

HOUSE BILL No. 5396

December 11, 1991, Introduced by Reps. Profit and Pitoniak and referred to the Committee on Insurance.

A bill to amend sections 71, 72, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 643, and 697 of Act No. 116 of the Public Acts of 1954, entitled

"Michigan election law,"

section 71 as amended by Act No. 505 of the Public Acts of 1982, being sections 168.71, 168.72, 168.74, 168.75, 168.76, 168.77, 168.78, 168.79, 168.80, 168.81, 168.82, 168.83, 168.84, 168.85, 168.86, 168.643, and 168.697 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 71, 72, 74, 75, 76, 77, 78, 79, 80, 81,
2 82, 83, 84, 85, 86, 643, and 697 of Act No. 116 of the Public
3 Acts of 1954, section 71 as amended by Act No. 505 of the Public
4 Acts of 1982, being sections 168.71, 168.72, 168.74, 168.75,
5 168.76, 168.77, 168.78, 168.79, 168.80, 168.81, 168.82, 168.83,

1 168.84, 168.85, 168.86, 168.643, and 168.697 of the Michigan
2 Compiled Laws, are amended to read as follows:

3 Sec. 71. ~~A person shall not~~ TO be eligible ~~to the~~
4 ~~offices~~ FOR THE OFFICE of secretary of state, COMMISSIONER OF
5 INSURANCE, or attorney general, ~~if the person is not~~ A PERSON
6 SHALL BE a qualified elector of this state. A person ~~who has~~
7 ~~been~~ convicted of a violation of section 12a(1) of Act No. 370
8 of the Public Acts of 1941, being section 38.412a of the Michigan
9 Compiled Laws, ~~shall not be eligible to the offices~~ IS NOT ELI-
10 GIBLE FOR THE OFFICE of secretary of state, COMMISSIONER OF
11 INSURANCE, or attorney general for a period of 20 years after
12 conviction.

13 Sec. 72. At its fall state convention, each political party
14 may nominate a candidate for each of the offices of lieutenant
15 governor, secretary of state, COMMISSIONER OF INSURANCE, and
16 attorney general.

17 Sec. 74. ~~Any person who has been~~ A PERSON certified by
18 the state central committee of ~~any~~ A party as nominated for the
19 office of lieutenant governor, secretary of state, COMMISSIONER
20 OF INSURANCE, or attorney general may withdraw by filing a writ-
21 ten notice of withdrawal with the secretary of state or his OR
22 HER duly authorized agent and a copy with the ~~chairman~~
23 CHAIRPERSON and the secretary of the state central committee of
24 ~~said~~ THE party not later than 4 p.m., eastern standard time, of
25 the third day following ~~such~~ THE convention.

26 Sec. 75. ~~When~~ IF a candidate of a political party ~~→~~
27 ~~after having been~~ nominated to the office of lieutenant

1 governor, secretary of state, COMMISSIONER OF INSURANCE, or
 2 attorney general ~~, shall die, withdraw, remove~~ DIES, WITHDRAWS,
 3 REMOVES HIMSELF OR HERSELF from ~~the~~ THIS state, or ~~become~~
 4 BECOMES disqualified, ~~for any reason,~~ the state central commit-
 5 tee of ~~such~~ THE party shall IMMEDIATELY meet ~~forthwith~~ and by
 6 a majority vote of the members ~~thereof~~ shall select a candidate
 7 to fill the vacancy. ~~thereby caused.~~ The name of the candidate
 8 so selected shall be immediately certified by the ~~chairman~~
 9 CHAIRPERSON and the secretary of ~~said~~ THE committee to the sec-
 10 retary of state and to the board of election commissioners for
 11 each county. ~~whose duty it is to prepare the official ballots~~
 12 ~~and said~~ THE board shall cause to be printed or placed upon
 13 ~~said~~ THE OFFICIAL ballots, in the proper place, the name of the
 14 candidate so selected to fill the vacancy.

