

HOUSE BILL No. 4773

June 11, 1987, Introduced by Reps. Honigman, Sparks, Bartnik, Perry Bullard, Jondahl, Randall, Hillegonds, Middaugh, Walberg, O'Connor, Emerson, Nye, Miller, Gnodtke, Bryant, Strand, Munsell, Emmons, Power, Brotherton, Bennett, Trim, Hoffman, Wartner, Bender, Fitzgerald, Martin, Willis Bullard, Stacey, Sikkema, Gagliardi, Law and Dunaskiss and referred to the Committee on Elections.

A bill to amend sections 608 and 623a of Act No. 116 of the Public Acts of 1954, entitled

"Michigan election law,"

as amended by Act No. 181 of the Public Acts of 1983, being sections 168.608 and 168.623a of the Michigan Compiled Laws; and to add sections 562b, 613a, 613b, 615a, 616a, 620a, 624g, 624h, and 792c.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 608 and 623a of Act No. 116 of the
2 Public Acts of 1954, as amended by Act No. 181 of the Public Acts
3 of 1983, being sections 168.608 and 168.623a of the Michigan
4 Compiled Laws, are amended and sections 562b, 613a, 613b, 615a,
5 616a, 620a, 624g, 624h, and 792c are added to read as follows:

6 SEC. 562B. (1) IF A DELEGATE IS TO BE ELECTED AT A
7 PRESIDENTIAL PRIMARY ELECTION, THE BALLOT SHALL SPECIFY FOR EACH

1 CANDIDATE FOR THE POST OF DELEGATE THAT THE CANDIDATE FOR THE
2 POST OF DELEGATE IS UNCOMMITTED OR SHALL LIST THE NAME OF THE
3 CANDIDATE FOR PRESIDENT OF THE UNITED STATES THAT THE CANDIDATE
4 FOR THE POST OF DELEGATE INDICATED ON HIS OR HER NOMINATING PETI-
5 TION UNDER SECTION 624G.

6 (2) A DELEGATE WHO IS ELECTED PURSUANT TO THIS ACT WHO DID
7 NOT FILE A NOMINATING PETITION MEETING THE REQUIREMENTS OF THIS
8 ACT SHALL BE DESIGNATED AS UNCOMMITTED.

9 (3) A BALLOT IS VOID IF VOTES ARE CAST UNDER MORE THAN 1
10 PARTY HEADING.

11 Sec. 608. (1) The board of primary election inspectors
12 shall certify THE FOLLOWING to the county clerk: ~~the~~

13 (A) THE names of the electors elected as delegates, naming
14 the political party upon whose ballot ~~such electors~~ THE
15 DELEGATES were elected.

16 (B) IF THE DELEGATE IS ELECTED AT A PRESIDENTIAL PRIMARY
17 ELECTION, THE PREFERENCE FOR PRESIDENTIAL CANDIDATE OR UNCOMMIT-
18 TED STATUS INDICATED ON THE DELEGATE BALLOT UNDER SECTION 562B.

19 (2) The county clerk shall record the names of the delegates
20 ~~so~~ elected in a book ~~to be~~ kept for that purpose and shall
21 file the book among the records of the clerk's office.

22 (3) No later than 7 days following the primary election, the
23 clerk shall notify each delegate ~~so~~ elected of his or her elec-
24 tion as delegate.

25 (4) The clerk shall certify THE FOLLOWING to the chairperson
26 of the committee of each political party of the county: ~~the~~

1 (A) THE delegates elected by the political party as
2 delegates to the county conventions.

3 (B) IF THE DELEGATE IS ELECTED AT A PRESIDENTIAL PRIMARY
4 ELECTION, THE PREFERENCE FOR PRESIDENTIAL CANDIDATE OR UNCOMMIT-
5 TED STATUS INDICATED ON THE DELEGATE BALLOT UNDER SECTION 562B.

6 SEC. 613A. (1) A STATEWIDE PRESIDENTIAL PRIMARY ELECTION
7 SHALL BE CONDUCTED UNDER THIS ACT ON THE THIRD SATURDAY IN
8 JANUARY IN EACH PRESIDENTIAL ELECTION YEAR.

