

SENATE BILL No. 1356

June 1, 2010, Introduced by Senators VAN WOERKOM, GEORGE and BIRKHOLZ and referred to the Committee on Campaign and Election Oversight.

A bill to amend 1954 PA 116, entitled
"Michigan election law,"
(MCL 168.1 to 168.992) by adding sections 181, 182, 183, 184, 185,
186, 187, 187a, 187b, 188, 189, 189a, and 189b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 181. A PERSON IS ELIGIBLE FOR THE OFFICE OF
2 CONSTITUTIONAL CONVENTION DELEGATE IF THE PERSON IS A CITIZEN OF
3 THE UNITED STATES AND IS A QUALIFIED AND REGISTERED ELECTOR OF THE
4 DISTRICT IN WHICH HE OR SHE IS A CANDIDATE BY THE FILING DEADLINE.

5 SEC. 182. IN THE YEAR FOLLOWING THE NOVEMBER GENERAL ELECTION
6 AT WHICH A PROPOSAL TO CONVENE A CONSTITUTIONAL CONVENTION IS
7 ADOPTED, A STATEWIDE PRIMARY ELECTION OF ALL POLITICAL PARTIES
8 SHALL BE HELD ON THE FEBRUARY REGULAR ELECTION DATE, AT WHICH TIME
9 THE QUALIFIED AND REGISTERED ELECTORS WITHIN EACH SENATORIAL

1 DISTRICT AND EACH REPRESENTATIVE DISTRICT SHALL VOTE FOR PARTY
2 CANDIDATES FOR THE OFFICE OF CONSTITUTIONAL CONVENTION DELEGATE.

3 SEC. 183. (1) TO OBTAIN THE PRINTING OF THE NAME OF A PERSON
4 AS A CANDIDATE FOR NOMINATION BY A POLITICAL PARTY FOR THE OFFICE
5 OF CONSTITUTIONAL CONVENTION DELEGATE UPON THE OFFICIAL PRIMARY
6 BALLOTS, THERE SHALL BE FILED NOMINATING PETITIONS SIGNED BY A
7 NUMBER OF QUALIFIED AND REGISTERED ELECTORS RESIDING IN THE
8 DISTRICT AS DETERMINED UNDER SECTION 544F. THE NOMINATING PETITIONS
9 SHALL SPECIFY THE SENATORIAL DISTRICT OR REPRESENTATIVE DISTRICT BY
10 DISTRICT NUMBER FROM WHICH NOMINATION AS A CONSTITUTIONAL
11 CONVENTION DELEGATE IS BEING SOUGHT. IF THE DISTRICT COMPRISES MORE
12 THAN 1 COUNTY, THE NOMINATING PETITIONS SHALL BE FILED WITH THE
13 SECRETARY OF STATE NO LATER THAN 4 P.M. OF THE TENTH TUESDAY BEFORE
14 THE FEBRUARY PRIMARY ELECTION. IF THE DISTRICT COMPRISES 1 COUNTY
15 OR LESS, THE NOMINATING PETITIONS SHALL BE FILED WITH THE COUNTY
16 CLERK OF THAT COUNTY NO LATER THAN 4 P.M. OF THE TENTH TUESDAY
17 BEFORE THE FEBRUARY PRIMARY ELECTION. NOMINATING PETITIONS SHALL BE
18 IN THE FORM PRESCRIBED IN SECTION 544C.

19 (2) IN LIEU OF FILING A NOMINATING PETITION, A NONREFUNDABLE
20 FILING FEE OF \$100.00 MAY BE PAID TO THE COUNTY CLERK OR, FOR A
21 CANDIDATE IN A DISTRICT COMPRISING MORE THAN 1 COUNTY, TO THE
22 SECRETARY OF STATE. PAYMENT OF THE FEE AND CERTIFICATION OF THE
23 NAME OF THE CANDIDATE PAYING THE FEE SHALL BE GOVERNED BY THE SAME
24 PROVISIONS AS IN THE CASE OF NOMINATING PETITIONS. THE FEE SHALL BE
25 DEPOSITED IN THE GENERAL FUND OF THE COUNTY IF TAKEN BY THE COUNTY
26 CLERK OR IN THE STATE GENERAL FUND IF TAKEN BY THE SECRETARY OF
27 STATE.

