

SENATE BILL No. 702

February 4, 1992, Introduced by Senators DI NELLO,
BOUCHARD and WELBORN and referred to the Committee
on Government Operations.

A bill to amend sections 559, 561, 568, 570, 572, 575, 576,
and 795 of Act No. 116 of the Public Acts of 1954, entitled
"Michigan election law,"
sections 568, 570, and 576 as amended by Act No. 160 of the
Public Acts of 1985 and section 795 as amended by Act No. 109 of
the Public Acts of 1990, being sections 168.559, 168.561,
168.568, 168.570, 168.572, 168.575, 168.576, and 168.795 of the
Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 559, 561, 568, 570, 572, 575, 576, and
2 795 of Act No. 116 of the Public Acts of 1954, sections 568, 570,
3 and 576 as amended by Act No. 160 of the Public Acts of 1985 and
4 section 795 as amended by Act No. 109 of the Public Acts of 1990,
5 being sections 168.559, 168.561, 168.568, 168.570, 168.572,

1 168.575, 168.576, and 168.795 of the Michigan Compiled Laws, are
2 amended to read as follows:

3 Sec. 559. ~~It shall be the duty of the~~ THE board of elec-
4 tion commissioners of each county in this state ~~to~~ SHALL pre-
5 pare and furnish the necessary official primary election ballots,
6 except for city offices, ~~which~~ THAT may be required for use by
7 the electors ~~of any political party~~ at the August primary.

8 Sec. 561. (1) The ballots prepared by the board of election
9 commissioners in each county for use by the electors ~~of a polit-~~
10 ~~ical party~~ at a primary election shall include the names of all
11 candidates of ~~the~~ EACH political party for the office of gover-
12 nor, United States senator, and district offices; ~~—, and, —~~ in
13 each county, the names of all candidates of ~~the~~ EACH political
14 party for county offices; ~~—~~ and in each township, the names of
15 all candidates of ~~the~~ EACH political party for township
16 offices.

17 (2) If, in a district comprised of not more than 1 county, 2
18 or more candidates, including candidates for nonpartisan offices,
19 for the same office have the same or similar surnames, a candi-
20 date may file a written request with the board of county election
21 commissioners for a clarifying designation. The CANDIDATE
22 REQUESTING THE CLARIFYING DESIGNATION SHALL FILE THE request
23 ~~shall be filed~~ not later than 3 days after the last date for
24 filing nominating petitions. Not later than 3 days after the
25 filing of the request, the board of county election commissioners
26 shall determine whether a similarity exists and whether a
27 clarifying designation should be granted. In a district

1 comprised of more than 1 county, the board of state canvassers
2 shall make a like determination for a clarifying designation upon
3 the written request of a candidate who files nominating petitions
4 with the secretary of state. The CANDIDATE REQUESTING THE CLARI-
5 FYING DESIGNATION SHALL FILE THE request ~~shall be filed~~ with
6 the state board of canvassers not later than 5 days after the
7 last date for filing nominating petitions. The board of state
8 canvassers shall make its determination at the same time it makes
9 a declaration of the sufficiency or insufficiency of nominating
10 petitions in compliance with section 552.

11 (3) ~~In each instance~~ UPON MAKING A DETERMINATION UNDER
12 SUBSECTION (2), the determining board shall notify the requester
13 and the other candidate affected of its determination by first
14 class mail sent within 24 hours after the final date for the
15 determination. A candidate who is dissatisfied with the determi-
16 nation of the board of county election commissioners may file an
17 appeal in the circuit court of the county where the board is
18 located. ~~— and a~~ A candidate who is dissatisfied with the
19 determination of the board of state canvassers may file an appeal
20 in the circuit court of Ingham county. ~~—~~ THE CANDIDATE SHALL
21 FILE AN APPEAL UNDER THIS SUBSECTION within 7 days after the
22 final date for determination by the board, and the court shall
23 hear the matter de novo. In case of the same surnames, ~~— or a~~
24 final determination by the board OF THE EXISTENCE OF SIMILARITY,
25 or A DETERMINATION by the court before the latest date on which
26 the board can arrange for printing of the ballots ~~—~~ of the
27 existence of similarity, the board shall print the occupation or

1 residence of each of the candidates on the ballot or ballot
2 labels under their respective names. The term "occupation"
3 ~~shall be construed to include~~ INCLUDES political office, even
4 though it is not the candidate's principal occupation, but
5 ~~shall~~ DOES not include reference to a previous position or
6 occupation.

