

**HOUSE SUBSTITUTE FOR
SENATE BILL NO. 529**

A bill to amend 1954 PA 116, entitled
"Michigan election law,"
by amending sections 22a, 22b, 46, 47, 581, 795c, 822, 842, and 846
(MCL 168.22a, 168.22b, 168.46, 168.47, 168.581, 168.795c, 168.822,
168.842, and 168.846), sections 22a and 22b as added by 1995 PA
261, 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. 22a. (1) On or before the ~~tenth~~**fifteenth** day of January
2 in an odd numbered year, **both of the following must occur:**
3 **(a) The** state central committee of each major political party
4 shall submit to the governor the names of 3 individuals as nominees



1 for each position that is up for reappointment that the major
2 political party is entitled to on the board of state canvassers.

3 **(b) The senate majority leader, senate minority leader,**
4 **speaker of the house of representatives, and house minority leader**
5 **shall each submit the name of 1 individual as a nominee for each**
6 **position that is up for reappointment that the major political**
7 **party is entitled to on the board of state canvassers.**

8 (2) On or before the twentieth day of January in an odd
9 numbered year, the governor shall appoint 1 individual from the ~~3-5~~
10 individuals nominated to each position of the political party on
11 the board of state canvassers.

12 (3) ~~(2)~~—If a vacancy in the office of a member of the board of
13 state canvassers occurs other than the expiration of a term, the
14 state central committee of the appropriate major political party
15 shall submit to the governor the names of 3 individuals as nominees
16 for the vacant position on or before the tenth day following the
17 date of the vacancy. **In addition, on or before the tenth day**
18 **following the date of the vacancy on the board of state canvassers,**
19 **the majority or minority leaders in the senate and house of**
20 **representatives who represent the same major political party as the**
21 **vacating member on the board of state canvassers shall each submit**
22 **the name of 1 individual as a nominee for the vacant position.**

23 (4) On or before the thirtieth day following the date of the
24 vacancy, the governor shall appoint 1 individual from the ~~3-5~~
25 individuals nominated to the vacant position. A member appointed to
26 the board of state canvassers under this subsection shall serve for
27 the remainder of the vacant term.

28 (5) ~~(3)~~—If the state central committee of a major political
29 party ~~fails~~ **and the majority or minority leaders in the senate and**



1 **house of representatives of that same major political party fail** to
 2 submit the names of nominees within the prescribed period of time
 3 in subsection (1) or ~~(2), (3)~~, the governor shall appoint to the
 4 board of state canvassers an individual who was formerly elected as
 5 a state officer as a member of the appropriate major political
 6 party and who is currently affiliated with that political party. If
 7 ~~a person~~**an individual** appointed by the governor under subsection
 8 ~~(1) or (2)~~ **or (4)** declines to serve, the governor shall do 1 of the
 9 following:

10 (a) Appoint another individual from the ~~3-5~~ individuals
 11 nominated by the major political party under subsection (1) or ~~(2)~~
 12 **(3)** to that position on the board of state canvassers.

13 (b) Appoint an individual who was formerly elected as a state
 14 officer as a member of the appropriate major political party and
 15 who is currently affiliated with that political party to that
 16 position on the board of state canvassers.

17 Sec. 22b. The term of office of a member of the board of state
 18 canvassers appointed under section ~~22a(1)~~**22a(2)** is 4 years, which
 19 term begins on the February 1 immediately following **the**
 20 appointment. A member of the ~~state~~ board of **state** canvassers shall
 21 hold office until ~~his or her~~**the member's** successor is appointed
 22 and qualified.

23 Sec. 46. **(1)** As soon as practicable after the ~~state~~ board of
 24 **state** canvassers has, by the official canvass, ascertained the
 25 result of an election as to **the** electors of ~~president~~**President** and
 26 ~~vice-president~~**Vice President** of the United States, **but not less**
 27 **than 6 days before the date on which the electors for President and**
 28 **Vice President of the United States are to convene under section**
 29 **47**, the governor shall ~~certify, under the seal of the state, to the~~



1 ~~United States secretary of state, the names and addresses of the~~
 2 ~~electors of this state chosen as electors of president and vice-~~
 3 ~~president of the United States. The~~ **issue a certificate of**
 4 **ascertainment of appointment of electors that does all of the**
 5 **following:**

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

10 (b) Bears the seal of this state.

