots under rules promulgated by the board of state canvassers pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.