7 (4) The name of a candidate shall be printed showing the
8 given name or abbreviation or initials of the given name of the
9 candidate. ~~, and, in the case of a married woman,~~ IF THE CANDI-
10 DATE IS MARRIED, THE NAME OF THE CANDIDATE shall not be printed
11 showing the ~~husband's~~ SPOUSE'S given name.

12 (5) The board of state canvassers shall prepare and issue
13 guidelines to ~~insure~~ ENSURE fairness and uniformity in the
14 granting of CLARIFYING designations, and may prepare and issue
15 guidelines relating to what constitutes same or similar
16 surnames. The board of state canvassers and the boards of county
17 election commissioners shall follow the guidelines issued.

18 Sec. 568. The official primary election ballots shall be
19 prepared in the ~~following~~ form ~~+~~ PRESCRIBED IN THIS SECTION.
20 At the top of each ballot shall be printed in large type,
21 "Official primary election ballot". Underneath the heading shall
22 be printed the date of the election at which the ballot is to be
23 used, together with a designation of the political subdivision,
24 ~~as~~ INCLUDING county, district, city, ward, ~~et cetera~~ AND
25 OTHERS, in which it is to be used. Then shall follow, in
26 bold-faced type, the name of the political party and vignette,
27 below which shall appear the following instructions to electors:

1 "Make a cross or a check mark in the square to the left of not
2 more than the number of names for each office as may be indicated
3 under the title of each office. YOU MAY SPLIT YOUR TICKET BY
4 VOTING FOR NOT MORE THAN THE NUMBER OF NAMES INDICATED FOR AN
5 OFFICE UNDER 1 POLITICAL PARTY HEADING AND FOR NOT MORE THAN THE
6 NUMBER OF NAMES INDICATED FOR A DIFFERENT OFFICE UNDER ANOTHER
7 POLITICAL PARTY'S HEADING." Under this heading shall appear the
8 names of the candidates seeking nomination for various offices on
9 the ticket of the political party. The order of the offices on
10 the ballot shall be the same, as near as may be, as is required
11 by law in making up the ballot used at general elections. The
12 title of the office shall be immediately above the names of the
13 candidate or candidates for the nomination of each office, and
14 under the title the words "Vote for not more than," followed by
15 the word "one" or "two" or ~~such~~ other word ~~as will designate~~
16 THAT DESIGNATES the number of candidates for the nomination to
17 the office that may be voted for. The names of the different
18 candidates shall be separated from each other by a light-faced
19 rule with a square at the left of each name. The spaces devoted
20 to the candidates for nomination to different offices shall be
21 separated by a black-faced rule ~~so as~~ IN ORDER to separate each
22 office division distinctly. However, the board of election com-
23 missioners in any county or city may, if considered desirable,
24 arrange the ballots with an identification numeral to be placed
25 in the same space with the name of each of the candidates, with
26 the identification numeral to be rotated with the name of the

17 OFFICIAL PRIMARY BALLOT

18 No.

20 Primary election to be held 19..... in the county
21 of

24

1 You ~~cannot~~ MAY split your ticket. ~~If you~~ YOU MAY vote for
 2 candidates FOR SEPARATE OFFICES on more than 1 party ticket. ~~your~~
 3 ballot will be rejected.
 4 Make a cross or a check mark in the square to the left of not more
 5 than the number of names for each office as may be indicated under
 6 the title of each office.

