

Act No. 113  
Public Acts of 2017  
Approved by the Governor  
July 27, 2017  
Filed with the Secretary of State  
July 27, 2017  
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**STATE OF MICHIGAN  
99TH LEGISLATURE  
REGULAR SESSION OF 2017**

Introduced by Reps. Vaupel and Canfield

# **ENROLLED HOUSE BILL No. 4177**

AN ACT to amend 1954 PA 116, entitled "An act to reorganize, consolidate, and add to the election laws; to provide for election officials and prescribe their powers and duties; to prescribe the powers and duties of certain state departments, state agencies, and state and local officials and employees; to provide for the nomination and election of candidates for public office; to provide for the resignation, removal, and recall of certain public officers; to provide for the filling of vacancies in public office; to provide for and regulate primaries and elections; to provide for the purity of elections; to guard against the abuse of the elective franchise; to define violations of this act; to provide appropriations; to prescribe penalties and provide remedies; and to repeal certain acts and all other acts inconsistent with this act," by amending sections 283, 560a, 570, 685, 696, and 719 (MCL 168.283, 168.560a, 168.570, 168.685, 168.696, and 168.719), section 283 as amended by 2004 PA 92, section 570 as amended by 1985 PA 160, section 685 as amended by 2002 PA 399, and section 696 as amended by 2002 PA 163; and to repeal acts and parts of acts.

*The People of the State of Michigan enact:*

Sec. 283. Not more than 24 hours after the conclusion of the fall state convention, the state central committee of each political party shall canvass the proceedings of the convention and determine the nominees of the convention for membership on the state board of education, the board of regents of the University of Michigan, the board of trustees of Michigan State University, and the board of governors of Wayne State University. Not more than 1 business day after the conclusion of the state convention, the chairperson and secretary of the state central committee shall forward to the secretary of state a typewritten or printed list of the names and residence, including the street address if known, of the candidates nominated at the convention for the offices specified in this section. The secretary of state shall forward a copy of a list received under this section to the board of election commissioners of each county, in care of the county clerk at the county seat.

Sec. 560a. A political party the principal candidate of which received at the last preceding general election a vote equal to or more than 1% of the total number of votes cast for the successful candidate for secretary of state at the last preceding election in which a secretary of state was elected is qualified to have its name and candidates listed on the next general election ballot.

Sec. 570. Paper ballots must be numbered consecutively and identified by use of the words "official primary ballot" on the upper right hand corner on the front of the ballot with a perforated line across the corner and underneath the number and identification so that the corner with the number and identification may be torn off. The detachable corner stub serves for the several party tickets and the ballot number must be printed upon the stub on 1 side only. A political party designation must not appear upon a ballot corner so numbered and identified. After the ballots are trimmed and wrapped in sealed packages, the ballots must be distributed for use at the primary election in the same manner as is

provided by law for the distribution of ballots to be used at general elections. Ballots must be prepared in substantially the following form:

OFFICIAL PRIMARY BALLOT

No. ....

OFFICIAL PRIMARY ELECTION BALLOT

Primary election to be held ..... 20..... in the county of .....  
 ..... party.

You cannot split your ticket. If you vote for candidates on more than 1 party ticket, your ballot will be rejected.

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

State.		Legislative.	
Governor. Vote for not more than one.		State Senator. ..... District. Vote for not more than one.	
<input type="checkbox"/> 1	John Doe	<input type="checkbox"/> 7	John Doe
<input type="checkbox"/> 2	Richard Roe	<input type="checkbox"/> 8	Richard Roe
<input type="checkbox"/>		<input type="checkbox"/>	
Congressional. United States Senator.... Vote for not more than one.		Representative in State Legislature. ..... District. Vote for not more than one.	
<input type="checkbox"/> 3	John Doe	<input type="checkbox"/> 9	John Doe
<input type="checkbox"/> 4	Richard Roe	<input type="checkbox"/> 10	Richard Roe
<input type="checkbox"/>		<input type="checkbox"/>	
Representative in Congress. ..... District. Vote for not more than one.		County. Prosecuting Attorney. Vote for not more than one.	
<input type="checkbox"/> 5	John Doe	<input type="checkbox"/> 11	John Doe
<input type="checkbox"/> 6	Richard Roe	<input type="checkbox"/> 12	Richard Roe
<input type="checkbox"/>		<input type="checkbox"/>	

Sec. 685. (1) The name of a candidate of a new political party must not be printed upon the official ballots of an election unless the chairperson and secretary of the state central committee of the party files with the secretary of state, not later than 4 p.m. of the one hundred-tenth day before the general November election, a certificate signed by the chairperson and secretary of the state central committee bearing the name of the party, together with petitions bearing the signatures of registered and qualified electors equal to not less than 1% of the total number of votes cast for all candidates for governor at the last election in which a governor was elected. The petitions must be signed by at least 100 registered electors in each of at least 1/2 of the congressional districts of this state. All signatures on the petitions must be obtained not more than 180 days immediately before the date of filing.

(2) After the date on which a petition is filed, the secretary of state shall not accept additional petition sheets for that petition. The validity and authenticity of the signatures may be determined in the same manner as provided for initiative and referendum petitions in section 9 of article II of the state constitution of 1963. An official declaration of the sufficiency or insufficiency of a petition filed under this section must be made by the board of state canvassers not later than 60 days before the general November election.

