

# SENATE BILL NO. 529

September 26, 2023, Introduced by Senator MOSS and referred to the Committee on Elections and Ethics.

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**  
6 **Vice President of the United States convene under section 47,** the  
7 governor shall ~~certify, under the seal of the state, to the United~~  
8 ~~States secretary of state, the names and addresses of the electors~~  
9 ~~of this state chosen as electors of president and vice-president of~~  
10 ~~the United States. The~~ **issue a certificate of ascertainment of**  
11 **appointment of electors that does all of the following:**

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

16           (b) Bears the seal of this state.

17           (c) Contains at least 1 security feature, as determined by the  
18 governor, for the purpose of verifying the authenticity of the  
19 certificate. The determination by the governor under this  
20 subdivision and any security feature used are confidential and not  
21 subject to disclosure under the freedom of information act, 1976 PA  
22 442, MCL 15.231 to 15.246.

23           (2) Immediately after issuing the certificate of ascertainment  
24 of appointment of electors under subsection (1), the governor shall  
25 transmit to the Archivist of the United States, by the most  
26 expeditious method available, the certificate of ascertainment of  
27 appointment of electors. The governor shall also transmit to each  
28 elector chosen as an elector for ~~president~~ **President** and ~~vice-~~  
29 ~~president~~ **Vice President** of the United States, ~~a~~ **on or before the**

1 **date on which the electors are to convene under section 47, 6**  
 2 **duplicate-originals of the** certificate. ~~, in triplicate, under the~~  
 3 ~~seal of the state, of his or her election.~~

4       Sec. 47. The electors of ~~president~~ **President** and ~~vice-~~  
 5 ~~president~~ **Vice President** shall convene in the senate chamber at the  
 6 capitol of ~~the~~ **this** state at 2 p.m., eastern standard time, on the  
 7 first ~~Monday~~ **Tuesday** after the second Wednesday in December  
 8 following ~~their~~ **the elector's** election. At any time before ~~receipt~~  
 9 ~~of~~ **receiving** the certificate of **ascertainment from** the governor or  
 10 within 48 hours thereafter, an elector may resign by submitting ~~his~~  
 11 **the elector's** written and verified resignation to the governor.  
 12 Failure to ~~so~~ resign signifies consent to serve and to cast ~~his~~ **the**  
 13 **elector's** vote for the candidates for ~~president~~ **President** and ~~vice-~~  
 14 ~~president~~ **Vice President** appearing on the Michigan ballot of the  
 15 political party ~~which~~ **that** nominated ~~him~~ **the elector**. Refusal or  
 16 failure to vote for the candidates for ~~president~~ **President** and  
 17 ~~vice-president~~ **Vice President** appearing on the Michigan ballot of  
 18 the political party ~~which~~ **that** nominated the elector constitutes a  
 19 resignation from the office of elector, ~~his~~ **the elector's** vote  
 20 ~~shall~~ **must** not be recorded, and the remaining electors ~~shall~~ **must**  
 21 forthwith fill the vacancy. The ballot used by the elector ~~shall~~  
 22 **must** bear the name of the elector. If at the time of convening  
 23 there is any vacancy caused by death, resignation, refusal or  
 24 failure to vote, neglect to attend, or ineligibility of any ~~person~~  
 25 **individual** elected, or for any other cause, the qualified electors  
 26 of ~~president~~ **President** and ~~vice-president~~ **Vice President** shall  
 27 proceed to fill ~~such~~ **the** vacancy by ballot, by a plurality of  
 28 votes. When all the electors appear and the vacancy ~~shall be~~ **is**  
 29 filled, ~~they~~ **the electors** shall proceed to perform the duties of

1 ~~such-the~~ electors, as required by the constitution and laws of the  
 2 United States. If ~~congress-Congress~~ hereafter fixes a different day  
 3 for ~~such-the~~ meeting, the electors shall meet and give ~~their-the~~  
 4 **electors** votes on the day designated by **the** act of  
 5 ~~congress-Congress~~.

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

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

26       (3) The ~~said-board of state canvassers~~ shall proceed in the  
 27 same manner in canvassing the returns and in certifying, recording,  
 28 and determining results of a primary election for the nomination of  
 29 candidates for United States ~~senator-Senator~~ and governor as is

1 done in canvassing the returns in the case of the election of state  
2 officials.

3       (4) In canvassing the returns of a primary election for the  
4 nomination of candidates for the offices of ~~representative~~  
5 **Representative** in ~~congress, Congress~~, state senator, and  
6 representatives in the legislature, in districts composed of more  
7 than 1 county, ~~said the~~ **board of state canvassers** shall proceed in  
8 ~~like the same~~ manner as is done in canvassing the returns ~~in case~~  
9 ~~of for~~ the election of ~~representatives~~ **Representatives** in  
10 ~~congress. Congress~~.

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

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

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

1           Sec. 822. (1) The board of county canvassers shall then  
 2 proceed without delay to canvass the returns of votes cast for all  
 3 candidates for offices voted for and all questions voted on at the  
 4 election, according to the precinct returns filed with the probate  
 5 judge or presiding probate judge by the several city and township  
 6 clerks, or ~~in case of~~ **for** local elections according to the precinct  
 7 returns filed with the county clerk, and must conclude the canvass  
 8 at the earliest possible time and in every case no later than the  
 9 fourteenth day after the election.

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

24           Sec. 842. (1) The board of state canvassers, for the purpose  
 25 of canvassing the returns and ascertaining and determining the  
 26 result of an election, shall meet ~~at the office of the secretary of~~  
 27 ~~state~~ on or before the twentieth day after the election. The  
 28 secretary of **the board of** state **canvassers** shall appoint the day of  
 29 the meeting, **which must be as soon as practicable after the receipt**

1 **of the returns from the boards of county canvassers**, and shall  
2 notify the other members of the board. The board has **the** power to  
3 adjourn from time to time to await the receipt or correction of  
4 returns, or for other necessary purposes, but shall complete the  
5 canvass and announce ~~their~~**the board's** determination not later than  
6 the ~~fortieth~~**twentieth** day after the election. The board may at the  
7 time of its meeting, or an adjournment of its meeting, canvass the  
8 returns for any office for which the complete returns have been  
9 received.

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

23 (3) The secretary of **the board of state canvassers** may appoint  
24 the day for the board of state canvassers to conduct the expedited  
25 canvass of the returns for electors of President and Vice President  
26 of the United States and determine the results of that election.  
27 The day appointed for the expedited canvass must be as soon as  
28 practicable after receipt of the returns from the boards of county  
29 canvassers, but **the board of state canvassers shall complete the**

1 **canvass and announce the board's determination** no later than the  
2 twentieth day after the election.

3       Sec. 846. ~~In case~~**If** 2 or more ~~persons~~**individuals** have an  
4 equal and the highest number of votes for any office, as canvassed  
5 by the board of state canvassers, ~~the board of state canvassers~~  
6 ~~shall certify the result of the canvass as to such office to the~~  
7 ~~legislature and the legislature in joint convention shall choose 1~~  
8 ~~of said persons to fill such office. When the determination of the~~  
9 ~~board of state canvassers is contested, the legislature in joint~~  
10 ~~convention shall decide which person is elected.~~**tie must be**  
11 **resolved and the winner certified by the drawing of lots under**  
12 **rules promulgated by the board of state canvassers pursuant to the**  
13 **administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to**  
14 **24.328.**