7 =====

| 8 | State. | Legislative. |
|----|--|---|
| 9 | | |
| 10 | Governor. | State Senator. |
| 11 | | District. |
| 12 | Vote for not more than one. | Vote for not more than one. |
| 13 | | |
| 14 | <input type="checkbox"/> 1 John Doe | <input type="checkbox"/> 7 John Doe |
| 15 | | |
| 16 | <input type="checkbox"/> 2 Richard Roe | <input type="checkbox"/> 8 Richard Roe |
| 17 | | |
| 18 | <input type="checkbox"/> | <input type="checkbox"/> |
| 19 | | |
| 20 | Congressional. | Representative in State |
| 21 | | Legislature. |
| 22 | United States Senator..... | District. |
| 23 | Vote for not more than one. | Vote for not more than one. |
| 24 | | |
| 25 | <input type="checkbox"/> 3 John Doe | <input type="checkbox"/> 9 John Doe |
| 26 | | |
| 27 | <input type="checkbox"/> 4 Richard Roe | <input type="checkbox"/> 10 Richard Roe |
| 28 | | |
| 29 | <input type="checkbox"/> | <input type="checkbox"/> |
| 30 | | |
| 31 | Representative in Congress. | County. |
| 32 | District. | Prosecuting Attorney. |
| 33 | Vote for not more than one. | Vote for not more than one. |
| 34 | | |
| 35 | <input type="checkbox"/> 5 John Doe | <input type="checkbox"/> 11 John Doe |
| 36 | | |
| 37 | <input type="checkbox"/> 6 Richard Roe | <input type="checkbox"/> 12 Richard Roe |
| 38 | | |
| 39 | <input type="checkbox"/> | <input type="checkbox"/> |
| 40 | | |

41 =====

41 Sec. 572. The OFFICIAL PRIMARY ELECTION ballots shall be
 42 prepared in such manner that the electors ~~of each political~~

1 ~~party~~ AT THE PRIMARY may write, print, or paste the name of a
2 candidate ~~thereon~~ ON A BALLOT.

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

8 Sec. 576. Each elector, after having received ~~a ballot or~~
9 THE OFFICIAL PRIMARY ELECTION ballots, shall enter a booth or
10 voting compartment and, while there concealed from view, shall
11 vote the ballot or ballots by making a cross or a check mark in
12 the square at the left of the names of those candidates for whom
13 the elector desires to vote, but in no case for more candidates
14 for any office than is indicated under the title of each office.
15 An elector may, however, vote for any person whose name is not
16 printed on the ballot by inserting the name in a manner that will
17 substitute it for any name which is printed on the ballot or
18 where no candidate's name appears upon the ballot. ~~The elector~~
19 ~~shall indicate his or her choice of candidates on 1 party ticket~~
20 ~~only and, after~~ AFTER marking the ballot OR BALLOTS, the elector
21 shall fold ~~it~~ EACH BALLOT for deposit ~~in accordance with the~~
22 ~~provisions of~~ AS PROVIDED IN this act. ~~Any ballot on which~~
23 ~~more than 1 party ticket has been voted is void.~~

24 Sec. 795. (1) An electronic voting system acquired or used
25 ~~in accordance with~~ UNDER sections 794 to 799a shall meet all of
26 the following requirements:

1 (a) Provide for voting in secrecy, except in the case of
2 voters who ~~have received~~ RECEIVE assistance as provided ~~by~~ IN
3 this act.

4 (b) Permit each elector to vote at an election for all per-
5 sons and offices for whom and for which the elector is lawfully
6 entitled to vote; to vote for as many persons for an office as
7 the elector is entitled to vote for; and to vote for or against
8 any question upon which the elector is entitled to vote. 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.

13 (c) Permit an elector, at a presidential election, by a
14 single selection to vote for the candidates of a party for presi-
15 dent, vice-president, and presidential electors.

16 (d) Permit an elector at other than a primary election to
17 vote for all of the candidates of a political party by a single
18 selection ~~or~~ AND PERMIT AN ELECTOR AT ANY ELECTION to vote a
19 split or mixed ticket.

20 (e) Permit an elector in a primary election to vote for the
21 candidates ~~in the party primary~~ of the elector's choice. ~~The~~
22 ~~electronic tabulating equipment shall reject each ballot on which~~
23 ~~votes are cast for candidates of more than 1 political party.~~

24 (f) Prevent an elector from voting for the same person more
25 than once for the same office.

1 (g) Be suitably designed for the purpose used; be durably
2 constructed; and be designed to provide for safety, accuracy, and
3 efficiency.

4 (h) Beginning ~~on the effective date of the amendatory act~~
5 ~~that added this subdivision~~ JUNE 18, 1990, be designed to accom-
6 modate the needs of an elderly or handicapped voter.

7 (i) Record correctly and count accurately each vote properly
8 cast.

9 (j) Provide an audit trail.

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

12 (2) Electronic tabulating equipment that counts votes at the
13 precinct before the close of the polls shall provide a method for
14 rendering the equipment inoperable if vote totals are revealed
15 before the close of the polls.