

# HOUSE BILL No. 5014

October 5, 1987, Introduced by Reps. Trim and Willis Bullard and referred to the Committee on Elections.

A bill to amend sections 198, 345, 348, 349, 355, 357, 534, 535, 561, 570a, 582, 686a, 694, 719, and 973 of Act No. 116 of the Public Acts of 1954, entitled "Michigan election law," section 582 as amended by Act No. 160 of the Public Acts of 1980, being sections 168.198, 168.345, 168.348, 168.349, 168.355, 168.357, 168.534, 168.535, 168.561, 168.570a, 168.582, 168.686a, 168.694, 168.719, and 168.973 of the Michigan Compiled Laws; and to repeal certain acts and parts of acts.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Section 1. Sections 198, 345, 348, 349, 355, 357, 534, 535,  
2 561, 570a, 582, 686a, 694, 719, and 973 of Act No. 116 of the  
3 Public Acts of 1954, section 582 as amended by Act No. 160 of the  
4 Public Acts of 1980, being sections 168.198, 168.345, 168.348,  
5 168.349, 168.355, 168.357, 168.534, 168.535, 168.561, 168.570a,

1 168.582, 168.686a, 168.694, 168.719, and 168.973 of the Michigan  
2 Compiled Laws, are amended to read as follows:

3       Sec. 198. (1) ~~When~~ IF a candidate of a political party  
4 has filed a nominating petition or filing fee for an office and  
5 has been nominated for the office by a political party, the can-  
6 didate shall not be permitted to withdraw unless ~~he~~ THE  
7 CANDIDATE has removed from the county or has become physically  
8 unfit.

9       (2) ~~When~~ IF a candidate of a political party has filed a  
10 nominating petition or filing fee for ~~township office or~~ the  
11 office of county commissioner and has been nominated for that  
12 office by a political party, the candidate shall not be permitted  
13 to withdraw unless ~~he~~ THE CANDIDATE has moved from the county  
14 or from the district from which ~~he~~ THE CANDIDATE was nominated,  
15 or has become physically unfit.

16       (3) If the person who has been nominated as the candidate of  
17 a political party for ~~township office or~~ the office of county  
18 commissioner dies before the date of the election for that  
19 office, the county political committee ~~, or in the case of a~~  
20 ~~township office, the township political committee,~~ of the party  
21 whose candidate has died shall select, by majority vote, a  
22 replacement for that person. The name of the replacement ~~so~~  
23 selected shall be transmitted to the election officials responsi-  
24 ble for the preparation and distribution of ballots, and the name  
25 of the replacement shall be affixed to each ballot or voting  
26 device in place of the name of the original candidate.

1 (4) A vacancy shall not be filled by the county committees  
2 except for the above causes and as ~~herein~~ specified IN THIS  
3 SECTION.

4 (5) This prohibition shall not be construed to prohibit the  
5 withdrawal of a candidate who was nominated without having filed  
6 a nominating petition or filing fee and whose name has been writ-  
7 ten or placed on the ballot of a political party.

8 Sec. 345. A NONPARTISAN primary ~~of all political parties~~  
9 shall be held in every organized township of this state on the  
10 Tuesday succeeding the first Monday in August preceding every  
11 general November election, at which time the qualified and regis-  
12 tered electors of each ~~political party~~ TOWNSHIP may vote for  
13 ~~party~~ candidates for township offices.

14 Sec. 348. The township board, not less than 40 days ~~prior~~  
15 ~~to the~~ BEFORE holding of the NONPARTISAN primary ~~herein~~ pro-  
16 vided for IN SECTION 345, shall issue a call for ~~such~~ THE pri-  
17 mary designating the time and place ~~thereof~~ and shall give  
18 notice of the ~~same~~ PRIMARY by publishing a copy of ~~such~~ THE  
19 call in ~~some~~ A newspaper of general circulation in the town-  
20 ship, and if ~~deemed~~ CONSIDERED advisable by the township board,  
21 by the posting IN CONSPICUOUS PLACES of ~~the~~ A number of notices  
22 ~~that~~ AS DETERMINED BY the board. ~~shall designate in conspicu-~~  
23 ~~ous places.~~ In townships having less than 200 registered voters,  
24 the township board may provide that, for elections at which ~~no~~  
25 A township question is NOT to be submitted, notices of the elec-  
26 tion shall be by posting, as ~~herein~~ provided ~~, in lieu of~~ IN  
27 THIS SECTION, INSTEAD OF by publishing. ~~The time of holding~~