1 SEC. 184. AFTER THE FILING OF A NOMINATING PETITION OR FILING
2 FEE BY OR IN BEHALF OF A PROPOSED CANDIDATE FOR THE OFFICE OF
3 CONSTITUTIONAL CONVENTION DELEGATE, THE CANDIDATE IS NOT PERMITTED
4 TO WITHDRAW UNLESS THE CANDIDATE SERVES A WRITTEN NOTICE OF
5 WITHDRAWAL ON THE OFFICIAL WITH WHOM HIS OR HER NOMINATING
6 PETITIONS OR FILING FEE WAS FILED, OR HIS OR HER DULY AUTHORIZED
7 AGENT, NOT LATER THAN 4 P.M. OF THE THIRD DAY AFTER THE LAST DAY
8 FOR FILING THE PETITION OR FILING FEE.

9 SEC. 185. IF A CANDIDATE OF A POLITICAL PARTY FOR THE OFFICE
10 OF CONSTITUTIONAL CONVENTION DELEGATE, AFTER HAVING QUALIFIED AS A
11 CANDIDATE, DIES AFTER THE LAST DAY FOR QUALIFYING AS A CANDIDATE,
12 LEAVING THE POLITICAL PARTY WITHOUT A CANDIDATE FOR THE OFFICE OF
13 CONSTITUTIONAL CONVENTION DELEGATE, A CANDIDATE TO FILL THE VACANCY
14 CAUSED BY THE DEATH MAY BE SELECTED BY 3 DELEGATES ELECTED BY A
15 MAJORITY OF THE PRECINCT DELEGATES OF THE CANDIDATE'S POLITICAL
16 PARTY FROM WITHIN THE SENATORIAL OR REPRESENTATIVE DISTRICT THAT
17 THE CONSTITUTIONAL CONVENTION DELEGATE WILL REPRESENT. HOWEVER, IF
18 THE SENATORIAL OR REPRESENTATIVE DISTRICT COMPRISES MORE THAN 1
19 COUNTY, THE MEETING SHALL BE CALLED AND CONDUCTED BY THE
20 CHAIRPERSON OF THE STATE CENTRAL COMMITTEE OR HIS OR HER AUTHORIZED
21 REPRESENTATIVE. THE NAME OF THE CANDIDATE SELECTED PURSUANT TO THIS
22 SECTION SHALL BE TRANSMITTED NOT LATER THAN THE SIXTIETH DAY BEFORE
23 THE ELECTION TO THE COUNTY ELECTION COMMISSIONS REQUIRED BY LAW TO
24 PRINT AND DISTRIBUTE BALLOTS. THE COUNTY OFFICIALS SHALL PRINT THE
25 NAME OF THE CANDIDATE SELECTED PURSUANT TO THIS SECTION ON THE
26 BALLOT IN PLACE OF THE DECEASED CANDIDATE. IF THE NAME OF THE
27 CANDIDATE IS NOT TRANSMITTED TO THE COUNTY ELECTION COMMISSIONS BY

1 THE CLOSE OF BUSINESS ON THE SIXTIETH DAY BEFORE THE ELECTION, THE
2 BALLOT SHALL HAVE NO CANDIDATE FOR THE OFFICE OF CONSTITUTIONAL
3 CONVENTION DELEGATE AND SHALL HAVE 1 WRITE-IN LINE PRINTED IN THE
4 APPROPRIATE PLACE UNDER THE OFFICE HEADING.

