



HOUSE BILL No. 5112

November 9, 1999, Introduced by Reps. Godchaux, Toy, Caul, Garcia, Vander Roest, Middaugh, Switalski, Hager, Woodward, Lockwood, Schauer, Kuipers, Jammick and Birkholz and referred to the Committee on Local Government and Urban Policy.

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending the title and section 613a (MCL 168.613a), the title as amended by 1994 PA 441 and section 613a as amended by 1999 PA 72, and by adding section 613b; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

TITLE

An act to reorganize, consolidate, and add to the election laws; to provide for election officials and prescribe their powers and duties; to prescribe the powers and duties of certain state departments, state agencies, and state and local officials and employees; to provide for the nomination and election of candidates for public office; to provide for the resignation, removal, and recall of certain public officers; to provide for

1 the filling of vacancies in public office; to provide for and
2 regulate primaries and elections; to provide for the purity of
3 elections; to guard against the abuse of the elective franchise;
4 to define violations of this act; to provide appropriations; to
5 prescribe penalties and provide remedies; and to repeal ~~certain~~
6 acts and ~~all other~~ PARTS OF acts. ~~inconsistent with this act.~~

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

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

14 (3) Except as otherwise provided in sections 613B, 614a,
15 615a, 616a, 624g, and 879a, the statewide presidential primary
16 election shall be conducted under the provisions of this act that
17 govern the conduct of general primary elections.

18 SEC. 613B. (1) NOTWITHSTANDING ANY LAW OR CHARTER PROVISION
19 TO THE CONTRARY, IF A CITY IS SCHEDULED TO CONDUCT A CITY ELEC-
20 TION IN FEBRUARY 2000 ON A DATE OTHER THAN FEBRUARY 22, THE LEG-
21 ISLATIVE BODY OF THE CITY MAY BY RESOLUTION CHANGE THE DATE OF
22 THE CITY ELECTION TO FEBRUARY 22, 2000. THE RESOLUTION SHALL BE
23 ADOPTED BEFORE JANUARY 21, 2000. A RESOLUTION THAT WAS ADOPTED
24 BEFORE THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS
25 SECTION AND THAT SUBSTANTIALLY COMPLIES WITH THIS SUBSECTION IS
26 VALIDATED.

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

3 (A) THE LEGISLATIVE BODY OF THE CITY SHALL IMMEDIATELY FILE
4 THE RESOLUTION WITH THE CITY CLERK. THE CITY CLERK SHALL IMMEDI-
5 ATELY NOTIFY THE CLERK OF THE COUNTY IN WHICH THE CITY IS LOCATED
6 OF THE ADOPTION OF THE RESOLUTION.

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

10 (3) NOTWITHSTANDING ANY LAW OR CHARTER PROVISION TO THE CON-
11 TRARY, IF A VILLAGE IS SCHEDULED TO CONDUCT A VILLAGE ELECTION
12 BETWEEN FEBRUARY 1, 2000 AND MARCH 15, 2000, THE LEGISLATIVE BODY
13 OF THE VILLAGE MAY BY RESOLUTION CHANGE THE DATE OF THE ELECTION
14 TO FEBRUARY 22, 2000. THE RESOLUTION SHALL BE ADOPTED BEFORE
15 JANUARY 21, 2000. A RESOLUTION THAT WAS ADOPTED BEFORE THE
16 EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SECTION AND
17 THAT SUBSTANTIALLY COMPLIES WITH THIS SUBSECTION AND SUBSECTIONS
18 (4) AND (5) IS VALIDATED.

19 (4) IN A RESOLUTION ADOPTED UNDER SUBSECTION (3), THE VIL-
20 LAGE MAY PROVIDE, WITH THE CONSENT OF THE TOWNSHIP CLERK, THAT
21 THE TOWNSHIP ELECTION AUTHORITIES SHALL CONDUCT THE VILLAGE
22 ELECTION. IF A RESOLUTION UNDER SUBSECTION (3) IS ADOPTED, ALL
23 OF THE FOLLOWING APPLY:

24 (A) THE VILLAGE ELECTION COMMISSION SHALL PROVIDE ANY PAPER
25 BALLOTS NECESSARY TO CONDUCT THE VILLAGE ELECTION AND REIMBURSE
26 THE COUNTY UPON REQUEST FOR ANY IDENTIFIABLE ADDITIONAL COST

1 INCURRED FOR INCLUDING THE VILLAGE ELECTION BALLOT ON VOTING
2 MACHINE OR ELECTRONIC VOTING SYSTEMS BALLOTS.

3 (B) THE TOWNSHIP PRECINCT INSPECTORS SHALL CERTIFY THE
4 RESULTS OF THE VILLAGE ELECTION TO THE COUNTY BOARD OF CANVASSERS
5 THAT NORMALLY CERTIFIES THE VILLAGE ELECTION.