1 ~~such primary in townships shall be on the third Monday in~~  
2 ~~February preceding each biennial spring election.~~

3       Sec. 349. (1) To obtain the printing of the name of a  
4 person as a candidate for nomination ~~by a political party~~ for a  
5 township office ~~under the particular party heading~~ upon the  
6 official NONPARTISAN primary ballots, ~~there~~ NOMINATING  
7 PETITIONS shall be filed with the township clerk ~~nominating~~  
8 ~~petitions~~ signed by a number of qualified and registered elec-  
9 tors residing within the township, equal to not less than 1% nor  
10 more than 4% of the TOTAL number of votes cast ~~by the party~~ in  
11 ~~the~~ THAT township for ~~secretary of state~~ THE OFFICE OF  
12 SUPERVISOR at the last general election in which a ~~secretary of~~  
13 ~~state~~ SUPERVISOR was elected, but in no case less than 5  
14 signatures.

15       (2) Nominating petitions shall be in the form prescribed in  
16 ~~section~~ SECTIONS 544A AND 544c. The township clerk shall  
17 receive nominating petitions up to 4 p.m. ~~—~~ of the ninth  
18 Tuesday preceding the August primary.

19       (3) Within 4 days after the last day for filing nominating  
20 petitions, the township clerk shall deliver to the county clerk a  
21 list setting forth the names, addresses, ~~and political~~  
22 ~~affiliation~~ and office sought of all candidates who have quali-  
23 fied for a position on the NONPARTISAN primary ballot.

24       Sec. 355. (1) ~~The candidate or~~ UNLESS A PRIMARY IS NOT  
25 HELD AS PROVIDED IN SECTION 540, THE candidates ~~of each politi-~~  
26 ~~cal party to~~ FOR a township office receiving the greatest number  
27 of votes cast for candidates ~~of said~~ FOR THAT office, as set

1 forth in the report of the township board of canvassers, based on  
2 the returns from the various election precincts, or as determined  
3 by the board of county canvassers as the result of a recount,  
4 shall be declared the ~~nominee or~~ nominees ~~of that political~~  
5 ~~party~~ for ~~said~~ THAT office at the next ~~ensuing~~ November  
6 election. THE NUMBER OF CANDIDATES DECLARED TO BE THE NOMINEES  
7 FOR AN OFFICE SHALL BE EQUAL TO TWICE THE NUMBER OF PERSONS TO BE  
8 ELECTED. The township board of canvassers shall certify ~~such~~  
9 ~~nomination or~~ THE nominations to the township clerk within 48  
10 hours after the closing of the polls.

11 (2) Within 4 days following the primary, the township clerk  
12 shall deliver to the county clerk a list setting forth the names,  
13 addresses, ~~political affiliation~~ and office sought of all can-  
14 didates nominated at the primary.

15 Sec. 357. ~~When any~~ IF A candidate, ~~of a political~~  
16 ~~party,~~ after having been nominated for a township office, ~~shall~~  
17 ~~die, remove~~ DIES, REMOVES from the township, or ~~become~~ BECOMES  
18 disqualified for any reason, the township board of election com-  
19 missioners shall provide a blank space or spaces on the official  
20 ballots which will afford every elector of ~~said party~~ THE  
21 TOWNSHIP an opportunity to vote for a candidate to fill the  
22 vacancy, ~~thereby caused,~~ by writing in the name of his or her  
23 selection or by the use of a slip or paster.

24 Sec. 534. A general primary of all political parties except  
25 as otherwise provided in section 532 ~~of this act~~ shall be held  
26 in every election precinct in this state on the Tuesday  
27 succeeding the first Monday in August preceding every general

1 November election, at which time the qualified and registered  
2 voters of each political party may vote for party candidates for  
3 the office of governor, United States senator, representative in  
4 congress, state senator, representative in the legislature,  
5 county executive, prosecuting attorney, sheriff, county clerk,  
6 county treasurer, register of deeds, county auditor, drain com-  
7 missioner, ~~coroners,~~ county road commissioner, county mine  
8 inspector, AND surveyor. ~~and candidates for office in townships~~  
9 ~~operating under section 344 of this act. No~~ A nomination for  
10 ~~any~~ AN office shall NOT be made unless ~~such~~ THAT official is  
11 to be elected at the next succeeding general November election.

12       Sec. 535. A general primary shall be held in every election  
13 precinct in this state on the Tuesday succeeding the first Monday  
14 in August preceding every general November election, at which  
15 time the qualified and registered voters may vote for nonpartisan  
16 candidates for the office of judge of the court of appeals, judge  
17 of the circuit court, AND judge of probate, and for ~~circuit~~  
18 ~~court commissioner~~ TOWNSHIP OFFICES, in the years in which  
19 ~~such~~ THE officers are to be elected.