5 SEC. 186. THE CANDIDATES OF EACH POLITICAL PARTY FOR THE
6 OFFICE OF CONSTITUTIONAL CONVENTION DELEGATE RECEIVING THE GREATEST
7 NUMBER OF VOTES CAST FOR ALL CANDIDATES AS DETERMINED BY THE
8 APPROPRIATE BOARD OF CANVASSERS, BASED ON THE RETURNS FROM THE
9 VARIOUS ELECTION PRECINCTS OR AS DETERMINED BY THE BOARD OF
10 CANVASSERS AS A RESULT OF A RECOUNT, SHALL BE DECLARED THE NOMINEES
11 OF THAT POLITICAL PARTY FOR THE OFFICE OF CONSTITUTIONAL CONVENTION
12 DELEGATE AT THE ENSUING MAY REGULAR ELECTION. IF THE DISTRICT WHICH
13 THE CANDIDATE SEEKS TO REPRESENT COMPRISES 1 COUNTY OR LESS, THE
14 DETERMINATION SHALL BE BY THE BOARD OF COUNTY CANVASSERS. THE
15 COUNTY CLERK OF EACH COUNTY SHALL TRANSMIT TO THE SECRETARY OF
16 STATE WITHIN 14 DAYS AFTER THE FEBRUARY PRIMARY ELECTION A
17 CERTIFIED STATEMENT OF THE NUMBER OF VOTES RECEIVED BY EACH PERSON
18 FOR NOMINATIONS AS A CANDIDATE FOR CONSTITUTIONAL CONVENTION
19 DELEGATE, ALONG WITH A COPY OF THE DETERMINATION OF NOMINATION FOR
20 DISTRICTS COMPRISING 1 COUNTY OR LESS. THE BOARD OF STATE
21 CANVASSERS SHALL MEET NOT LATER THAN 20 DAYS AFTER THE FEBRUARY
22 PRIMARY ELECTION FOR THE PURPOSE OF RECEIVING THE DETERMINATIONS OF
23 NOMINATION FROM THE COUNTIES, CANVASSING THE COUNTY RETURNS FOR
24 DISTRICTS COMPRISING MORE THAN 1 COUNTY, AND DECLARING THE RESULT
25 OF THE PRIMARY. THE BOARD OF CANVASSERS CONDUCTING THE CANVASS
26 SHALL FORTHWITH CERTIFY THE NOMINATION OR NOMINATIONS TO THE COUNTY
27 ELECTION COMMISSIONS.

1 SEC. 187. (1) WHEN A CANDIDATE OF A POLITICAL PARTY HAS FILED
2 A NOMINATING PETITION OR FILING FEE FOR THE OFFICE OF
3 CONSTITUTIONAL CONVENTION DELEGATE AND HAS BEEN NOMINATED FOR THE
4 OFFICE BY A PARTY, HE OR SHE SHALL NOT BE PERMITTED TO WITHDRAW
5 UNLESS HE OR SHE HAS REMOVED FROM THE DISTRICT, HAS BECOME
6 PHYSICALLY UNFIT, OR HAS BECOME DISQUALIFIED FOR ANY REASON,
7 INCLUDING DEATH. A VACANCY SHALL NOT BE FILLED BY THE COUNTY
8 EXECUTIVE COMMITTEE OR COMMITTEES EXCEPT FOR THE CAUSES SPECIFIED
9 IN THIS SECTION.

10 (2) WHEN A VACANCY OCCURS UNDER SUBSECTION (1), THE MEMBERS
11 RESIDING WITHIN THE SENATORIAL OR REPRESENTATIVE DISTRICT OF THE
12 COUNTY EXECUTIVE COMMITTEES OF THE CANDIDATE'S POLITICAL PARTY FOR
13 THE COUNTIES COMPOSING THE SENATORIAL OR REPRESENTATIVE DISTRICT
14 SHALL MEET AT A TIME AND PLACE DESIGNATED BY THE CHAIRPERSON OF THE
15 STATE CENTRAL COMMITTEE OF THE POLITICAL PARTY AND NOTICE OF THE
16 MEETING SHALL BE SENT TO ALL MEMBERS OF THE COUNTY EXECUTIVE
17 COMMITTEES. THE MEETING SHALL BE CONDUCTED BY THE SECRETARY OF THE
18 STATE CENTRAL COMMITTEE OR HIS OR HER DULY AUTHORIZED AGENT, BUT
19 THE SECRETARY OR AGENT SHALL NOT BE PRIVILEGED TO VOTE AT THE
20 MEETING. A CANDIDATE TO FILL THE VACANCY SHALL BE SELECTED BY A
21 MAJORITY VOTE OF THE COMMITTEE MEMBERS PRESENT AND VOTING. IF THE
22 VACANCY OCCURS FOR THE CONSTITUTIONAL CONVENTION DELEGATE IN A
23 SENATORIAL OR REPRESENTATIVE DISTRICT WHOLLY WITHIN 1 COUNTY, A
24 CANDIDATE TO FILL THE VACANCY SHALL BE SELECTED BY THE COUNTY
25 EXECUTIVE COMMITTEE OF THE COUNTY BY A MAJORITY VOTE. THE NAME OF
26 THE CANDIDATE SELECTED SHALL BE CERTIFIED NO LATER THAN THE
27 SIXTIETH DAY BEFORE THE ELECTION BY THE CHAIRPERSON AND THE