9 (2) NOTWITHSTANDING ANY OTHER PROVISIONS OF THIS ACT, ONLY A
10 POLITICAL PARTY THAT RECEIVED GREATER THAN 1% OF THE TOTAL VOTE
11 CAST NATIONWIDE IN THE LAST PRESIDENTIAL ELECTION MAY PARTICIPATE
12 IN THE PRESIDENTIAL PRIMARY ELECTION.

13 (3) DELEGATES TO COUNTY CONVENTIONS, IF THE POLITICAL PARTY
14 IS GOING TO ELECT DELEGATES AT THE PRESIDENTIAL PRIMARY AS PRO-
15 VIDED UNDER SECTION 613B, SHALL BE ELECTED AT THE PRESIDENTIAL
16 PRIMARY ELECTION IN A PRESIDENTIAL ELECTION YEAR. THE DELEGATES
17 ELECTED UNDER THIS SUBSECTION SHALL SERVE UNTIL A SUCCESSOR IS
18 ELECTED AND QUALIFIED.

19 SEC. 613B. (1) THE STATE CENTRAL COMMITTEE OF A POLITICAL
20 PARTY PARTICIPATING IN THE PRESIDENTIAL PRIMARY UNDER SECTION
21 613A SHALL PROVIDE FOR 1 OF THE FOLLOWING TO BE PRINTED ON THE
22 BALLOTS:

23 (A) ELIGIBLE PRESIDENTIAL CANDIDATES OF THAT POLITICAL PARTY
24 UNDER SECTION 615A.

25 (B) CANDIDATES FOR THE POST OF DELEGATE UNDER SECTION 562B.

26 (2) IF PRESIDENTIAL CANDIDATES ARE TO BE PRINTED ON THE
27 BALLOT, AS PROVIDED UNDER SUBSECTION (1)(A), THE ALLOCATION OF

1 NATIONAL CONVENTION DELEGATES TO THE CANDIDATE FOR PRESIDENT OF
2 THE UNITED STATES SHALL BE EQUALLY APPORTIONED, AS NEAR AS PRAC-
3 TICABLE, TO THE TOTAL VOTE CAST FOR THAT PRESIDENTIAL CANDIDATE
4 AT THE PRESIDENTIAL PRIMARY ELECTION.

5 (3) THE STATE CENTRAL COMMITTEE SHALL NOTIFY THE SECRETARY
6 OF STATE, AS PROVIDED UNDER SECTION 620A, WHETHER THEY WILL BE
7 PLACING THE NAMES OF PRESIDENTIAL CANDIDATES OR CANDIDATES FOR
8 THE POST OF DELEGATE ON THE BALLOT AS PROVIDED IN THIS SECTION.

9 SEC. 615A. (1) THE SECRETARY OF STATE SHALL, IF THE POLITI-
10 CAL PARTY IS GOING TO NOMINATE PRESIDENTIAL CANDIDATES AS PRO-
11 VIDED UNDER SECTION 613B, PRINT THE NAME OF EACH ELIGIBLE PRESI-
12 DENTIAL CANDIDATE ON THE BALLOTS FOR THE PRESIDENTIAL PRIMARY
13 UNDER THE APPROPRIATE POLITICAL PARTY HEADING.

14 (2) A PRESIDENTIAL CANDIDATE IS ELIGIBLE TO HAVE HIS OR HER
15 NAME PRINTED ON THE PRESIDENTIAL PRIMARY ELECTION BALLOT BY MEET-
16 ING ALL OF THE FOLLOWING REQUIREMENTS BY THE THIRD FRIDAY IN
17 NOVEMBER IN THE YEAR PRECEDING A PRESIDENTIAL ELECTION YEAR:

18 (A) FILING WITH THE SECRETARY OF STATE A NOMINATING PETITION
19 SIGNED BY A NUMBER OF QUALIFIED AND REGISTERED ELECTORS RESIDING
20 IN THE STATE THAT MEETS ALL OF THE FOLLOWING REQUIREMENTS:

21 (i) IT CONTAINS VALID SIGNATURES EQUAL TO NOT LESS THAN 1/2
22 OF 1% OF THE TOTAL VOTES CAST IN THE STATE AT THE PREVIOUS PRESI-
23 DENTIAL ELECTION FOR THE PRESIDENTIAL CANDIDATE OF THE POLITICAL
24 PARTY OF THE INDIVIDUAL SEEKING NOMINATION.

