

**SUBSTITUTE FOR
SENATE BILL NO. 529**

A bill to amend 1954 PA 116, entitled
"Michigan election law,"
by amending sections 46, 47, 581, 795c, 822, 842, and 846 (MCL
168.46, 168.47, 168.581, 168.795c, 168.822, 168.842, and 168.846),
section 46 as amended by 2002 PA 431, section 795c as amended by
2015 PA 268, section 822 as amended by 2018 PA 614, and section 842
as amended by 2018 PA 382, and by adding section 814.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 46. **(1)** As soon as practicable after the ~~state~~ board of
2 **state** canvassers has, by the official canvass, ascertained the
3 result of an election as to **the** electors of ~~president~~ **President** and
4 ~~vice president~~ **Vice President** of the United States, **but not less**
5 **than 6 days before the date that the electors for President and**



1 Vice President of the United States convene under section 47, the
 2 governor shall ~~certify, under the seal of the state, to the United~~
 3 ~~States secretary of state, the names and addresses of the electors~~
 4 ~~of this state chosen as electors of president and vice-president of~~
 5 ~~the United States. The~~ issue a certificate of ascertainment of
 6 appointment of electors that does all of the following:

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

11 (b) Bears the seal of this state.

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

17 (2) Immediately after issuing the certificate of ascertainment
 18 of appointment of electors under subsection (1), the governor shall
 19 transmit to the Archivist of the United States, by the most
 20 expeditious method available, the certificate of ascertainment of
 21 appointment of electors. The governor shall also transmit to each
 22 elector chosen as an elector for ~~president~~ President and ~~vice-~~
 23 ~~president~~ Vice President of the United States, ~~a~~ on or before the
 24 date on which the electors are to convene under section 47, 6
 25 duplicate-~~originals~~ originals of the certificate. ~~, in triplicate, under the~~
 26 ~~seal of the state, of his or her election.~~

27 (3) The fact that a recount petition has been filed, or that a
 28 recount is pending, has no effect on the governor's authority or
 29 responsibility to issue a certificate of ascertainment as required



1 under subsection (1).

2 (4) Subject to this subsection, if a recount is completed by
 3 11:59 p.m. on the second day before the date on which the electors
 4 are to convene under section 47, and the result of that recount, as
 5 certified by the board of state canvassers, alters the winner of
 6 the presidential election as reflected on the certificate of
 7 ascertainment issued by the governor under subsection (1), the
 8 governor must immediately petition the court of claims for an order
 9 that requires the governor to issue a superseding certificate of
 10 ascertainment that reflects the updated results of the presidential
 11 election as determined by the recount and certified by the board of
 12 state canvassers. Upon receiving a petition from the governor under
 13 this subsection, the court of claims must, no later than 3 p.m. on
 14 the day before the date on which the electors are to convene under
 15 section 47, issue an order requiring the governor to issue a
 16 superseding certificate of ascertainment. The governor must, no
 17 later than 11:59 p.m. on the day before the date on which the
 18 electors are to convene under section 47, issue a superseding
 19 certificate of ascertainment that reflects the updated results of
 20 the presidential election as determined by the recount and
 21 certified by the board of state canvassers, even if the court of
 22 claims has not issued an order as required under this subsection. A
 23 superseding certificate of ascertainment issued by the governor
 24 under this subsection is considered conclusive under the laws of
 25 this state and the United States.

26 Sec. 47. The electors of ~~president~~**President** and ~~vice-~~
 27 ~~president~~**Vice President** shall convene in the senate chamber at the
 28 capitol of ~~the~~**this** state at 2 p.m., eastern standard time, on the
 29 first ~~Monday~~**Tuesday** after the second Wednesday in December



1 following ~~their~~**the elector's** election. At any time before ~~receipt~~
2 ~~of-receiving~~ the certificate of **ascertainment from** the governor or
3 within 48 hours thereafter, an elector may resign by submitting ~~his~~
4 **the elector's** written and verified resignation to the governor.
5 Failure to ~~so~~-resign signifies consent to serve and to cast ~~his~~**the**
6 **elector's** vote for the candidates for ~~president~~**President** and ~~vice-~~
7 ~~president~~**Vice President** appearing on the Michigan ballot of the
8 political party ~~which~~**that** nominated ~~him~~**the elector**. Refusal or
9 failure to vote for the candidates for ~~president~~**President** and
10 ~~vice-president~~**Vice President** appearing on the Michigan ballot of
11 the political party ~~which~~**that** nominated the elector constitutes a
12 resignation from the office of elector, ~~his~~**the elector's** vote
13 ~~shall~~**must** not be recorded, and the remaining electors ~~shall~~**must**
14 forthwith fill the vacancy. The ballot used by the elector ~~shall~~
15 **must** bear the name of the elector. If at the time of convening
16 there is any vacancy caused by death, resignation, refusal or
17 failure to vote, neglect to attend, or ineligibility of any ~~person~~
18 **individual** elected, or for any other cause, the qualified electors
19 of ~~president~~**President** and ~~vice-president~~**Vice President** shall
20 proceed to fill ~~such~~**the** vacancy by ballot, by a plurality of
21 votes. When all the electors appear and the vacancy ~~shall be~~**is**
22 filled, ~~they~~**the electors** shall proceed to perform the duties of
23 ~~such~~**the** electors, as required by the constitution and laws of the
24 United States. If ~~congress~~**Congress** hereafter fixes a different day
25 for ~~such~~**the** meeting, the electors shall meet and give ~~their~~**the**
26 **electors** votes on the day designated by **the** act of
27 ~~congress~~**Congress**.

