

HOUSE BILL No. 4947

September 4, 2013, Introduced by Reps. McCann, Schor, Irwin, Singh, Hobbs, Slavens, Kosowski, Geiss, Kandrevas, Nathan, Barnett, Tlaib, Brunner, Smiley, Faris, Dillon, Brinks, Cochran, Stanley, Segal, Switalski, Durhal, Hovey-Wright, Clemente and Lipton and referred to the Committee on Elections and Ethics.

A bill to amend 1954 PA 116, entitled
"Michigan election law,"
by amending sections 169, 170, and 173 (MCL 168.169, 168.170, and 168.173), section 169 as amended by 1990 PA 7, and by adding section 169a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 169. ~~When~~ **IF** the candidate of a political party **THAT IS**
2 **NOT A MAJOR POLITICAL PARTY**, after having been nominated to the
3 office of state senator or **STATE** representative, ~~shall die, be~~
4 ~~certified by a state convention for a statewide office, withdraw~~
5 **DIES, WITHDRAWS** from the district, ~~become~~ **BECOMES** physically unfit,
6 or ~~become~~ **BECOMES** disqualified for any reason, the members residing
7 within ~~said~~ **THE** senatorial or representative district of the county
8 executive committees of ~~such~~ **THE** candidate's political party for

1 the counties comprising ~~said-**THE**~~ senatorial or representative
 2 district shall meet at a time and place designated by the
 3 chairperson of the state central committee of ~~such-**THE**~~ political
 4 party and notice of ~~such-**THE**~~ meeting shall be sent to all ~~such~~
 5 members of the county executive committees. The meeting shall be
 6 conducted by the secretary of the state central committee or his or
 7 her duly authorized agent, but ~~said-**THE**~~ secretary or agent shall
 8 not be privileged to vote at ~~such-**THE**~~ meeting. A candidate to fill
 9 the vacancy shall be selected by a majority vote of the committee
 10 members present and voting. ~~+ Provided, That if such-**IF A**~~ vacancy
 11 occurs in a senatorial or representative district wholly within 1
 12 county, a candidate to fill the vacancy shall be selected by the
 13 county executive committee of the county by a majority vote
 14 thereof. The name of the candidate ~~so~~-selected shall be certified
 15 immediately by the chairperson and the secretary of ~~said-**THE**~~
 16 committee to the secretary of state in those districts comprising 2
 17 or more counties and to the county clerk in those districts
 18 contained within 1 county. The certification shall be sent in any
 19 case to the board of election commissioners for each county ~~whose~~
 20 duty it is to prepare the official ballots. ~~+ and said-**THE**~~ board
 21 shall cause to be printed or placed upon ~~such-**THE**~~ ballots, in the
 22 proper place, the name of the candidate ~~so~~-selected and certified
 23 to fill ~~such-**THE**~~ vacancy.

24 **SEC. 169A. (1) IF THE CANDIDATE OF A MAJOR POLITICAL PARTY,**
 25 **AFTER HAVING BEEN NOMINATED TO THE OFFICE OF STATE SENATOR OR STATE**
 26 **REPRESENTATIVE AND BEFORE THE GENERAL NOVEMBER ELECTION, DIES, IS**
 27 **CERTIFIED BY A STATE CONVENTION FOR A STATEWIDE OFFICE, WITHDRAWS**

1 FROM THE DISTRICT, BECOMES PHYSICALLY UNFIT, OR BECOMES
2 DISQUALIFIED FOR ANY REASON, THE GENERAL NOVEMBER ELECTION FOR THAT
3 OFFICE SHALL NOT BE HELD. THE GOVERNOR SHALL CALL A SPECIAL
4 ELECTION IN THAT SENATORIAL OR REPRESENTATIVE DISTRICT TO BE HELD
5 ON THE NEXT SCHEDULED ELECTION DAY IN THE YEAR FOLLOWING THE YEAR
6 IN WHICH THE GENERAL NOVEMBER ELECTION WAS HELD. THE MEMBERS
7 RESIDING WITHIN THAT STATE SENATORIAL OR STATE REPRESENTATIVE
8 DISTRICT OF THE COUNTY EXECUTIVE COMMITTEES OF THAT CANDIDATE'S
9 POLITICAL PARTY FOR THE COUNTIES COMPRISING THE SENATORIAL OR
10 REPRESENTATIVE DISTRICT SHALL MEET AT A TIME AND PLACE DESIGNATED
11 BY THE CHAIRPERSON OF THE STATE CENTRAL COMMITTEE OF THAT POLITICAL
12 PARTY AND NOTICE OF THE MEETING SHALL BE SENT TO ALL MEMBERS OF THE
13 COUNTY EXECUTIVE COMMITTEES. THE MEETING SHALL BE CONDUCTED BY THE
14 SECRETARY OF THE STATE CENTRAL COMMITTEE OR HIS OR HER DULY
15 AUTHORIZED AGENT, BUT THE SECRETARY OR AGENT SHALL NOT BE
16 PRIVILEGED TO VOTE AT THE MEETING. A CANDIDATE TO FILL THE VACANCY
17 SHALL BE SELECTED BY A MAJORITY VOTE OF THE MEMBERS PRESENT AND
18 VOTING. IF A VACANCY OCCURS IN A SENATORIAL OR REPRESENTATIVE
19 DISTRICT WHOLLY WITHIN 1 COUNTY, A CANDIDATE TO FILL THE VACANCY
20 SHALL BE SELECTED BY THE COUNTY EXECUTIVE COMMITTEE OF THE COUNTY
21 BY A MAJORITY VOTE THEREOF. THE NAME OF THE CANDIDATE SELECTED
22 SHALL BE CERTIFIED IMMEDIATELY BY THE CHAIRPERSON AND THE SECRETARY
23 OF THE COMMITTEE TO THE SECRETARY OF STATE IN THOSE DISTRICTS
24 COMPRISING 2 OR MORE COUNTIES AND TO THE COUNTY CLERK IN THOSE
25 DISTRICTS CONTAINED WITHIN 1 COUNTY. THE CERTIFICATION SHALL BE
26 SENT IN ANY CASE TO THE BOARD OF ELECTION COMMISSIONERS FOR EACH
27 COUNTY WHOSE DUTY IT IS TO PREPARE THE OFFICIAL BALLOTS. THE BOARD