25 (ii) THE SIGNATURES ARE OBTAINED WITHIN THE 180 DAYS IMMEDI-
26 ATELY PRECEDING THE DATE OF FILING.

1 (iii) IT CONFORMS TO THE REQUIREMENTS OF THIS ACT REGARDING
2 NOMINATING PETITIONS, WHICH REQUIREMENTS ARE NOT INCONSISTENT
3 WITH THE REQUIREMENTS OF THIS SUBDIVISION.

4 (B) FILING AN AFFIDAVIT WITH THE SECRETARY OF STATE INDICAT-
5 ING THE INDIVIDUAL'S PARTY PREFERENCE AND WILLINGNESS TO HAVE HIS
6 OR HER NAME PRINTED ON THE BALLOT.

7 (3) THE NAMES OF THE PRESIDENTIAL CANDIDATES SHALL BE
8 ROTATED ON THE BALLOT. THE BALLOT SHALL CONTAIN A SPACE FOR AN
9 ELECTOR TO VOTE UNCOMMITTED.

10 SEC. 616A. THE SECRETARY OF STATE SHALL CERTIFY THE STATE-
11 WIDE AND CONGRESSIONAL DISTRICT RESULTS OF THE PRESIDENTIAL PRI-
12 MARY ELECTION TO THE CHAIRPERSON OF THE STATE CENTRAL COMMITTEE
13 OF EACH PARTICIPATING POLITICAL PARTY.

14 SEC. 620A. (1) ALL RULES, PROCEDURES, ALLOCATION OF
15 NATIONAL DELEGATES, ADDITIONAL QUALIFICATIONS FOR DELEGATES, DEL-
16 EGATIONS OF AUTHORITY, AND NOTICE REQUIRED UNDER SECTION 613B, BY
17 ANY STATE CENTRAL COMMITTEE RELATING TO PRESIDENTIAL PRIMARY
18 ELECTIONS, SHALL BE FILED WITH THE SECRETARY OF STATE NO LATER
19 THAN AUGUST 31 OF THE YEAR PRECEDING THE PRESIDENTIAL ELECTION.

20 (2) IF THE STATE CENTRAL COMMITTEE OF ANY POLITICAL PARTY
21 FOR WHICH A PRESIDENTIAL PRIMARY IS TO BE HELD UNDER SECTION 613A
22 FAILS TO FILE ANY RULES, PROCEDURES, ALLOCATION OF NATIONAL DELE-
23 GATES, ADDITIONAL QUALIFICATIONS FOR DELEGATES, DELEGATIONS OF
24 AUTHORITY, AND NOTICE REQUIRED UNDER SECTION 613B NECESSARY FOR
25 THE APPROPRIATE IMPLEMENTATION OF THIS ACT RELATING TO PRESIDEN-
26 TIAL PRIMARY ELECTIONS, THE SECRETARY OF STATE SHALL ISSUE THEM
27 TO THE EXTENT NECESSARY.

1 (3) THE SECRETARY OF STATE SHALL INSURE THAT ALL RULES,
2 PROCEDURES, ALLOCATION OF NATIONAL CONVENTION DELEGATES, ADDI-
3 TIONAL QUALIFICATIONS FOR DELEGATES, DELEGATIONS OF AUTHORITY,
4 AND THE GENERAL PROVISIONS OF THIS ACT RELATING TO THE PRESIDEN-
5 TIAL PRIMARY ELECTION BE WIDELY PUBLICIZED AND MADE EASILY AVAIL-
6 ABLE TO THE PUBLIC.