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

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

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



1 under subsection (1). However, if a mandatory recount of all
2 precincts in this state is required under section 880a, the
3 governor shall not issue the certificate of ascertainment of
4 appointment of electors required under subsection (1) until the
5 completion and certification of the recount or until 3 p.m. on the
6 sixth day before the date on which the electors for President and
7 Vice President of the United States are to convene under section
8 47, whichever occurs first. If the recount is completed and
9 certified before 3 p.m. on the sixth day before the date on which
10 the electors for President and Vice President of the United States
11 are to convene under section 47, the certificate of ascertainment
12 of appointment of electors issued by the governor must reflect the
13 certified result of that recount. If the recount is not completed
14 and certified before 3 p.m. on the sixth day before the date on
15 which the electors for President and Vice President of the United
16 States are to convene under section 47, the certificate of
17 ascertainment of appointment of electors issued by the governor
18 must reflect the original certification of the results of the
19 election.

20 (4) If a recount is completed by 11:59 p.m. on the second day
21 before the date on which the electors for President and Vice
22 President of the United States are to convene under section 47, and
23 the result of that recount, as certified by the board of state
24 canvassers, alters the winner of the presidential election as
25 reflected on the certificate of ascertainment of appointment of
26 electors issued by the governor under subsection (1), an affected
27 candidate for President or Vice President of the United States may
28 have the certification reviewed by the supreme court, or may seek
29 other judicial relief from the supreme court related to the



1 certification including, but not limited to, an order directing the
2 governor to issue a superseding certificate of ascertainment of
3 appointment of electors that reflects the updated and certified
4 results of the presidential election. An action under this
5 subsection must be filed with the supreme court within 24 hours
6 after the certification of the completed recount. A plaintiff
7 filing an action in the supreme court under this subsection must
8 request an expedited hearing and that the supreme court issue an
9 order granting any judicial relief by 4 p.m. on the day before the
10 date on which the electors for President and Vice President of the
11 United States are to convene under section 47. If the supreme court
12 issues an order by the day before the date on which the electors
13 are to convene under section 47 that requires the governor to issue
14 a superseding certificate of ascertainment consistent with the
15 certified results of the recount, the governor must issue that
16 superseding certificate of ascertainment before the date on which
17 the electors are to convene under section 47.

18 (5) If a recount is completed by 11:59 p.m. on the second day
19 before the date on which the electors for President and Vice
20 President of the United States are to convene under section 47, and
21 the result of that recount, as certified by the board of state
22 canvassers, alters the winner of the presidential election as
23 reflected on the certificate of ascertainment of appointment of
24 electors issued by the governor under subsection (1), and the
25 supreme court does not issue an order under subsection (4) before 4
26 p.m. on the day before the date on which the electors are to
27 convene under section 47, the governor must issue a superseding
28 certificate of ascertainment of appointment of electors that
29 reflects the updated and certified results of the presidential



1 election, as determined by the recount and certified by the board
 2 of state canvassers, no later than 11:59 p.m. on the day before the
 3 date on which the electors are to convene under section 47.

4 (6) A superseding certificate of ascertainment of appointment
 5 of electors issued by the governor under this section replaces and
 6 supersedes any prior certificate of ascertainment of appointment of
 7 electors issued under this section, must be transmitted consistent
 8 with the requirements under subsection (2) for the certificate of
 9 ascertainment of appointment of electors, and is conclusive with
 10 respect to the determination of electors for President and Vice
 11 President of the United States appointed by this state.

