

HOUSE BILL No. 5915

March 2, 2010, Introduced by Rep. Meadows and referred to the Committee on Judiciary.

A bill to amend 1954 PA 116, entitled
"Michigan election law,"
by amending sections 72, 73, 74, and 534 (MCL 168.72, 168.73,
168.74, and 168.534), section 73 as amended by 2004 PA 92, section
74 as amended by 1999 PA 216, and section 534 as amended by 1988 PA
116, and by adding sections 72a, 73a, 74a, 74b, 74c, 74d, 74e, and
74f.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 72. At its fall state convention, each political party
2 may nominate a candidate for ~~each of the offices~~ **OFFICE** of
3 lieutenant governor. ~~, secretary of state and attorney general.~~

4 **SEC. 72A. A GENERAL PRIMARY ELECTION SHALL BE HELD IN EVERY**
5 **ELECTION PRECINCT IN THIS STATE ON THE TUESDAY AFTER THE FIRST**

1 MONDAY IN AUGUST BEFORE EVERY GENERAL NOVEMBER ELECTION IN WHICH AN
 2 ATTORNEY GENERAL AND SECRETARY OF STATE ARE TO BE ELECTED. AT THE
 3 GENERAL PRIMARY ELECTION, THE QUALIFIED AND REGISTERED ELECTORS OF
 4 EACH POLITICAL PARTY MAY VOTE FOR PARTY CANDIDATES FOR THE OFFICES
 5 OF ATTORNEY GENERAL AND SECRETARY OF STATE. THIS SECTION DOES NOT
 6 APPLY TO POLITICAL PARTIES REQUIRED TO NOMINATE CANDIDATES AT
 7 CAUCUSES OR CONVENTIONS AS PROVIDED IN SECTION 532.

8 Sec. 73. Not more than 24 hours after the conclusion of the
 9 fall state convention, the state central committee of each
 10 political party shall canvass the proceedings of the convention and
 11 determine the ~~nominees~~ **NOMINEE** of the convention for the ~~offices~~
 12 **OFFICE** of lieutenant governor. ~~, secretary of state, and attorney~~
 13 ~~general.~~ Not more than 1 business day after the conclusion of the
 14 convention, the chairperson and secretary of the state central
 15 committee shall forward to the secretary of state a typewritten or
 16 printed ~~list of~~ **STATEMENT CONTAINING** the ~~names~~ **NAME** and residence,
 17 including the street address if known, of ~~candidates~~ **THE CANDIDATE**
 18 nominated at the state convention. The secretary of state shall
 19 forward a copy of a ~~list~~ **THE STATEMENT** received under this section
 20 to the board of election commissioners of each county, in care of
 21 the county clerk at the county seat.

22 **SEC. 73A. TO OBTAIN THE PRINTING OF THE NAME OF A PERSON AS A**
 23 **CANDIDATE FOR NOMINATION BY A POLITICAL PARTY FOR THE OFFICE OF**
 24 **ATTORNEY GENERAL OR SECRETARY OF STATE UNDER A PARTICULAR PARTY**
 25 **HEADING UPON THE OFFICIAL PRIMARY BALLOTS, THERE SHALL BE FILED**
 26 **WITH THE STATE BUREAU OF ELECTIONS NOMINATING PETITIONS SIGNED BY A**
 27 **NUMBER OF QUALIFIED AND REGISTERED ELECTORS RESIDING IN THIS STATE**

1 AS DETERMINED UNDER SECTION 544F. NOMINATING PETITIONS SHALL BE
2 SIGNED BY AT LEAST 100 REGISTERED RESIDENT ELECTORS IN EACH OF AT
3 LEAST 1/2 OF THE CONGRESSIONAL DISTRICTS OF THE STATE. NOMINATING
4 PETITIONS SHALL BE IN THE FORM AS PRESCRIBED IN SECTION 544C.
5 NOMINATING PETITIONS SHALL BE RECEIVED BY THE STATE BUREAU OF
6 ELECTIONS FOR FILING IN ACCORDANCE WITH THIS ACT UP TO 4 P.M. OF
7 THE TWELFTH TUESDAY BEFORE THE AUGUST PRIMARY ELECTION.