7 Sec. 623a. (1) ~~The~~ EXCEPT IN PRESIDENTIAL ELECTION YEARS,
8 A CERTIFICATE SHOWING THE NUMBER OF DELEGATES TO THE COUNTY CON-
9 VENTION TO WHICH THE PRECINCT IS ENTITLED SHALL BE FORWARDED BY
10 MAIL OR DELIVERED TO THE BOARD OF ELECTION COMMISSIONERS IN THAT
11 COUNTY BY THE chairperson of the county committee or district
12 committee considered a county under section 592 of each political
13 party ~~shall forward by mail or deliver to the board of election~~
14 ~~commissioners in each county~~ at least 90 days before the August
15 primary. ~~a certificate showing the number of delegates to the~~
16 ~~county conventions to which each precinct of the county is~~
17 ~~entitled.~~ IN PRESIDENTIAL ELECTION YEARS, THE CERTIFICATE
18 REQUIRED IN THIS SUBSECTION SHALL BE DELIVERED ON OR BEFORE THE
19 SECOND TUESDAY IN SEPTEMBER OF THE YEAR PRECEDING THE PRESIDEN-
20 TIAL ELECTION.

21 (2) If the chairperson fails to have ~~such~~ a certificate
22 forwarded by mail or delivered to the board of election commis-
23 sioners of ~~any~~ THE county by the day specified ~~, then that~~ IN
24 SUBSECTION (1), THE board of election commissioners shall deter-
25 mine ~~forthwith~~ the number of delegates to the county convention
26 ~~which~~ THAT each precinct should elect ~~which is necessary~~ for
27 the ~~appropriate~~ implementation of this act.

1 (3) The allotment of delegates to all precincts in the state
2 shall be made to insure, as near as is practicable, equal appor-
3 tionment based upon the total vote cast for the candidate of each
4 political party for either president of the United States or sec-
5 retary of state at the last general election when elections for
6 those offices were held, whichever is later. ~~, but each~~
7 HOWEVER, EACH precinct shall have at least 1 delegate.

8 (4) The apportionment shall be based on the precincts as
9 they exist on January 1 in even numbered years. NOTWITHSTANDING
10 THE PROVISIONS OF SECTIONS 656 AND 661, THE PRESIDENTIAL PRIMARY
11 ELECTION SHALL BE CONDUCTED IN PRECINCTS AS THEY EXIST ON
12 JANUARY 1 OF THE YEAR OF A PRESIDENTIAL PRIMARY ELECTION. THE
13 EFFECTIVE DATE OF DIVISION OF PRECINCTS PROVIDED FOR IN SECTIONS
14 656 AND 661 SHALL BE THE DAY FOLLOWING THE PRESIDENTIAL PRIMARY
15 ELECTION IN YEARS IN WHICH A PRESIDENTIAL PRIMARY ELECTION IS
16 HELD.

17 (5) As many delegates in each precinct as a political party
18 is entitled to according to the certificate authorized by the
19 chairperson of the county committee or the board of election com-
20 missioners shall be elected AT THE PRESIDENTIAL PRIMARY IN PRESI-
21 DENTIAL ELECTION YEARS OR at the August primary in even numbered
22 years THAT ARE NOT PRESIDENTIAL ELECTION YEARS by direct vote of
23 the registered electors ~~of each political party~~ in the county.

24 SEC. 624G. (1) THE NOMINATING PETITION OF A CANDIDATE FOR
25 THE POST OF DELEGATE TO THE COUNTY CONVENTION OF EACH POLITICAL
26 PARTY, WHICH CANDIDATE SEEKS ELECTION TO THE POST AT A
27 PRESIDENTIAL PRIMARY ELECTION, SHALL INCLUDE 1 OF THE FOLLOWING:

1 (A) THE NAME OF A CANDIDATE FOR PRESIDENT OF THE UNITED
2 STATES OF THE SAME PARTY AS THE CANDIDATE FOR THE POST OF DELE-
3 GATE THAT THE CANDIDATE FOR THE POST OF DELEGATE, IF ELECTED,
4 WILL BE BOUND TO VOTE FOR AT EACH STAGE OF THE NOMINATING
5 PROCESS. THE REQUIREMENTS OF THIS SUBDIVISION SHALL BE MET ONLY
6 IF THE DESIGNATED PRESIDENTIAL CANDIDATE IS A PERSON ELIGIBLE TO
7 HAVE HIS OR HER NAME PRINTED ON THE PRESIDENTIAL PRIMARY ELECTION
8 BALLOT UNDER SECTION 615A.

9 (B) A STATEMENT THAT THE CANDIDATE FOR THE POST OF DELEGATE
10 TO THE COUNTY CONVENTION IS UNCOMMITTED REGARDING THE CANDIDATES
11 FOR PRESIDENT OF THE UNITED STATES.