6 (5) IN A RESOLUTION ADOPTED UNDER SUBSECTION (3), THE VIL-
7 LAGE MAY PROVIDE THAT THE VILLAGE ELECTION AUTHORITIES SHALL CON-
8 DUCT THE VILLAGE ELECTION. IF THE VILLAGE ELECTION AUTHORITIES
9 WILL CONDUCT THE VILLAGE ELECTION, THE RESOLUTION ADOPTED UNDER
10 SUBSECTION (3) MAY PROVIDE THAT THE VILLAGE ELECTION AUTHORITIES
11 WILL ALSO CONDUCT, FOR THE ELECTORS OF THE VILLAGE, THE PRESIDEN-
12 TIAL PRIMARY ELECTION SCHEDULED FOR FEBRUARY 22, 2000. IF A RES-
13 OLUTION UNDER SUBSECTION (3) IS ADOPTED, ALL OF THE FOLLOWING
14 APPLY:

15 (A) THE REGISTERED AND QUALIFIED ELECTORS OF THE TOWNSHIP
16 RESIDING IN THE VILLAGE SHALL VOTE IN THE PRESIDENTIAL PRIMARY
17 ELECTION IN THE SAME PLACE DESIGNATED FOR VOTING IN THE VILLAGE
18 ELECTION.

19 (B) THE COUNTY CLERK OF THE COUNTY THAT CANVASSES AND CERTI-
20 FIES THE RESULTS OF THE VILLAGE ELECTION SHALL PROVIDE THE VIL-
21 LAGE ELECTION COMMISSION WITH ANY PAPER PRESIDENTIAL PRIMARY
22 ELECTION BALLOTS NECESSARY TO CONDUCT THE ELECTION. THE VILLAGE
23 ELECTION COMMISSION SHALL CAUSE TO BE PRINTED UPON THE BALLOT
24 USED IN ANY VOTING MACHINE OR ELECTRONIC VOTING SYSTEM THE
25 APPROVED BALLOT WORDING AND SUBMIT A PROOF TO THE COUNTY CLERK.

26 (C) THE PRESIDENTIAL PRIMARY ELECTION SHALL BE CONDUCTED,
27 CANVASSED, AND CERTIFIED IN THE SAME MANNER AS REQUIRED FOR THE

1 VILLAGE ELECTION. THE BOARD OF COUNTY CANVASSERS THAT CANVASSES
2 THE VILLAGE ELECTION SHALL INCLUDE IN ITS CERTIFICATION TO THE
3 BOARD OF STATE CANVASSERS THE RESULTS OF THE PRESIDENTIAL PRIMARY
4 ELECTION CONDUCTED IN THE VILLAGE.

5 (6) IF THE TOWNSHIP ELECTION AUTHORITIES WILL CONDUCT THE
6 VILLAGE ELECTION UNDER SUBSECTION (4) OR THE VILLAGE ELECTION
7 AUTHORITIES WILL CONDUCT THE PRESIDENTIAL PRIMARY ELECTION UNDER
8 SUBSECTION (5), ABSENTEE BALLOTS FOR BOTH ELECTIONS SHALL BE
9 ISSUED UPON A SINGLE REQUEST FROM THE VOTER TO EITHER THE VILLAGE
10 CLERK OR THE TOWNSHIP CLERK.

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

13 (A) THE LEGISLATIVE BODY OF THE VILLAGE SHALL IMMEDIATELY
14 FILE THE RESOLUTION WITH THE VILLAGE CLERK. THE VILLAGE CLERK
15 SHALL IMMEDIATELY NOTIFY THE CLERKS OF EACH COUNTY AND TOWNSHIP
16 IN WHICH THE VILLAGE IS LOCATED OF THE ADOPTION OF THE
17 RESOLUTION.

18 (B) ANY NOTICE OF ELECTION PUBLISHED BY THE VILLAGE CLERK OR
19 THE TOWNSHIP CLERK OF A TOWNSHIP IN WHICH THE VILLAGE IS LOCATED
20 SHALL CONTAIN INFORMATION ABOUT POLLING PLACES FOR BOTH THE VIL-
21 LAGE ELECTION AND THE PRESIDENTIAL PRIMARY ELECTION SCHEDULED FOR
22 FEBRUARY 22, 2000.

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

26 (8) THIS SECTION IS REPEALED EFFECTIVE JUNE 1, 2000.