28 Sec. 581. (1) The returns of ~~said~~**a** primary election ~~shall~~
29 **must** be canvassed and the results declared in the same manner and



1 within the same time after the primary election and by the same
 2 officers as provided for general elections. ~~, except that in the~~
 3 ~~ease of~~ **For** a primary election for the nomination of a candidate
 4 for the office of United States ~~senator, or~~ **Senator**, governor, or
 5 for the nomination of candidates for district offices in districts
 6 comprising more than 1 county, the county clerk of each county
 7 affected shall transmit to the secretary of state, within 14 days
 8 after the primary election, a certified statement of the number of
 9 votes received by each ~~person~~ **individual** for nomination as a
 10 candidate of any political party for any of the ~~said~~ offices.

11 (2) The secretary of **the board of state canvassers** shall call
 12 a meeting of the board of state canvassers ~~at his office~~ not later
 13 than 20 days after the primary election. ~~, which date he~~ **The**
 14 **secretary of state** shall ~~forthwith~~ **immediately** certify to the
 15 ~~chairman~~ **chairperson** and secretary of the state central committee
 16 of each political party ~~, for the purpose of canvassing the returns~~
 17 and declaring the results of the primary election for the
 18 nomination of the candidates for ~~such~~ **those** offices.

19 (3) The ~~said~~ **board of state canvassers** shall proceed in the
 20 same manner in canvassing the returns and in certifying, recording,
 21 and determining results of a primary election for the nomination of
 22 candidates for United States ~~senator~~ **Senator** and governor as is
 23 done in canvassing the returns in the case of the election of state
 24 officials.

25 (4) In canvassing the returns of a primary election for the
 26 nomination of candidates for the offices of ~~representative~~
 27 **Representative** in ~~congress,~~ **Congress**, state senator, and
 28 representatives in the legislature, in districts composed of more
 29 than 1 county, ~~said~~ **the board of state canvassers** shall proceed in



1 ~~like the same~~ manner as is done in canvassing the returns ~~in case~~
 2 ~~of for~~ the election of ~~representatives~~ **Representatives** in
 3 ~~congress.~~ **Congress.**

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

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

17 **Sec. 814. A ballot cast by an eligible elector must not be**
 18 **rejected or otherwise not counted in a canvass, recount, or court**
 19 **order altering the certification of a canvassing board on the**
 20 **grounds that an election official failed to comply with a mandatory**
 21 **directive set forth in this act unless that mandatory directive**
 22 **explicitly states otherwise.**

23 Sec. 822. (1) The board of county canvassers shall then
 24 proceed without delay to canvass the returns of votes cast for all
 25 candidates for offices voted for and all questions voted on at the
 26 election, according to the precinct returns filed with the probate
 27 judge or presiding probate judge by the several city and township
 28 clerks, or ~~in case of~~ **for** local elections according to the precinct
 29 returns filed with the county clerk, and must conclude the canvass



1 at the earliest possible time and in every case no later than the
2 fourteenth day after the election.

3 (2) If the board of county canvassers fails to certify the
4 results of any election for any officer or proposition by the
5 fourteenth day after the election as provided, the board of county
6 canvassers shall immediately deliver to the secretary of the board
7 of state canvassers all records and other information pertaining to
8 the election. The board of state canvassers shall meet immediately
9 and make the necessary determinations and certify the results
10 ~~within the 10 days immediately following the receipt of the records~~
11 ~~from the board of county canvassers. The cost not later than the~~
12 **twenty-second day after the election. The board of county**
13 **canvassers and all other county staff necessary to complete the**
14 **canvass must be present at all times during the completion of the**
15 **canvass by the board of state canvassers. All costs associated with**
16 **the completion** of the canvass must be borne by the county involved.

17 Sec. 842. (1) The board of state canvassers, for the purpose
18 of canvassing the returns and ascertaining and determining the
19 result of an election, shall meet ~~at the office of the secretary of~~
20 ~~state~~ on or before the twentieth day after the election. The
21 secretary of **the board of state canvassers** shall appoint the day of
22 the meeting, **which must be as soon as practicable after the receipt**
23 **of the returns from the boards of county canvassers**, and shall
24 notify the other members of the board. The board has **the** power to
25 adjourn from time to time to await the receipt or correction of
26 returns, or for other necessary purposes, but shall complete the
27 canvass and announce ~~their~~ **the board's** determination not later than
28 the ~~fortieth~~ **twenty-second** day after the election. The board may at
29 the time of its meeting, or an adjournment of its meeting, canvass



1 the returns for any office for which the complete returns have been
2 received.

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

16 (3) The secretary of **the board of state canvassers** may appoint
17 the day for the board of state canvassers to conduct the expedited
18 canvass of the returns for electors of President and Vice President
19 of the United States and determine the results of that election.
20 The day appointed for the expedited canvass must be as soon as
21 practicable after receipt of the returns from the boards of county
22 canvassers, but **the board of state canvassers shall complete the**
23 **canvass and announce the board's determination** no later than the
24 ~~twentieth~~ **twenty-second** day after the election.

25 Sec. 846. ~~In case~~ **If** 2 or more ~~persons~~ **individuals** have an
26 equal and the highest number of votes for any office, as canvassed
27 by the board of state canvassers, the ~~board of state canvassers~~
28 ~~shall certify the result of the canvass as to such office to the~~
29 ~~legislature and the legislature in joint convention shall choose 1~~



1 ~~of said persons to fill such office. When the determination of the~~
2 ~~board of state canvassers is contested, the legislature in joint~~
3 ~~convention shall decide which person is elected.~~ **tie must be**
4 **resolved and the winner certified as provided under section 852.**