12 (2) THE NOMINATING PETITION OF A CANDIDATE FOR THE POST OF
13 DELEGATE TO THE COUNTY CONVENTION SHALL CONTAIN THE INFORMATION
14 REQUIRED IN SUBSECTION (1) BEFORE SIGNATURES ARE OBTAINED ON THE
15 NOMINATING PETITION.

16 (3) THE BOARD OF COUNTY ELECTION COMMISSIONERS SHALL NOT
17 ACCEPT FOR FILING A NOMINATING PETITION THAT DOES NOT COMPLY WITH
18 SUBSECTIONS (1) AND (2).

19 (4) IF ELECTED, THE DELEGATE TO THE COUNTY CONVENTION SHALL
20 BE BOUND TO VOTE AT EACH STAGE OF THE PRESIDENTIAL NOMINATION
21 PROCESS FOR THE CANDIDATE FOR PRESIDENT OF THE UNITED STATES THAT
22 WAS INDICATED ON THE DELEGATE BALLOT, IF ANY.

23 (5) AN INDIVIDUAL ELECTED AS A DELEGATE TO THE STATE CONVEN-
24 TION, WHO WAS NOT ELECTED AS A DELEGATE TO THE COUNTY CONVENTION,
25 SHALL BE BOUND TO VOTE AT EACH STAGE OF THE PRESIDENTIAL NOMINA-
26 TION PROCESS FOR THE CANDIDATE FOR PRESIDENT OF THE UNITED STATES

1 THAT HE OR SHE FIRST OPENLY DESIGNATED A COMMITMENT TO, IF ANY,
2 BEFORE HIS OR HER ELECTION.

3 (6) DELEGATES TO THE COUNTY CONVENTION AND STATE CONVENTION
4 SHALL BE BOUND TO VOTE FOR THE PRESIDENTIAL CANDIDATE THEY ARE
5 COMMITTED TO UNDER SUBSECTION (4) OR (5) UNTIL THEY ARE RELEASED
6 FROM THAT COMMITMENT BY WRITTEN NOTICE TO THE SECRETARY OF STATE
7 BY THE PRESIDENTIAL CANDIDATE DECLARING HIS OR HER WITHDRAWAL
8 FROM CONTENTION FOR THAT PARTY'S NOMINATION. THE SECRETARY OF
9 STATE SHALL NOTIFY THE CHAIRPERSON OF THE STATE CENTRAL COMMITTEE
10 OF THE PRESIDENTIAL CANDIDATE'S WITHDRAWAL.

11 SEC. 624H. (1) A CANDIDATE FOR THE POST OF DELEGATE TO THE
12 COUNTY CONVENTION OF EACH POLITICAL PARTY WHO SEEKS ELECTION TO
13 THE POST AT A PRESIDENTIAL PRIMARY ELECTION SHALL FILE THE NOMI-
14 NATING PETITION REQUIRED UNDER SECTION 624G PRIOR TO 4 P.M. ON
15 THE FOURTH FRIDAY IN NOVEMBER PRECEDING A PRESIDENTIAL ELECTION
16 YEAR. THE CANDIDATE MAY WITHDRAW NO LATER THAN 4 P.M. ON THE
17 TUESDAY FOLLOWING THE FOURTH FRIDAY IN NOVEMBER PRECEDING A PRE-
18 SIDENTIAL ELECTION YEAR.

19 (2) A COMPLAINT REGARDING THE SIGNATURES ON A NOMINATING
20 PETITION SHALL NOT BE INVESTIGATED UNLESS RECEIVED BY THE COUNTY
21 CLERK BY 4 P.M. ON THE TUESDAY FOLLOWING THE FOURTH FRIDAY IN
22 NOVEMBER.

23 (3) A NOMINATING PETITION SHALL COMPLY WITH THE PROVISIONS
24 OF SECTION 624 THAT ARE NOT INCONSISTENT WITH THE REQUIREMENTS OF
25 THIS SECTION.

26 SEC. 792C. SECTION 792A SHALL NOT APPLY TO PRESIDENTIAL
27 PRIMARY ELECTIONS.

1 Section 2. This amendatory act shall take effect January 1,
2 1989.