12 Sec. 47. The electors of ~~president~~**President** and ~~vice-~~
 13 ~~president~~**Vice President** shall convene in the senate chamber at the
 14 capitol of ~~the~~**this** state at 2 p.m., eastern standard time, on the
 15 first ~~Monday~~**Tuesday** after the second Wednesday in December
 16 following ~~their~~**the elector's** election. At any time before ~~receipt~~
 17 ~~of~~**receiving** the certificate of **ascertainment of appointment of**
 18 **electors from** the governor or within 48 hours thereafter, an
 19 elector may resign by submitting ~~his~~**the elector's** written and
 20 verified resignation to the governor. Failure to ~~se~~resign
 21 signifies consent to serve and to cast ~~his~~**the elector's** vote for
 22 the candidates for ~~president~~**President** and ~~vice-president~~**Vice**
 23 **President** appearing on the Michigan ballot of the political party
 24 ~~which~~**that** nominated ~~him~~**the elector**. Refusal or failure to vote
 25 for the candidates for ~~president~~**President** and ~~vice-president~~**Vice**
 26 **President** appearing on the Michigan ballot of the political party
 27 ~~which~~**that** nominated the elector constitutes a resignation from the
 28 office of elector, ~~his~~**the elector's** vote ~~shall~~**must** not be
 29 recorded, and the remaining electors ~~shall~~**must** forthwith fill the



1 vacancy. The ballot used by the elector ~~shall~~**must** bear the name of
 2 the elector. If at the time of convening there is any vacancy
 3 caused by death, resignation, refusal or failure to vote, neglect
 4 to attend, or ineligibility of any ~~person~~**individual** elected, or
 5 for any other cause, the qualified electors of ~~president~~**President**
 6 and ~~vice-president~~**Vice President** shall proceed to fill ~~such~~**the**
 7 vacancy by ballot, by a plurality of votes. When all the electors
 8 appear and the vacancy ~~shall be~~**is** filled, ~~they~~**the electors** shall
 9 proceed to perform the duties of ~~such~~**the** electors, as required by
 10 the constitution and laws of the United States. If ~~congress~~
 11 **Congress** hereafter fixes a different day for ~~such~~**the** meeting, the
 12 electors shall meet and give ~~their~~**the electors** votes on the day
 13 designated by **the** act of ~~congress~~**Congress**.

14 Sec. 581. (1) The returns of ~~said~~**a** primary election ~~shall~~
 15 **must** be canvassed and the results declared in the same manner and
 16 within the same time after the primary election and by the same
 17 officers as provided for general elections. ~~, except that in the~~
 18 ~~ease of~~**For** a primary election for the nomination of a candidate
 19 for the office of United States ~~senator, or~~**Senator**, governor, or
 20 for the nomination of candidates for district offices in districts
 21 comprising more than 1 county, the county clerk of each county
 22 affected shall transmit to the secretary of state, within 14 days
 23 after the primary election, a certified statement of the number of
 24 votes received by each ~~person~~**individual** for nomination as a
 25 candidate of any political party for any of the ~~said~~ offices.

26 (2) The secretary of **the board of** state **canvassers** shall call
 27 a meeting of the board of state canvassers ~~at his office~~ not later
 28 than 20 days after the primary election. ~~, which date he~~**The**
 29 **secretary of state** shall ~~forthwith~~**immediately** certify to the



1 ~~chairman~~**chairperson** and secretary of the state central committee
 2 of each political party ~~7~~ for the purpose of canvassing the returns
 3 and declaring the results of the primary election for the
 4 nomination of the candidates for ~~such~~**those** offices.

5 (3) The ~~said~~ board of state canvassers shall proceed in the
 6 same manner in canvassing the returns and in certifying, recording,
 7 and determining results of a primary election for the nomination of
 8 candidates for United States ~~senator~~**Senator** and governor as is
 9 done in canvassing the returns in the case of the election of state
 10 officials.

11 (4) In canvassing the returns of a primary election for the
 12 nomination of candidates for the offices of ~~representative~~
 13 **Representative** in ~~congress~~**Congress**, state senator, and
 14 representatives in the legislature, in districts composed of more
 15 than 1 county, ~~said~~**the** board of state canvassers shall proceed in
 16 ~~like~~**the same** manner as is done in canvassing the returns ~~in case~~
 17 ~~of~~**for** the election of ~~representatives~~**Representatives** in
 18 ~~congress~~**Congress**.