8 Sec. 74. A person who has been certified by the state central
9 committee of any **POLITICAL** party as nominated for the office of
10 lieutenant governor ~~, secretary of state, or attorney general~~ may
11 withdraw by filing a written notice of withdrawal with the
12 secretary of state or his or her authorized agent and a copy with
13 the chairperson and the secretary of the state central committee of
14 the **POLITICAL** party not later than 4 p.m., eastern standard time,
15 of the fourth business day following the conclusion of the
16 convention at which the person was nominated.

17 **SEC. 74A. AFTER THE FILING OF A NOMINATING PETITION BY OR ON**
18 **BEHALF OF A PROPOSED CANDIDATE FOR ATTORNEY GENERAL OR SECRETARY OF**
19 **STATE, THE CANDIDATE SHALL NOT BE PERMITTED TO WITHDRAW UNLESS A**
20 **WRITTEN NOTICE OF WITHDRAWAL IS SERVED ON THE STATE BUREAU OF**
21 **ELECTIONS NOT LATER THAN 4 P.M., EASTERN STANDARD TIME, OF THE**
22 **THIRD DAY AFTER THE LAST DAY FOR FILING NOMINATING PETITIONS.**

23 **SEC. 74B. IF FOR ANY REASON THERE IS NO CANDIDATE OF A**
24 **POLITICAL PARTY FOR THE OFFICE OF ATTORNEY GENERAL OR SECRETARY OF**
25 **STATE, A BLANK SPACE SHALL BE PROVIDED ON EACH OF THE OFFICIAL**
26 **PRIMARY BALLOTS WHICH AFFORDS EVERY ELECTOR OF THE POLITICAL PARTY**
27 **AN OPPORTUNITY TO VOTE FOR A CANDIDATE FOR THE OFFICE OF ATTORNEY**

1 GENERAL OR SECRETARY OF STATE BY WRITING IN THE NAME OF HIS OR HER
2 SELECTION.

3 SEC. 74C. WHEN A CANDIDATE OF A POLITICAL PARTY FOR THE OFFICE
4 OF ATTORNEY GENERAL OR SECRETARY OF STATE, AFTER HAVING QUALIFIED
5 AS A CANDIDATE, SHALL DIE, AFTER THE TIME SPECIFIED FOR FILING
6 NOMINATING PETITIONS IN SECTION 73A, LEAVING THE POLITICAL PARTY
7 WITHOUT A CANDIDATE FOR THE OFFICE OF ATTORNEY GENERAL OR SECRETARY
8 OF STATE, A CANDIDATE TO FILL THE VACANCY MAY BE SELECTED BY THE
9 STATE CENTRAL COMMITTEE OF THE POLITICAL PARTY, AND THE NAME OF THE
10 CANDIDATE SELECTED SHALL BE TRANSMITTED TO THE COUNTY OFFICERS WHO
11 ARE REQUIRED BY LAW TO PRINT AND DISTRIBUTE BALLOTS. THE NAME OF
12 THE CANDIDATE SHALL BE PRINTED ON THE BALLOT, BUT IF THE PRIMARY
13 BALLOTS HAVE BEEN PRINTED, THE COUNTY OFFICERS SHALL PRINT A
14 SUFFICIENT NUMBER OF GUMMED LABELS OR STICKERS BEARING THE NAME OF
15 THE CANDIDATE, WHICH SHALL BE DISTRIBUTED TO THE VARIOUS VOTING
16 PRECINCTS IN THEIR RESPECTIVE COUNTIES, AND THE BOARD OF ELECTION
17 INSPECTORS OF EACH PRECINCT SHALL PLACE 1 OF THE LABELS OR STICKERS
18 ON EACH BALLOT OVER THE NAME OF THE CANDIDATE WHO HAS DIED BEFORE
19 THE BALLOT IS GIVEN TO AN ELECTOR.