15 Sec. 76. A secretary of state, COMMISSIONER OF INSURANCE,
 16 and attorney general shall be elected at the general election in
 17 ~~1964, 1966,~~ 1994 and every fourth year thereafter.

18 Sec. 77. The board of state canvassers shall determine
 19 which candidates for the offices of secretary of state, COMMIS-
 20 SIONER OF INSURANCE, and attorney general ~~have~~ received the
 21 greatest number of votes and shall declare ~~such~~ THOSE candi-
 22 dates to be duly elected. The ~~said~~ board shall ~~forthwith~~
 23 IMMEDIATELY make and subscribe on its statement of returns a cer-
 24 tificate of ~~such~~ ITS determination and deliver the ~~same~~
 25 STATEMENT AND CERTIFICATE to the secretary of state.

26 Sec. 78. The secretary of state shall file in his OR HER
 27 office and preserve the original ~~statements and~~ STATEMENT OF

1 RETURNS AND CERTIFICATE OF THE determination of the board of
 2 state canvassers of the results of the election and shall
 3 ~~forthwith~~ IMMEDIATELY execute and cause to be delivered to the
 4 persons ~~thereby~~ declared BY THE STATEMENT AND CERTIFICATE to be
 5 elected to the offices of secretary of state, COMMISSIONER OF
 6 INSURANCE, and attorney general certificates of election, certi-
 7 fied by ~~him~~ THE SECRETARY OF STATE under the great seal of
 8 ~~the~~ THIS state.

9 Sec. 79. The terms of office of the secretary of state,
 10 COMMISSIONER OF INSURANCE, and attorney general ~~shall~~ commence
 11 at 12 noon on January 1 next following the election, and ~~shall~~
 12 continue until a successor is elected and qualified. ~~The terms~~
 13 ~~of office of the secretary of state and attorney general elected~~
 14 ~~at the general election in 1964 shall be 2 years.~~ The terms of
 15 office of the secretary of state and attorney general elected at
 16 the general election in 1966 and every fourth year thereafter
 17 shall be 4 years. THE TERM OF OFFICE OF THE COMMISSIONER OF
 18 INSURANCE ELECTED AT THE GENERAL ELECTION IN 1994 AND EVERY
 19 FOURTH YEAR THEREAFTER SHALL BE 4 YEARS.

20 Sec. 80. ~~Every~~ A person elected to the office of secre-
 21 tary of state, COMMISSIONER OF INSURANCE, or attorney general,
 22 before entering upon the duties of ~~his~~ office, shall take and
 23 subscribe to the oath as provided in section 1 of article ~~++~~ XI
 24 of the state constitution OF 1963, ~~and shall~~ give bond in the
 25 amount and manner prescribed by law, and ~~shall~~ deposit ~~said~~
 26 THE oath and bond with the secretary of state, except that ~~any~~

1 A person elected to the office of secretary of state shall
2 deposit ~~said~~ THE oath and bond with the attorney general.

3 Sec. 81. ~~Any~~ A person duly elected to the office of sec-
4 retary of state, COMMISSIONER OF INSURANCE, or attorney general
5 who desires to resign shall file a written notice, containing the
6 effective date of ~~such~~ THE resignation, with the governor and a
7 copy with the office of the secretary of state.

8 Sec. 82. The office of secretary of state, COMMISSIONER OF
9 INSURANCE, or attorney general ~~shall become~~ BECOMES vacant upon
10 the ~~happening of any of the following events: Death of the~~
11 ~~incumbent, his~~ INCUMBENT'S DEATH, resignation, ~~, his~~ removal
12 from office for cause, ~~, his~~ ceasing to be a resident of the
13 state, ~~, his~~ OR conviction of an infamous crime or an offense
14 involving the violation of his OR HER oath of office; UPON the
15 decision of a competent tribunal declaring his OR HER election or
16 appointment void; or UPON his OR HER neglect or refusal to take
17 and subscribe to the constitutional oath of office and deposit
18 the ~~same~~ OATH in the manner and within the time prescribed by
19 law. ~~When a vacancy shall occur~~ WITHIN 10 DAYS AFTER A VACANCY
20 OCCURS in any of ~~the said~~ THESE offices, a notice of ~~such~~ THE
21 vacancy and the reason why the ~~same~~ VACANCY exists shall ~~7~~
22 ~~within 10 days after such vacancy occurs,~~ be given in writing to
23 the governor. ~~Such~~ THE notice shall be given by the secretary
24 of state unless ~~such~~ THE vacancy occurs in the office of the
25 secretary of state, ~~then~~ IN WHICH CASE THE NOTICE SHALL BE
26 GIVEN by the attorney general.