20       Sec. 561. (1) The ballots prepared by the board of election  
21 commissioners in each county for use by the electors of a politi-  
22 cal party at a primary election shall include the names of all  
23 candidates of the political party for the office of governor,  
24 United States senator, and district offices, and, in each county,  
25 the names of all candidates of the political party for county  
26 offices. ~~, and in each township the names of all candidates of~~  
27 ~~the political party for township offices.~~

1       (2) If, in a district comprised of not more than 1 county, 2  
2 or more candidates, including candidates for nonpartisan offices,  
3 for the same office have the same or similar surnames, a candi-  
4 date may file a written request with the board of county election  
5 commissioners for a clarifying designation. The request shall be  
6 filed not later than 3 days after the last date for filing nomi-  
7 nating petitions. Not later than 3 days after the filing of the  
8 request, the board of county election commissioners shall deter-  
9 mine whether a similarity exists and whether a clarifying desig-  
10 nation should be granted. In a district comprised of more than 1  
11 county, the board of state canvassers shall make a like determi-  
12 nation for a clarifying designation upon the written request of a  
13 candidate who files nominating petitions with the secretary of  
14 state. The request shall be filed with the state board of can-  
15 vassers not later than 5 days after the last date for filing nom-  
16 inating petitions. The board of state canvassers shall make its  
17 determination at the same time it makes a declaration of the suf-  
18 ficiency or insufficiency of nominating petitions in compliance  
19 with section 552.

20       (3) In each instance the determining board shall notify the  
21 requester and the other candidate affected of its determination  
22 by first class mail sent within 24 hours after the final date for  
23 the determination. A candidate who is dissatisfied with the  
24 determination of the board of county election commissioners may  
25 file an appeal in the circuit court ~~of~~ FOR the county where the  
26 board is located, and a candidate who is dissatisfied with the  
27 determination of the board of state canvassers may file an appeal

1 in the circuit court ~~of~~ FOR Ingham county, within 7 days after  
2 the final date for determination by the board. ~~, and the~~ THE  
3 court shall hear the matter de novo. ~~In case of~~ IF THE CANDI-  
4 DATES HAVE the same surnames or IF THERE IS a final determination  
5 by the board, or by the court before the latest date on which the  
6 board can arrange for printing of the ballots, ~~of the existence~~  
7 ~~of similarity~~ THAT A SIMILARITY IN NAME EXISTS, the board shall  
8 print the occupation or residence of each of the candidates on  
9 the ballot or ballot labels under their respective names. The  
10 term "occupation" shall be construed to include political office,  
11 even though it is not the candidate's principal occupation, but  
12 shall not include reference to a previous position or  
13 occupation.

14 (4) The name of a candidate shall be printed showing the  
15 given name or abbreviation or initials of the given name of the  
16 candidate, and, in the case of a married woman, shall not be  
17 printed showing the husband's given name.

18 (5) The board of state canvassers shall prepare and issue  
19 guidelines to insure fairness and uniformity in the granting of  
20 designations, and may prepare and issue guidelines relating to  
21 what constitutes same or similar surnames. The board of state  
22 canvassers and the boards of county election commissioners shall  
23 follow the guidelines issued.

24 Sec. 570a. The official NONPARTISAN primary ballot shall  
25 include candidates for township offices. THE TOWNSHIP BALLOT MAY  
26 BE SEPARATE FROM THE JUDICIAL BALLOT. ~~Township offices and~~  
27 ~~candidates shall follow state and county offices and candidates.~~

~~1 Parties qualified to appear on the primary ballot for state and  
2 county offices and no others are qualified to appear and have the  
3 names of their candidates printed on the township portion of the  
4 primary ballot. Parties qualified to nominate candidates for  
5 state and county offices under the provisions of section 685 and  
6 no others are qualified to nominate candidates for township  
7 offices at the county caucuses provided in section 686a.~~

~~8 All references in the election law to a February primary  
9 shall be deemed to be references to the primary provided by the  
10 election law to be held in August prior to the general November  
11 election and all references to an April election shall be deemed  
12 to be references to the general November election.~~