1 SECRETARY OF THE EXECUTIVE COMMITTEE TO THE SECRETARY OF STATE IN
2 THOSE DISTRICTS COMPRISING 2 OR MORE COUNTIES AND TO THE COUNTY
3 CLERK IN THOSE DISTRICTS CONTAINED WITHIN 1 COUNTY. THE
4 CERTIFICATION SHALL BE SENT TO THE BOARD OF ELECTION COMMISSIONERS
5 FOR EACH COUNTY, WHOSE DUTY IT IS TO PREPARE THE OFFICIAL BALLOTS.
6 THE BOARD SHALL CAUSE TO BE PRINTED OR PLACED UPON THE BALLOTS, IN
7 THE PROPER PLACE, THE NAME OF THE CANDIDATE SELECTED AND CERTIFIED
8 TO FILL THE VACANCY. IF THE NAME OF THE CANDIDATE IS NOT
9 TRANSMITTED TO THE SECRETARY OF STATE OR COUNTY CLERK BY THE CLOSE
10 OF BUSINESS ON THE SIXTIETH DAY BEFORE THE ELECTION, THE BALLOT
11 SHALL HAVE NO CANDIDATE FOR THE OFFICE OF CONSTITUTIONAL CONVENTION
12 DELEGATE AND SHALL HAVE 1 WRITE-IN LINE PRINTED IN THE APPROPRIATE
13 PLACE UNDER THE OFFICE HEADING.

14 SEC. 187A. THE PROVISIONS OF CHAPTER XXIVA APPLY TO THE
15 CANDIDATES WITHOUT POLITICAL PARTY AFFILIATION WHO SEEK THE OFFICE
16 OF CONSTITUTIONAL CONVENTION DELEGATE.

17 SEC. 187B. A POLITICAL PARTY NOT ENTITLED TO NOMINATE
18 CANDIDATES IN A PRIMARY ELECTION SHALL NOMINATE CANDIDATES FOR
19 CONSTITUTIONAL CONVENTION DELEGATE SUBJECT TO SECTION 686A. ALL
20 NOMINATIONS SHALL BE FILED WITH THE SECRETARY OF STATE NO LATER
21 THAN 5 P.M. ON THE FEBRUARY REGULAR ELECTION DATE IN THE YEAR
22 FOLLOWING THE NOVEMBER GENERAL ELECTION AT WHICH THE PROPOSAL TO
23 CONVENE A CONSTITUTIONAL CONVENTION IS ADOPTED.

24 SEC. 188. A CONSTITUTIONAL CONVENTION DELEGATE SHALL BE
25 ELECTED IN EACH STATE SENATE DISTRICT AND IN EACH STATE
26 REPRESENTATIVE DISTRICT AT THE MAY REGULAR ELECTION IN THE YEAR
27 FOLLOWING THE NOVEMBER GENERAL ELECTION AT WHICH THE PROPOSAL TO

1 CONVENE A CONSTITUTIONAL CONVENTION IS ADOPTED.

2 SEC. 189. (1) THE BOARD OF STATE CANVASSERS OR THE BOARD OF
3 COUNTY CANVASSERS, AS APPROPRIATE, SHALL DETERMINE WHICH
4 CONSTITUTIONAL CONVENTION DELEGATE CANDIDATE IN EACH DISTRICT HAS
5 RECEIVED THE GREATEST NUMBER OF VOTES AND SHALL DECLARE THAT
6 CANDIDATE TO BE ELECTED. THE BOARD OF STATE CANVASSERS SHALL
7 PROCEED AS PRESCRIBED IN SECTION 841. THE BOARD OF COUNTY
8 CANVASSERS SHALL PROCEED AS PRESCRIBED IN SECTION 826.