1 Sec. 83. ~~Any~~ A person holding the office of secretary of
 2 state, COMMISSIONER OF INSURANCE, or attorney general may be
 3 removed from office upon conviction in impeachment proceedings
 4 for the reasons and in the manner set forth in section 7 of arti-
 5 cle ~~++~~ XI of the state constitution OF 1963. ~~The governor~~
 6 ~~shall have the power and it shall be his duty, except at such~~
 7 ~~times as~~ EXCEPT WHEN the legislature ~~may be~~ IS in session,
 8 ~~to~~ THE GOVERNOR SHALL examine ~~into~~ the condition and adminis-
 9 tration of ~~the public~~ THESE offices and the acts of ~~the~~
 10 ~~public~~ THESE officers, ~~enumerated herein, and to~~ AND SHALL
 11 remove THE OFFICERS from office for gross neglect of duty or for
 12 corrupt conduct in office, or any other misfeasance or malfea-
 13 sance ~~therein~~ IN OFFICE, and report the causes of ~~such~~ THE
 14 removal to the legislature at its next session as provided in
 15 section 10 of article ~~5~~ V of the state constitution OF 1963.
 16 ~~Such~~ THE person shall be served with a written notice of the
 17 charges against him OR HER and be afforded an opportunity for a
 18 public hearing conducted personally by the governor.

19 Sec. 84. ~~Whenever~~ IF a vacancy ~~shall occur~~ OCCURS in
 20 the office of secretary of state, COMMISSIONER OF INSURANCE, or
 21 attorney general, the governor shall appoint a successor to fill
 22 ~~such~~ THE vacancy and the person so appointed shall take the
 23 oath of office, give bond in the manner required by law, and
 24 ~~shall~~ hold such office until ~~his~~ A successor is elected and
 25 qualified. The candidate receiving the highest number of votes
 26 ~~for either of said offices~~ who has subscribed to the
 27 constitutional oath and filed the requisite bond ~~shall be~~

1 ~~deemed~~ IS CONSIDERED to be elected and qualified even though a
 2 vacancy occurs ~~prior to the time he shall have entered~~ BEFORE
 3 HE OR SHE ENTERS upon the duties of ~~his~~ office.

4 Sec. 85. The votes cast for ~~any~~ A candidate for the
 5 office of secretary of state, COMMISSIONER OF INSURANCE, or
 6 attorney general ~~at any election shall be~~ ARE subject to
 7 recount as provided in chapter ~~33 of this act~~ XXXIII.

8 Sec. 86. ~~Any~~ A person elected to the office of secretary
 9 of state, COMMISSIONER OF INSURANCE, or attorney general ~~shall~~
 10 ~~be~~ IS subject to recall as provided in chapter ~~36 of this act~~
 11 XXXVI and in section 8 of article ~~2~~ II of the state constitu-
 12 tion OF 1963.

13 Sec. 643. At ~~the~~ A general November ~~elections~~ ELECTION,
 14 ~~there~~ THE FOLLOWING OFFICERS shall be elected when required by
 15 law: ~~the following officers:~~

16 (A) ~~1.~~ Presidential electors. ~~—~~

17 (B) ~~2. In the state at large, a~~ A governor and a lieuten-
 18 ant governor, a secretary of state, A COMMISSIONER OF INSURANCE,
 19 and an attorney general. ~~—~~

20 (C) ~~3.~~ A United States senator. ~~—~~

21 (D) ~~4.~~ In each congressional district, a representative in
 22 congress. ~~—~~