1 SHALL CAUSE TO BE PRINTED ON THE SPECIAL ELECTION BALLOT, IN THE
2 PROPER PLACE, THE NAME OF THE CANDIDATE SELECTED AND CERTIFIED BY
3 THE MAJOR POLITICAL PARTY TO FILL THE VACANCY.

4 (2) IN ADDITION TO THE REQUIREMENTS UNDER SUBSECTION (1), THE
5 BOARD OF ELECTION COMMISSIONERS OF EACH AFFECTED COUNTY SHALL CAUSE
6 TO BE PRINTED ON THE SPECIAL ELECTION BALLOT, IN THE PROPER PLACE,
7 THE NAMES OF ANY OTHER POLITICAL PARTY CANDIDATES WHO WERE
8 NOMINATED TO APPEAR ON THE GENERAL NOVEMBER ELECTION BALLOT FOR
9 THIS OFFICE.

10 (3) IF THE ELECTION TO FILL THE OFFICE OF STATE SENATOR OR
11 STATE REPRESENTATIVE IS HELD AT A SPECIAL ELECTION AS PROVIDED IN
12 THIS SECTION, THE INCUMBENT STATE SENATOR OR STATE REPRESENTATIVE
13 SHALL CONTINUE TO REPRESENT THE DISTRICT FROM WHICH HE OR SHE IS
14 ELECTED UNTIL HIS OR HER SUCCESSOR IS ELECTED AND QUALIFIED.

15 (4) THIS SECTION SHALL BE KNOWN AND MAY BE CITED AS THE
16 "ROBERT B. JONES EVERY VOTE COUNTS ELECTION LAW".

17 Sec. 170. (1) ~~A-EXCEPT AS OTHERWISE PROVIDED IN SECTION 169A,~~
18 A state senator in each senatorial district shall be elected in the
19 general **NOVEMBER** election in ~~1964,~~ 1966 and every fourth year
20 thereafter.

21 (2) ~~A-EXCEPT AS OTHERWISE PROVIDED IN SECTION 169A, A~~
22 representative in each representative district shall be elected at
23 each general November election.

24 Sec. 173. (1) ~~The-EXCEPT AS OTHERWISE PROVIDED IN THIS~~
25 **SUBSECTION, THE** term of office of state senator and **STATE**
26 representative ~~shall commence~~ **COMMENCES** at 12 noon on January 1
27 next following his **OR HER** election. **IF A STATE SENATOR OR STATE**

1 REPRESENTATIVE IS ELECTED AT A SPECIAL ELECTION AS PROVIDED IN
2 SECTION 169A, THE TERM OF OFFICE FOR THAT STATE SENATOR OR STATE
3 REPRESENTATIVE COMMENCES AT 12 NOON ON THE DAY AFTER THE RESULTS OF
4 THE SPECIAL ELECTION ARE CERTIFIED BY THE APPROPRIATE BOARD OF
5 CANVASSERS.

6 (2) ~~The~~ EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (4), THE
7 term of office of state representative ~~shall be~~ IS 2 years. The
8 ~~term of office of state senators elected at the general election in~~
9 ~~1964 shall be 2 years.~~

10 (3) ~~The~~ EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (5), THE
11 term of office of state senators elected at the general NOVEMBER
12 election in 1966 and every fourth year thereafter ~~shall be~~ IS 4
13 years.

14 (4) THE TERM OF OFFICE FOR A STATE REPRESENTATIVE ELECTED AT A
15 SPECIAL ELECTION AS PROVIDED IN SECTION 169A IS FOR THE REMAINDER
16 OF THE YEAR IN WHICH HE OR SHE IS ELECTED AND FOR THE YEAR AFTER
17 THE YEAR IN WHICH HE OR SHE IS ELECTED.

18 (5) THE TERM OF OFFICE FOR A STATE SENATOR ELECTED AT A
19 SPECIAL ELECTION AS PROVIDED IN SECTION 169A IS FOR THE REMAINDER
20 OF THE YEAR IN WHICH HE OR SHE IS ELECTED AND FOR THE 3 YEARS AFTER
21 THE YEAR IN WHICH HE OR SHE IS ELECTED.

22 Enacting section 1. This amendatory act does not take effect
23 unless Senate Joint Resolution ____ or House Joint Resolution X____
24 (request no. 03413'13 a) of the 97th Legislature becomes a part of
25 the state constitution of 1963 as provided in section 1 of article
26 XII of the state constitution of 1963.