9 (2) THE SECRETARY OF STATE OR THE COUNTY CLERK SHALL FILE IN
10 HIS OR HER OFFICE AND PRESERVE THE ORIGINAL STATEMENT AND
11 DETERMINATION OF THEIR RESPECTIVE BOARD OF CANVASSERS OF THE RESULT
12 OF THE ELECTION. THE SECRETARY OF STATE OR COUNTY CLERK SHALL
13 IMMEDIATELY EXECUTE AND CAUSE TO BE DELIVERED TO THE PERSONS
14 DECLARED ELECTED TO THE OFFICE OF CONSTITUTIONAL CONVENTION
15 DELEGATE A CERTIFICATE OF ELECTION CERTIFIED BY HIM OR HER UNDER
16 THE GREAT SEAL OF THE STATE OR THE SEAL OF THE CIRCUIT COURT OF THE
17 COUNTY.

18 SEC. 189A. (1) EVERY PERSON ELECTED TO THE OFFICE OF
19 CONSTITUTIONAL CONVENTION DELEGATE, BEFORE ENTERING UPON THE DUTIES
20 OF HIS OR HER OFFICE, SHALL TAKE AND SUBSCRIBE TO THE OATH AS
21 PROVIDED IN SECTION 1 OF ARTICLE XI OF THE STATE CONSTITUTION OF
22 1963.

23 (2) A PERSON ELECTED TO THE OFFICE OF CONSTITUTIONAL
24 CONVENTION DELEGATE WHO DESIRES TO RESIGN SHALL FILE A WRITTEN
25 NOTICE CONTAINING THE EFFECTIVE DATE OF THE RESIGNATION WITH THE
26 PRESIDING OFFICER OF THE CONSTITUTIONAL CONVENTION, WHO SHALL
27 IMMEDIATELY TRANSMIT THE WRITTEN NOTICE TO THE GOVERNOR.

1 (3) THE OFFICE OF CONSTITUTIONAL CONVENTION DELEGATE SHALL
2 BECOME VACANT ON THE HAPPENING OF ANY OF THE FOLLOWING EVENTS
3 BEFORE THE EXPIRATION OF THE TERM OF OFFICE:

4 (A) THE DEATH OF THE DELEGATE.

5 (B) THE RESIGNATION OF THE DELEGATE.

6 (C) THE REMOVAL OF THE DELEGATE FROM OFFICE.

7 (D) THE DELEGATE'S CEASING TO BE AN INHABITANT OF THE DISTRICT
8 FOR WHICH HE OR SHE WAS ELECTED.

9 (E) THE DECISION OF A COMPETENT TRIBUNAL DECLARING VOID THE
10 DELEGATE'S ELECTION OR APPOINTMENT.

11 (F) THE REFUSAL OR NEGLECT OF THE DELEGATE TO TAKE AND
12 SUBSCRIBE TO THE OATH OF OFFICE.

13 (4) REGARDLESS OF ANY CHANGE IN THE BOUNDARIES OF ANY STATE
14 SENATORIAL OR REPRESENTATIVE DISTRICT, A CONSTITUTIONAL CONVENTION
15 DELEGATE SHALL CONTINUE TO REPRESENT THE DISTRICT FROM WHICH HE OR
16 SHE WAS ELECTED UNTIL THE TERM OF OFFICE EXPIRES.

17 (5) A CONSTITUTIONAL CONVENTION DELEGATE MAY BE REMOVED FROM
18 OFFICE WITH THE CONCURRENCE OF 2/3 OF ALL DELEGATES ELECTED AND
19 SERVING. THE REASONS FOR REMOVAL SHALL BE ENTERED IN THE CONVENTION
20 JOURNAL, WITH THE VOTES AND NAMES OF THE DELEGATES VOTING UPON THE
21 QUESTIONS. A DELEGATE SHALL NOT BE SUBJECT TO A REMOVAL VOTE A
22 SECOND TIME FOR THE SAME CAUSE.

23 (6) THE GOVERNOR SHALL FILL A VACANCY IN THE OFFICE OF
24 CONSTITUTIONAL CONVENTION DELEGATE BY APPOINTMENT OF A QUALIFIED
25 RESIDENT OF THE SAME DISTRICT WHO SHALL BE OF THE SAME POLITICAL
26 PARTY AS THE DELEGATE VACATING THE OFFICE.

27 SEC. 189B. THE VOTES CAST FOR ANY CANDIDATE FOR THE OFFICE

1 CONSTITUTIONAL CONVENTION DELEGATE AT ANY PRIMARY OR ELECTION SHALL
2 BE SUBJECT TO RECOUNT BY THE BOARD OF STATE CANVASSERS AS PROVIDED
3 IN SECTION 879.