

SUBSTITUTE FOR  
HOUSE BILL NO. 5112

A bill to amend 1954 PA 116, entitled  
"Michigan election law,"  
by amending section 613a (MCL 168.613a), as amended by 1999 PA  
72, and by adding section 613b.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 613a. (1) A statewide presidential primary election  
2 shall be conducted under this act on the fourth Tuesday in  
3 February in each presidential election year.

4       (2) A political party that received 5% or less of the total  
5 vote cast nationwide for the office of president in the last  
6 presidential election shall not participate in the presidential  
7 primary election.

8       (3) Except as otherwise provided in sections 613B, 614a,  
9 615a, 616a, 624g, and 879a, the statewide presidential primary

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1 election shall be conducted under the provisions of this act that  
2 govern the conduct of general primary elections.

3       SEC. 613B. (1) NOTWITHSTANDING ANY LAW OR CHARTER PROVISION  
4 TO THE CONTRARY, BEGINNING IN THE YEAR 2004, IF A CITY IS SCHED-  
5 ULED TO CONDUCT A CITY ELECTION WITHIN 31 DAYS OF A SCHEDULED  
6 STATEWIDE PRESIDENTIAL PRIMARY ELECTION, THE LEGISLATIVE BODY OF  
7 THE CITY MAY BY RESOLUTION CHANGE THE DATE OF THE CITY ELECTION  
8 TO THE DATE OF THE SCHEDULED STATEWIDE PRESIDENTIAL PRIMARY  
9 ELECTION. THE RESOLUTION SHALL BE ADOPTED SUFFICIENTLY IN  
10 ADVANCE OF THE SCHEDULED PRESIDENTIAL PRIMARY ELECTION TO ALLOW  
11 TIMELY CERTIFICATION OF BALLOT WORDING AND CANDIDATES UNDER SEC-  
12 TION 646A.

13       (2) IF A RESOLUTION DESCRIBED IN SUBSECTION (1) IS ADOPTED,  
14 ALL OF THE FOLLOWING APPLY:

15       (A) THE LEGISLATIVE BODY OF THE CITY SHALL IMMEDIATELY FILE  
16 THE RESOLUTION WITH THE CITY CLERK. THE CITY CLERK SHALL IMMEDI-  
17 ATELY NOTIFY THE CLERK OF THE COUNTY IN WHICH THE CITY IS LOCATED  
18 OF THE ADOPTION OF THE RESOLUTION.

19       (B) THE TERMS OF ELECTIVE CITY OFFICES SHALL EXPIRE AND COM-  
20 MENCE ON THE SAME DATES AS WOULD APPLY IF THE ELECTION WERE CON-  
21 DUCTED ON THE DATE OTHERWISE PRESCRIBED BY LAW OR CHARTER.

22       (3) NOTWITHSTANDING ANY LAW OR CHARTER PROVISION TO THE CON-  
23 TRARY, BEGINNING IN THE YEAR 2004, IF A VILLAGE IS SCHEDULED TO  
24 CONDUCT A VILLAGE ELECTION WITHIN 31 DAYS OF A SCHEDULED STATE-  
25 WIDE PRESIDENTIAL PRIMARY ELECTION, THE LEGISLATIVE BODY OF THE  
26 VILLAGE MAY BY RESOLUTION CHANGE THE DATE OF THE ELECTION TO THE  
27 DATE OF THE SCHEDULED STATEWIDE PRESIDENTIAL PRIMARY ELECTION.

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1 THE RESOLUTION SHALL BE ADOPTED SUFFICIENTLY IN ADVANCE OF THE  
2 SCHEDULED PRESIDENTIAL PRIMARY ELECTION TO ALLOW TIMELY CERTIFI-  
3 CATION OF BALLOT WORDING AND CANDIDATES UNDER SECTION 646A.

