



HOUSE BILL No. 4148

February 3, 1993, Introduced by Reps. Byrum, Porreca, Wallace, Yokich, Baade, Joe Young, Jr., Bennane, Stallworth, Wetters, Curtis, Pitoniak, Ciaramitaro, Anthony, Gire, Olshove, DeMars and Scott and referred to the Committee on House Oversight and Ethics.

A bill to amend sections 178 and 634 of Act No. 116 of the Public Acts of 1954, entitled

"Michigan election law,"

as amended by Act No. 261 of the Public Acts of 1980, being sections 168.178 and 168.634 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 178 and 634 of Act No. 116 of the
2 Public Acts of 1954, as amended by Act No. 261 of the Public Acts
3 of 1980, being sections 168.178 and 168.634 of the Michigan
4 Compiled Laws, are amended to read as follows:

5 Sec. 178. The governor ~~may~~ SHALL call a special election
6 as provided in section 634 in ~~any~~ A senatorial or representa-
7 tive district of ~~the~~ THIS state ~~when~~ IF the right of office
8 of a person elected state senator or representative ~~shall cease~~
9 CEASES before the commencement of the term of service for which

1 the state senator or representative was elected. ~~, or whenever~~
2 THE GOVERNOR SHALL CALL A SPECIAL ELECTION OR DIRECT THAT THE
3 VACANCY BE FILLED AT THE NEXT GENERAL ELECTION AS PROVIDED IN
4 SECTION 634 IN A SENATORIAL OR REPRESENTATIVE DISTRICT OF THIS
5 STATE IF a vacancy occurs in the office of state senator or rep-
6 resentative after the term of service has begun for which the
7 state senator or representative was elected.

8 Sec. 634. (1) ~~Except as otherwise provided in this sec-~~
9 ~~tion, when~~ IF a vacancy occurs in the office of senator or rep-
10 resentative in the state legislature 60 DAYS OR MORE BEFORE THE
11 NEXT AUGUST PRIMARY ELECTION IN WHICH NOMINEES OF POLITICAL PAR-
12 TIES FOR THAT OFFICE ARE SELECTED, the governor, ~~may~~ NO LATER
13 THAN 7 DAYS AFTER THE DATE THE VACANCY OCCURS, SHALL call a spe-
14 cial PRIMARY AND SPECIAL GENERAL election in that senatorial or
15 representative district. ~~or direct that the vacancy be filled at~~
16 ~~the next general election.~~ THE SPECIAL PRIMARY SHALL BE HELD NO
17 LATER THAN 30 DAYS AFTER THE DATE THE VACANCY OCCURS AND THE SPE-
18 CIAL GENERAL ELECTION SHALL BE HELD NO LATER THAN 60 DAYS AFTER
19 THE DATE THE VACANCY OCCURS. HOWEVER, IF A SPECIAL PRIMARY OR
20 SPECIAL GENERAL ELECTION CALLED UNDER THIS SUBSECTION WOULD BE
21 HELD WITHIN 30 DAYS OF AN AUGUST PRIMARY OR GENERAL NOVEMBER
22 ELECTION, THE SPECIAL PRIMARY OR SPECIAL GENERAL ELECTION, AS
23 APPLICABLE, SHALL BE HELD IN CONJUNCTION WITH THE AUGUST PRIMARY
24 OR GENERAL NOVEMBER ELECTION.

25 (2) If ~~the~~ A vacancy occurs ~~after the primary election~~
26 ~~and~~ IN THE OFFICE OF SENATOR OR REPRESENTATIVE IN THE STATE
27 LEGISLATURE WITHIN THE PERIOD BEGINNING ON THE FIFTY-NINTH DAY

1 before the ~~following general~~ NEXT AUGUST PRIMARY election IN
2 WHICH NOMINEES OF POLITICAL PARTIES FOR THAT OFFICE ARE SELECTED
3 AND ENDING ON THE DAY BEFORE THE NEXT GENERAL NOVEMBER ELECTION
4 IN WHICH THE OFFICE IS FILLED, the ~~governor shall direct that~~
5 ~~the vacancy be filled at that election, and the executive commit-~~
6 ~~tee of the county committee of each political party, if the~~
7 ~~county comprises 1 or more representative districts, or, if the~~
8 ~~district is comprised of more than 1 county, then the executive~~
9 ~~committee of the county committee of the respective political~~
10 ~~parties of each county in the district, may select, by a majority~~
11 ~~vote, a candidate for that office, and shall certify the name of~~
12 ~~the candidate to the county board of election commissioners of~~
13 ~~the county or counties comprising that representative district~~
14 ~~within 21 days after the vacancy occurs and at least 10 days~~
15 ~~before the general election. Upon certification, the candidate~~
16 ~~certified shall be the nominee of that party at that general~~
17 ~~election to fill the vacancy for the unexpired term with the same~~
18 ~~force and effect as if the person was nominated at a primary~~
19 ~~election as otherwise provided in this act. If the ballots for~~
20 ~~that election have already been printed before the certification,~~
21 ~~then the board of election commissioners shall cause the names of~~
22 ~~the candidates to be printed on a separate ballot, which ballot~~
23 ~~shall be counted, canvassed, and returned as other ballots cast~~
24 ~~at that election. (3) CANDIDATE DETERMINED BY THE BOARD OF~~
25 STATE CANVASSERS TO BE ELECTED TO THE OFFICE AT THE GENERAL
26 NOVEMBER ELECTION IS ALSO ELECTED TO FILL THE VACANCY IN THE
27 OFFICE FOR THE BALANCE OF THE UNEXPIRED TERM. If ~~the governor~~

1 ~~directs that~~ the vacancy ~~shall be~~ IS filled at the next
2 general NOVEMBER election AS PROVIDED IN THIS SUBSECTION, the
3 secretary of state shall give notice of that ~~decision~~ FACT sim-
4 ilar to the notice provided for in section 651.