23 (E) ~~5.~~ In each state senatorial district, a state
 24 senator. ~~—~~

25 (F) ~~6.~~ In each state representative district, a represen-
 26 tative in the state legislature. ~~—~~

1 (G) ~~7.~~ Justices of the supreme court. ~~—~~

2 (H) ~~8.~~ Two members of the state board of education; except
3 as provided in section 282a. ~~—~~

4 (I) ~~9.~~ Two regents of the ~~University~~ UNIVERSITY of
5 Michigan. ~~—~~

6 (J) ~~10.~~ Two trustees of Michigan ~~State University,~~ STATE
7 UNIVERSITY.

8 (K) ~~11.~~ Two governors of Wayne ~~State University,~~ STATE
9 UNIVERSITY.

10 (L) ~~12.~~ In each county, ~~or~~ district, OR MUNICIPALITY,
11 judges of the court of appeals, a judge or judges of the circuit
12 court, a judge or judges of probate, ~~a circuit court commis-~~
13 ~~sioner or circuit court commissioners~~ A JUDGE OR JUDGES OF THE
14 DISTRICT OR MUNICIPAL COURT, a prosecuting attorney, a sheriff, a
15 clerk, a treasurer, a register of deeds, an auditor, a mine
16 inspector, a county road commissioner, a drain commissioner, ~~2~~
17 ~~coroners~~ and a surveyor. The board of ~~supervisors~~ COUNTY
18 COMMISSIONERS in ~~any~~ A county may unite OR SEPARATE the offices
19 of county clerk and register of deeds. ~~in 1 office or separate~~
20 ~~the same at pleasure,~~

21 (M) ~~13.~~ Township officers. ~~—~~

22 (N) ~~14.~~ ~~Such other~~ OTHER officers ~~as by this act or oth-~~
23 ~~erwise by law are now or hereafter may be~~ required BY LAW to be
24 elected at ~~such~~ THE GENERAL NOVEMBER election.

25 Sec. 697. At the general November election, the names of
26 the ~~several~~ offices to be voted for shall be placed on the
27 ballot substantially in the following order in the years in which

1 elections for ~~such~~ THE offices are held: ~~Electors~~ ELECTORS
 2 of president and vice-president of the United States, ~~—~~ gover-
 3 nor and lieutenant governor, ~~—~~ secretary of state, ~~—~~
 4 COMMISSIONER OF INSURANCE, attorney general, ~~—~~ United States
 5 senator, ~~—~~ representative in congress, ~~—~~ senator and repre-
 6 sentative in the state legislature, ~~—~~ members of the state
 7 board of education, ~~—~~ regents of the university of Michigan,
 8 ~~—~~ trustees of Michigan state university, ~~—~~ governors of Wayne
 9 state university, ~~—~~ county executive ~~—~~ IN COUNTIES ELECTING A
 10 COUNTY EXECUTIVE, prosecuting attorney, ~~—~~ sheriff, ~~—~~ clerk,
 11 ~~—~~ treasurer, ~~—~~ register of deeds, ~~—~~ auditor in counties
 12 electing an auditor, ~~—~~ mine inspector in counties electing a
 13 mine inspector, ~~—~~ county road commissioners, ~~—~~ drain
 14 ~~commissioners~~ COMMISSIONER, ~~—~~ coroners, ~~—~~ and surveyor IN COUN-
 15 TIES ELECTING A SURVEYOR. The following township officers shall
 16 be placed on ~~the same~~ THAT ballot ~~as above described~~ in sub-
 17 stantially the following order in the year in which elections for
 18 such offices are held: supervisor, clerk, treasurer, trustees,
 19 and constables.

20 Section 2. This amendatory act shall not take effect unless
 21 all of the following bills of the 86th Legislature are enacted
 22 into law:

23 (a) Senate Bill No. _____ or House Bill No. 5397 (request
 24 no. 05032'91 a).

25 (b) Senate Bill No. _____ or House Bill No. 5398 (request
 26 no. 05032'91 b).