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

28 ~~(2) For the 2015-2016 fiscal year, \$5,000,000.00 is~~
 29 ~~appropriated from the general fund to the department of state to~~



1 ~~purchase voting equipment to implement the elimination of straight~~
 2 ~~party ticket voting.~~

3 **Sec. 814. A ballot cast by an eligible elector must not be**
 4 **rejected or otherwise not counted in a canvass, recount, or court**
 5 **order altering the certification of a canvassing board on the**
 6 **grounds that an election official failed to comply with a directive**
 7 **set forth in this act unless that ballot is otherwise ineligible**
 8 **under this act or federal law.**

9 Sec. 822. (1) The board of county canvassers shall then
 10 proceed without delay to canvass the returns of votes cast for all
 11 candidates for offices voted for and all questions voted on at the
 12 election, according to the precinct returns, **early voting returns,**
 13 **and absent voter counting board returns** filed with the probate
 14 judge or presiding probate judge by the several city and township
 15 clerks, or ~~in case of~~ **for** local elections according to the precinct
 16 returns filed with the county clerk, and must conclude the canvass
 17 at the earliest possible time and in every case no later than the
 18 fourteenth day after the election.

19 (2) If the board of county canvassers fails to certify the
 20 results of any election for any officer or proposition by the
 21 fourteenth day after the election as provided, the board of county
 22 canvassers shall immediately deliver to the secretary of the board
 23 of state canvassers all records and other information pertaining to
 24 the election. The board of state canvassers shall meet immediately
 25 and make the necessary determinations and certify the results
 26 ~~within the 10 days immediately following the receipt of the records~~
 27 ~~from the board of county canvassers.~~ **The cost not later than the**
 28 **twentieth day after the election. The board of county canvassers**
 29 **and all other county staff necessary to complete the canvass must**



1 **be present at all times during the completion of the canvass by the**
2 **board of state canvassers. All costs associated with the completion**
3 of the canvass must be borne by the county involved.

4 Sec. 842. (1) The board of state canvassers, for the purpose
5 of canvassing the returns and ascertaining and determining the
6 result of an election, shall meet ~~at the office of the secretary of~~
7 ~~state~~ on or before the twentieth day after the election. The
8 secretary of **the board of state canvassers** shall appoint the day of
9 the meeting, **which must be as soon as practicable after the receipt**
10 **of the returns from the boards of county canvassers**, and shall
11 notify the other members of the board. The board ~~has power to~~
12 ~~adjourn from time to time to await the receipt or correction of~~
13 ~~returns, or for other necessary purposes, but~~ shall complete the
14 canvass and announce ~~their~~ **the board's** determination not later than
15 the ~~fortieth~~ **twentieth** day after the election. The board may at the
16 time of its meeting ~~, or an adjournment of its meeting,~~ canvass the
17 returns for any office for which the ~~complete~~ returns have been
18 received.

19 (2) If the unofficial election returns show that the election
20 of electors of President and Vice President of the United States is
21 determined by a vote differential between the first place and
22 second place candidates for President and Vice President of the
23 United States of less than 25,000 votes, the secretary of state
24 shall direct the boards of county canvassers to canvass returns for
25 electors of President and Vice President of the United States on an
26 expedited schedule. The secretary of state may direct the boards of
27 county canvassers to complete the statements for electors of
28 President and Vice President of the United States required by
29 section 824 and certify the statements as required by section 828



1 to the secretary of state by the seventh day after the election or
2 by a date before the fourteenth day after the election.

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

12 (4) **It is the ministerial, clerical, and nondiscretionary duty**
13 **of the board of state canvassers, and each of the members of the**
14 **board of state canvassers, to certify election results based solely**
15 **on the certified statements of votes from counties.**

16 (5) **As used in this section, "to certify" means to make a**
17 **signed, written statement.**

18 Sec. 846. ~~In case~~ **If** 2 or more ~~persons~~ **individuals** have an
19 equal and the highest number of votes for any office, as canvassed
20 by the board of state canvassers, the ~~board of state canvassers~~
21 ~~shall certify the result of the canvass as to such office to the~~
22 ~~legislature and the legislature in joint convention shall choose 1~~
23 ~~of said persons to fill such office. When the determination of the~~
24 ~~board of state canvassers is contested, the legislature in joint~~
25 ~~convention shall decide which person is elected.~~ **tie must be**
26 **resolved and the winner certified as provided under section 852.**