(3) The petitions must be in substantially the following form:

PETITION TO FORM NEW POLITICAL PARTY

We, the undersigned, duly registered electors of the city, township of ..... county of .....  
(strike one)

state of Michigan, residing at the places set opposite our names, respectfully request the secretary of state, in accordance with section 685 of the Michigan election law, 1954 PA 116, MCL 168.685, to place the names of the candidates of the ..... party on the ballot at the ..... election.

Warning: A person who knowingly signs petitions to organize more than 1 new state political party, signs a petition to organize a new state political party more than once, or signs a name other than his or her own is violating the provisions of the Michigan election law.

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(4) The balance of the petition form must be substantially as set forth in section 544c. The size of all organizing petitions must be 8-1/2 inches by 13 inches and must be printed in the following type sizes: The words "petition to form new political party" and the name of the proposed political party must be in 24-point boldface type; the word "warning" and the language contained in the warning must be in 12-point boldface type.

(5) Petitions circulated under this section may be circulated on a countywide basis. A petition that is circulated countywide must be on a form prescribed by the secretary of state.

(6) If the principal candidate of a political party receives a vote equal to less than 1% of the total number of votes cast for the successful candidate for the office of secretary of state at the last preceding general November election in which a secretary of state was elected, that political party shall not have the name of any candidate printed on the ballots at the next ensuing general November election, and a column must not be provided on the ballots for that party. A disqualified party may again qualify and have the names of its candidates printed in a separate party column on each election ballot in the manner set forth in subsection (1) for the qualification of new parties. As used in this subsection, "principal candidate of a political party" means the candidate who receives the greatest number of votes of all candidates of that political party for that election.

(7) A political party that complied with this section is subject to section 686a in order to have the name of that party and its candidates appear on the general election ballot.

(8) A person shall not knowingly sign a petition to organize more than 1 new state political party, sign a petition to organize a new state political party more than once, or sign a name other than his or her own on the petition.

Sec. 696. (1) The board of election commissioners in each county shall have the name of each candidate for federal, state, district, county, and township offices at an election printed on 1 ballot, separate from any other ballot. The name of each candidate of each political party must be placed under the name of the office for which the candidate was certified to have been nominated along with the political party name under the candidate's name.

(2) If, in a district that is a county or entirely within 1 county, 2 or more candidates nominated by the same political party or by different political parties for the same office, or nonpartisan candidates for the same office, have the same or similar surnames, a candidate may file a written request with the board of county election commissioners for a clarifying designation. The request must be filed not later than 3 days after the certification of the relevant candidates. Not later than 3 days after the filing of the request, the board of county election commissioners shall determine whether a similarity exists and whether a clarifying designation should be granted. In a district located in more than 1 county, the board of state canvassers shall make a determination whether to grant a clarifying designation upon the written request of a candidate who is certified by the secretary of state. The request must be filed with the board of state canvassers not later than 3 days after the board of state canvassers completes the canvass of the primary election in compliance with section 581 and the certification of nominees in compliance with section 687. The board of state canvassers shall make its determination not later than 3 days after the request is filed.

(3) In each instance, the determining board shall immediately notify each candidate for the same office as the requester that a request for a clarifying designation has been made and of the date, time, and place of the hearing. The requester and each candidate for the same office must be notified of the board's determination by first-class mail sent within 24 hours after the final date for the determination. A candidate who is dissatisfied with the determination of the board of county election commissioners may file an appeal in the circuit court of the county where the board is located. A candidate who is dissatisfied with the determination of the board of state canvassers may file an appeal in the Ingham County circuit court. The appeal must be filed within 14 days after the final date for determination by the board. The court shall hear the matter de novo. Except as provided in subsection (4), in the case of the same surname

or of a final determination by the board or by the court before the latest date that the board can arrange for the ballot printing of the existence of similarity, the board shall print the occupation, date of birth, or residence of each of the candidates having the same or similar surnames on the ballot or ballot labels or slips to be placed on the voting machine, when used, under their respective names. The request may not be made by a candidate of a political party whose candidate for secretary of state received less than 10% of the total vote cast in the state for all candidates for secretary of state in the most recent November election in which a secretary of state was elected. As used in this subsection, "occupation" includes a currently held political office, even though it is not the candidate's principal occupation, but does not include reference to a previous position or occupation.

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

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

Sec. 719. The election commission of each city, township, and village shall perform those duties relative to the preparation, printing, and delivery of ballots as are required by law of the boards of county election commissioners. Like duties and privileges as are enjoined and granted by this act upon and to the various committees of the different political organizations are hereby prescribed for city, village, or township committees in matters pertaining to any city, village, or township election, except that it is not necessary for a city, township, or village committee of a political party or organization to furnish a heading for the ballots other than to designate the name of the party or political organization which they represent. In cities, villages, and townships, the names of candidates for city, township, or village offices must be given by the committees of the various political organizations to the board of election commissioners of the city, village, or township not less than 18 days before each election, but it is not necessary for any party committee to give to the board of election commissioners the name of any candidate nominated at an official primary election. The proof of the ballot must be open to public inspection at the office of the township, city, or village clerk not less than 15 days before the election.

Enacting section 1. Sections 684 and 775 of the Michigan election law, 1954 PA 116, MCL 168.684 and 168.775, are repealed.

Enacting section 2. This amendatory act takes effect 90 days after the date it is enacted into law.

This act is ordered to take immediate effect.



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Clerk of the House of Representatives



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Secretary of the Senate

Approved .....

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Governor