4 (4) IN A RESOLUTION ADOPTED UNDER SUBSECTION (3) OR (8), THE  
5 VILLAGE MAY PROVIDE, WITH THE CONSENT OF THE TOWNSHIP CLERK, THAT  
6 THE TOWNSHIP ELECTION AUTHORITIES SHALL CONDUCT THE VILLAGE  
7 ELECTION. IF A RESOLUTION UNDER SUBSECTION (3) OR (8) IS  
8 ADOPTED, ALL OF THE FOLLOWING APPLY:

9 (A) THE VILLAGE ELECTION COMMISSION SHALL PROVIDE ANY PAPER  
10 BALLOTS OR OTHER BALLOTS UTILIZED BY THE TOWNSHIP'S VOTING SYSTEM  
11 NECESSARY TO CONDUCT THE VILLAGE ELECTION AND SHALL REIMBURSE THE  
12 COUNTY OR TOWNSHIP UPON REQUEST FOR ANY IDENTIFIABLE ADDITIONAL  
13 COST INCURRED FOR INCLUDING THE VILLAGE ELECTION BALLOT ON THE  
14 TOWNSHIP'S VOTING MACHINE, ELECTRONIC VOTING SYSTEM, OR OTHER  
15 VOTING SYSTEM.

16 (B) THE TOWNSHIP PRECINCT INSPECTORS SHALL CERTIFY THE  
17 RESULTS OF THE VILLAGE ELECTION TO THE COUNTY BOARD OF CANVASSERS  
18 THAT NORMALLY CERTIFIES THE VILLAGE ELECTION.

19 (5) IN A RESOLUTION ADOPTED UNDER SUBSECTION (3) OR (8), THE  
20 VILLAGE MAY PROVIDE THAT THE VILLAGE ELECTION AUTHORITIES SHALL  
21 CONDUCT THE VILLAGE ELECTION. IF THE VILLAGE ELECTION AUTHORI-  
22 TIES WILL CONDUCT THE VILLAGE ELECTION, THE RESOLUTION ADOPTED  
23 UNDER SUBSECTION (3) OR (8) MAY PROVIDE THAT THE VILLAGE ELECTION  
24 AUTHORITIES WILL ALSO CONDUCT, FOR THE ELECTORS OF THE VILLAGE,  
25 THE PRESIDENTIAL PRIMARY ELECTION. IF A RESOLUTION UNDER SUBSEC-  
26 TION (3) OR (8) IS ADOPTED, ALL OF THE FOLLOWING APPLY:

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1 (A) THE REGISTERED AND QUALIFIED ELECTORS OF THE TOWNSHIP  
2 RESIDING IN THE VILLAGE SHALL VOTE IN THE PRESIDENTIAL PRIMARY  
3 ELECTION IN THE SAME PLACE DESIGNATED FOR VOTING IN THE VILLAGE  
4 ELECTION.

5 (B) THE COUNTY CLERK OF THE COUNTY THAT CANVASSES AND CERTI-  
6 FIES THE RESULTS OF THE VILLAGE ELECTION SHALL PROVIDE THE VIL-  
7 LAGE ELECTION COMMISSION WITH ANY PAPER PRESIDENTIAL PRIMARY  
8 ELECTION BALLOTS OR OTHER BALLOTS UTILIZED BY THE VILLAGE'S  
9 VOTING SYSTEM NECESSARY TO CONDUCT THE ELECTION. THE VILLAGE  
10 ELECTION COMMISSION SHALL HAVE PRINTED ON THE BALLOT USED IN ANY  
11 VOTING MACHINE, ELECTRONIC VOTING SYSTEM, OR OTHER VOTING SYSTEM  
12 THE APPROVED BALLOT WORDING AND SUBMIT A PROOF TO THE COUNTY  
13 CLERK.

14 (C) THE PRESIDENTIAL PRIMARY ELECTION SHALL BE CONDUCTED,  
15 CANVASSED, AND CERTIFIED IN THE SAME MANNER AS REQUIRED FOR THE  
16 VILLAGE ELECTION. THE BOARD OF COUNTY CANVASSERS THAT CANVASSES  
17 THE VILLAGE ELECTION SHALL INCLUDE IN ITS CERTIFICATION TO THE  
18 BOARD OF STATE CANVASSERS THE RESULTS OF THE PRESIDENTIAL PRIMARY  
19 ELECTION CONDUCTED IN THE VILLAGE.

