



# SENATE BILL No. 115

January 13, 1993, Introduced by Senator DI NELLO 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. 8 of the Public Acts of 1992, 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. 8 of the Public Acts of 1992,  
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 BUT NOT LIMITED TO county, district, city, OR  
 25 ward, ~~et cetera,~~ in which it is to be used. Then shall follow,  
 26 in 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	Congressional.	Representative in State
20		Legislature.
21		..... District.
22	United States Senator.....	Vote for not more than one.
23	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	Representative in Congress.	County.
31		Prosecuting Attorney.
32	..... District.	Vote for not more than one.
33	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 Sec. 572. The OFFICIAL PRIMARY ELECTION ballots shall be  
 42 prepared in ~~such~~ A 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~~ NOT for more candi-  
14 dates for any office than is indicated under the title of each  
15 office. ~~An~~ HOWEVER, AN elector may ~~, however,~~ vote for any  
16 person whose name is not printed on the ballot by inserting the  
17 name in a manner that will substitute it for any name ~~which~~  
18 THAT is printed on the ballot or where no candidate's name  
19 appears upon the ballot. ~~The elector shall indicate his or her~~  
20 ~~choice of candidates on 1 party ticket only and, after~~ AFTER  
21 marking the ballot OR BALLOTS, the elector shall fold ~~it~~ EACH  
22 BALLOT for deposit ~~in accordance with the provisions of~~ AS PRO-  
23 VIDED IN this act. ~~Any ballot on which more than 1 party ticket~~  
24 ~~has been voted is void.~~

25       Sec. 795. (1) An electronic voting system acquired or used  
26 pursuant to 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 FOR voters who receive assistance as provided by this act.

3 (b) Permit each elector to vote at an election for all per-  
4 sons and offices for whom and for which the elector is lawfully  
5 entitled to vote; to vote for as many persons for an office as  
6 the elector is entitled to vote for; and to vote for or against  
7 any question upon which the elector is entitled to vote. Except  
8 as otherwise provided in this subdivision, the electronic tabu-  
9 lating equipment shall reject all choices recorded on the  
10 elector's ballot for an office or a question if the number of  
11 choices exceeds the number that the elector is entitled to vote  
12 for on that office or question. Electronic tabulating equipment  
13 that can detect and inform an elector voting in person that the  
14 choices recorded on the elector's ballot for an office or a ques-  
15 tion exceeds the number that the elector is entitled to vote for  
16 on that office or question shall offer the elector an opportunity  
17 to correct the error before rejecting the choices recorded on the  
18 elector's ballot.

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

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

26 (e) Permit an elector in a primary election to vote for the  
27 candidates ~~in the party primary~~ of the elector's choice.

~~1 Except as otherwise provided in this subdivision, the electronic~~  
~~2 tabulating equipment shall reject each ballot on which votes are~~  
~~3 cast for candidates of more than 1 political party. Electronic~~  
~~4 tabulating equipment that can detect and inform an elector voting~~  
~~5 in person that the elector has voted for candidates of more than~~  
~~6 1 political party shall offer the elector an opportunity to cor-~~  
~~7 rect the error before rejecting the elector's ballot.~~

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

10 (g) Be suitably designed for the purpose used; be durably  
11 constructed; and be designed to provide for safety, accuracy, and  
12 efficiency.

13 (h) ~~Beginning June 18, 1990, be~~ BE designed to accommodate  
14 the needs of an elderly or handicapped voter.

15 (i) Record correctly and count accurately each vote properly  
16 cast.

17 (j) Provide an audit trail.

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

20 (2) Electronic tabulating equipment that counts votes at the  
21 precinct before the close of the polls shall provide a method for  
22 rendering the equipment inoperable if vote totals are revealed  
23 before the close of the polls.