13 Sec. 582. A person who is voted for on a party ballot for a  
14 state, district, ~~township,~~ county, city, or ward office, or for  
15 the office of United States senator or representative in  
16 ~~Congress~~ CONGRESS, whose name is not printed on the ballot and  
17 who has not filed a nominating petition for the office voted for,  
18 shall not be considered nominated as the candidate of the party  
19 for the office, nor be certified as a nominee, unless the person  
20 receives a total vote equal to not less than .15 of 1% of the  
21 total population, as reflected by the last official federal  
22 census, of the district for which nomination is sought, but not  
23 less than 10 votes for the office, or a total vote equal to 5% of  
24 the greatest number of votes cast by the party for any office at  
25 the primary in the state, congressional, or other district,  
26 ~~township,~~ county, city, or ward, for a candidate or for all  
27 candidates for nomination for an office for which only 1 person

1 is to be nominated, whichever is greater. However, for an office  
2 to which more than 1 candidate is to be elected, the 5% limita-  
3 tion shall be based upon the greatest number of votes cast at the  
4 primary for any candidate for the same office.

5       Sec. 686a. (1) The nomination of candidates for political  
6 parties entitled to a position on the ballot which failed to have  
7 ~~a~~ AT least 1 candidate who polled at least 5% of the total vote  
8 cast for all candidates for secretary of state at the last pre-  
9 ceding election at which a secretary of state was elected shall  
10 be made as provided in section 532. If county caucuses and state  
11 conventions are held, they shall be held ~~at the times set forth~~  
12 ~~hereafter: county~~ AS FOLLOWS:

13       (A) COUNTY caucuses at least 71 days before the date set for  
14 the August primary. ~~state~~

15       (B) STATE conventions at least 64 days before the date set  
16 for the August primary.

17       (2) County caucuses may nominate candidates for the office  
18 of representative in congress, state senator, and state represen-  
19 tative, if the offices represent districts contained wholly  
20 within the county, and for all county ~~and township~~ offices.

21 The names, mailing addresses, and office to which nominated of  
22 all candidates so nominated shall be certified by the ~~chairman~~  
23 CHAIRPERSON and secretary of the caucus to the county clerk  
24 within 24 hours after the conclusion of the caucus. Accompanying  
25 the certification shall be an affidavit of identity for each can-  
26 didate named in the certificate as provided in section 558 and a  
27 separate written notice of acceptance of nomination signed by

1 each candidate named on the certificate. The form of the  
2 certificate of acceptance shall be prescribed by the secretary of  
3 state.

4 (3) The names of candidates so certified shall be printed on  
5 the ballot for the forthcoming election. The name of a candidate  
6 shall not be printed on the ballot unless the notice of accep-  
7 tance and the affidavit of identity accompanies the certificate.  
8 Candidates nominated and certified shall not be permitted to  
9 withdraw.

10 (4) The county caucus may also select the number of dele-  
11 gates to the state convention to which the county is entitled and  
12 shall select its own officers and name its own county committee.

13 (5) The state convention shall be held at the time and place  
14 indicated in the call. The convention shall consist of delegates  
15 selected by the county caucuses. The convention may fill vacan-  
16 cies in a delegation from qualified electors of that county  
17 present at the convention. The convention may nominate candi-  
18 dates for all state offices.

19 (6) District candidates may be nominated at district cau-  
20 cuses held in conjunction with the state convention attended by  
21 qualified delegates of the district. If delegates of a district  
22 are not present, a district caucus shall not be held for that  
23 district and candidates shall not be nominated for that  
24 district. ~~The~~

25 (7) WITHIN 24 HOURS AFTER THE CONCLUSION OF THE CONVENTION,  
26 THE CANDIDATES' names ~~—~~ AND mailing addresses ~~—~~ and THE STATE  
27 OR DISTRICT offices to which THEY ARE nominated ~~of the~~

1 ~~candidates nominated for state or district offices, within 24~~  
2 ~~hours after the conclusion of the convention,~~ shall be certified  
3 by the ~~chairman~~ CHAIRPERSON and secretary of the state conven-  
4 tion to the secretary of state. Accompanying the certification  
5 shall be an affidavit of identity for each candidate named in the  
6 certificate as provided in section 558 and a separate written  
7 notice of acceptance of nomination signed by each candidate named  
8 on the certificate. The form of the certificate of acceptance  
9 shall be prescribed by the secretary of state.

10 (8) The names of candidates certified shall be printed on  
11 the ballot for the forthcoming election. The name of a candidate  
12 shall not be printed on the ballot unless the notice of accep-  
13 tance and the affidavit of identity accompanies the certificate.  
14 Candidates so nominated and certified shall not be permitted to  
15 withdraw.