20 SEC. 74D. THE CANDIDATE OF EACH POLITICAL PARTY FOR THE OFFICE
21 OF ATTORNEY GENERAL RECEIVING THE GREATEST NUMBER OF VOTES CAST FOR
22 THE OFFICE OF ATTORNEY GENERAL, AS SET FORTH IN THE REPORT OF THE
23 BOARD OF STATE CANVASSERS BASED ON THE RETURNS FROM THE VARIOUS
24 BOARDS OF COUNTY CANVASSERS, OR AS DETERMINED BY THE BOARD OF STATE
25 CANVASSERS AS THE RESULT OF A RECOUNT, SHALL BE DECLARED THE
26 NOMINEE OF THAT POLITICAL PARTY FOR THE OFFICE OF ATTORNEY GENERAL
27 AT THE NEXT ENSUING NOVEMBER ELECTION. THE BOARD OF STATE

1 CANVASSERS SHALL IMMEDIATELY CERTIFY THE NOMINATIONS TO THE STATE
2 BUREAU OF ELECTIONS.

3 SEC. 74E. THE CANDIDATE OF EACH POLITICAL PARTY FOR THE OFFICE
4 OF SECRETARY OF STATE RECEIVING THE GREATEST NUMBER OF VOTES CAST
5 FOR THE OFFICE OF SECRETARY OF STATE, AS SET FORTH IN THE REPORT OF
6 THE BOARD OF STATE CANVASSERS BASED ON THE RETURNS FROM THE VARIOUS
7 BOARDS OF COUNTY CANVASSERS, OR AS DETERMINED BY THE BOARD OF STATE
8 CANVASSERS AS THE RESULT OF A RECOUNT, SHALL BE DECLARED THE
9 NOMINEE OF THAT POLITICAL PARTY FOR THE OFFICE OF SECRETARY OF
10 STATE AT THE NEXT ENSUING NOVEMBER ELECTION. THE BOARD OF STATE
11 CANVASSERS SHALL IMMEDIATELY CERTIFY THE NOMINATIONS TO THE STATE
12 BUREAU OF ELECTIONS.

13 SEC. 74F. WHEN A CANDIDATE OF A POLITICAL PARTY FOR THE OFFICE
14 OF ATTORNEY GENERAL OR SECRETARY OF STATE HAS FILED A NOMINATING
15 PETITION FOR THAT OFFICE AND HAS BEEN NOMINATED FOR THE OFFICE OF
16 ATTORNEY GENERAL OR SECRETARY OF STATE BY THE POLITICAL PARTY, HE
17 OR SHE SHALL NOT BE PERMITTED TO WITHDRAW UNLESS HE OR SHE HAS
18 MOVED FROM THE STATE OR HAS BECOME PHYSICALLY UNFIT. THIS SECTION
19 DOES NOT PROHIBIT THE WITHDRAWAL OF A CANDIDATE WHO WAS NOMINATED
20 WITHOUT HAVING FILED A NOMINATING PETITION AND WHOSE NAME HAS BEEN
21 WRITTEN OR PLACED ON THE BALLOT OF A POLITICAL PARTY.

22 Sec. 534. A general primary of all political parties except as
23 provided in sections 532 and 685 shall be held in every election
24 precinct in this state on the Tuesday after the first Monday in
25 August before every general November election, at which time the
26 qualified and registered voters of each political party may vote
27 for party candidates for the office of governor, United States

1 senator, representative in congress, **ATTORNEY GENERAL, SECRETARY OF**
2 **STATE**, state senator, representative in the legislature, county
3 executive, prosecuting attorney, sheriff, county clerk, county
4 treasurer, register of deeds, county auditor, drain commissioner,
5 public works commissioner, county road commissioner, county mine
6 inspector, surveyor, and candidates for office in townships. A
7 nomination for an office shall be made only if the official is to
8 be elected at the next succeeding general November election.

9 Enacting section 1. This amendatory act does not take effect
10 unless Senate Joint Resolution ____ or House Joint Resolution WW
11 (request no. 02954'09) of the 95th Legislature becomes a part of
12 the state constitution of 1963 as provided in section 1 of article
13 XII of the state constitution of 1963.