20 (6) IF THE TOWNSHIP ELECTION AUTHORITIES WILL CONDUCT THE  
21 VILLAGE ELECTION UNDER SUBSECTION (4) OR THE VILLAGE ELECTION  
22 AUTHORITIES WILL CONDUCT THE PRESIDENTIAL PRIMARY ELECTION UNDER  
23 SUBSECTION (5), ABSENTEE BALLOTS FOR BOTH ELECTIONS SHALL BE  
24 ISSUED UPON A SINGLE REQUEST FROM THE VOTER TO EITHER THE VILLAGE  
25 CLERK OR THE TOWNSHIP CLERK.

26 (7) IF A RESOLUTION DESCRIBED IN SUBSECTION (3) IS ADOPTED,  
27 ALL OF THE FOLLOWING APPLY:

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1 (A) THE LEGISLATIVE BODY OF THE VILLAGE SHALL IMMEDIATELY  
2 FILE THE RESOLUTION WITH THE VILLAGE CLERK. THE VILLAGE CLERK  
3 SHALL IMMEDIATELY NOTIFY THE CLERKS OF EACH COUNTY AND TOWNSHIP  
4 IN WHICH THE VILLAGE IS LOCATED OF THE ADOPTION OF THE  
5 RESOLUTION.

6 (B) A NOTICE OF ELECTION PUBLISHED BY THE VILLAGE CLERK OR  
7 THE TOWNSHIP CLERK OF A TOWNSHIP IN WHICH THE VILLAGE IS LOCATED  
8 SHALL CONTAIN INFORMATION ABOUT POLLING PLACES FOR BOTH THE VIL-  
9 LAGE ELECTION AND THE PRESIDENTIAL PRIMARY ELECTION.

10 (C) THE TERMS OF ELECTIVE VILLAGE OFFICES SHALL EXPIRE AND  
11 COMMENCE ON THE SAME DATES AS WOULD APPLY IF THE ELECTION WERE  
12 CONDUCTED ON THE DATE OTHERWISE PRESCRIBED BY LAW OR CHARTER.

13 (8) NOTWITHSTANDING ANY LAW OR CHARTER PROVISION TO THE CON-  
14 TRARY, IN THE YEAR 2000 ONLY, IF A CITY OR VILLAGE IS SCHEDULED  
15 TO CONDUCT A CITY OR VILLAGE ELECTION WITHIN 1 DAY OF A SCHEDULED  
16 STATEWIDE PRESIDENTIAL PRIMARY ELECTION, THE LEGISLATIVE BODY OF  
17 THE CITY OR VILLAGE MAY BY RESOLUTION CHANGE THE DATE OF THE CITY  
18 OR VILLAGE ELECTION TO THE DATE OF THE SCHEDULED STATEWIDE PRESI-  
19 DENTIAL PRIMARY ELECTION. THE RESOLUTION SHALL BE ADOPTED NOT  
20 LESS THAN 40 DAYS BEFORE THE PRESIDENTIAL PRIMARY OR CITY OR VIL-  
21 LAGE ELECTION, WHICHEVER IS EARLIER. A RESOLUTION THAT WAS  
22 ADOPTED BEFORE THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT  
23 ADDED THIS SECTION AND THAT SUBSTANTIALLY COMPLIES WITH THIS SUB-  
24 SECTION IS VALIDATED.

25 (9) IF A RESOLUTION DESCRIBED IN SUBSECTION (8) IS ADOPTED,  
26 ALL OF THE FOLLOWING APPLY:

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1       (A) THE LEGISLATIVE BODY OF THE CITY OR VILLAGE SHALL  
2 IMMEDIATELY FILE THE RESOLUTION WITH THE CITY OR VILLAGE CLERK.  
3 THE CITY OR VILLAGE CLERK SHALL IMMEDIATELY NOTIFY THE CLERK OF  
4 THE COUNTY IN WHICH THE CITY OR VILLAGE IS LOCATED OF THE ADOP-  
5 TION OF THE RESOLUTION.

6       (B) THE TERMS OF ELECTIVE CITY OR VILLAGE OFFICES SHALL  
7 EXPIRE AND COMMENCE ON THE SAME DATES AS WOULD APPLY IF THE ELEC-  
8 TION WERE CONDUCTED ON THE DATE OTHERWISE PRESCRIBED BY LAW OR  
9 CHARTER.