16 Sec. 694. ~~All the provisions of sections~~ SECTIONS 691,  
17 692, 693, and 695 ~~of this act shall also~~ apply to ~~all~~ city  
18 ~~, AND village and township~~ elections held in this state under  
19 ~~the provisions of~~ this act, except that the notice ~~herein~~  
20 required to be given by a candidate shall, in case of a city ~~,~~  
21 OR village ~~or township~~ office, be given by ~~him~~ THE CANDIDATE  
22 to the proper city ~~,~~ OR village ~~or township~~ board of election  
23 commissioners within 2 days after ~~his~~ THE CANDIDATE'S name has  
24 been ~~so~~ certified as nominated by 2 or more political parties  
25 for the same office.

26 Sec. 719. (1) The election commission of each city,  
27 township, and village shall perform ~~such~~ THE SAME duties

1 relative to the preparation, printing, and delivery of ballots as  
2 are required by law of the boards of election commissioners of  
3 counties. ~~Like duties and privileges as are enjoined and~~  
4 ~~granted by this act upon and to the various committees of the~~  
5 ~~different political organizations are hereby prescribed for city~~

6 (2) CITY, village, or township committees in matters per-  
7 taining to ~~any~~ A city, village, or township election, ~~except~~  
8 ~~that~~ SHALL PERFORM THE SAME DUTIES AND HAVE THE SAME PRIVILEGES  
9 AS THE VARIOUS COMMITTEES OF THE DIFFERENT POLITICAL ORGANI-  
10 ZATIONS PERFORM UNDER THIS ACT. HOWEVER, it shall not be neces-  
11 sary for a city, township, or village committee of a political  
12 party or organization to furnish a vignette or heading for the  
13 ballots other than to designate the name of the party or politi-  
14 cal organization which they represent.

15 (3) In cities ~~,~~ AND villages ~~and townships~~ the names of  
16 candidates for city ~~,~~ ~~township~~ or village offices ~~,~~ ~~as the~~  
17 ~~case may be,~~ shall be given by the committees of the various  
18 political organizations to the board of election commissioners of  
19 ~~such~~ THE city ~~,~~ OR village ~~or township~~ not less than 18  
20 days before each election, but it shall not be necessary for  
21 ~~any~~ A party committee to give to the board of election commis-  
22 sioners the name of ~~any~~ A candidate nominated at an official  
23 primary election.

24 (4) The proof of the ballot shall be open to public inspec-  
25 tion at the office of the township, city, or village clerk ~~,~~  
26 not less than 15 days before ~~such~~ AN election.

1       Sec. 973. (1) Party candidates FOR AN ELECTION UNDER  
2 SECTION 971 shall be nominated as follows: ~~In case~~

3       (A) IF the vacancy to be filled ~~be~~ IS in a state office or  
4 that of United States senator, the state central committee of  
5 each political party shall nominate a candidate. ~~therefor, in~~  
6 ~~case such~~

7       (B) IF THE vacancy ~~be~~ IS in a county office or in a dis-  
8 trict office within an electoral district of 1 county, the county  
9 committee of each political party shall nominate a candidate.  
10 ~~therefor, in case such~~

11       (C) IF THE vacancy ~~be~~ IS in a district office within an  
12 electoral district THAT IS less than 1 county, the members of the  
13 county committee of each political party residing in ~~such~~ THAT  
14 electoral district shall nominate ~~the~~ A candidate. ~~therefor,~~  
15 ~~if~~

16       (D) IF the office to be filled ~~be~~ IS a district office  
17 having an electoral district in more than 1 county, the members  
18 of the several county committees of each political party residing  
19 in those parts of ~~such~~ THE counties ~~which~~ THAT are in ~~such~~  
20 THAT district shall nominate a candidate for the office. ~~, and~~  
21 ~~if such~~

22       (E) IF THE vacancy ~~be~~ IS in a ward ~~or township~~ office,  
23 the committee of each political party ~~thereof~~ OF THAT WARD  
24 shall nominate a candidate for ~~such~~ THAT office. ~~All nomina~~  
25 ~~tions by such~~

1 (2) A NOMINATION BY A committee shall be certified to the  
2 officer with whom the recall petitions were filed within 15 days  
3 after the calling of the special election.

4 Section 2. Sections 352 and 354 of Act No. 116 of the  
5 Public Acts of 1954, being sections 168.352 and 168.354 of the  
6 Michigan Compiled Laws, are repealed.

7 Section 3. This amendatory act shall not take effect unless  
8 Senate Bill No. \_\_\_\_\_ or House Bill No. 5013 (request  
9 no. 02297'87 a) of the 84th Legislature is enacted into law.