

HOUSE BILL No. 5810

September 7, 2016, Introduced by Rep. Lucido and referred to the Committee on Elections.

A bill to amend 1954 PA 116, entitled
"Michigan election law,"
by amending sections 55, 392a, 404, 534, and 535 (MCL 168.55,
168.392a, 168.404, 168.534, and 168.535), section 55 as amended by
2012 PA 276, section 404 as amended by 1999 PA 218, and section 534
as amended by 1988 PA 116, and by adding sections 72a, 73a, 74a,
74b, 74c, 74d, 74e, 74f, 74g, 282b, 282c, 283a, 284a, 284b, 284c,
284d, 284e, 284f, 284g, 284h, 391a, 392b, 394a, and 395a; and to
repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 55. If, for any reason, there is no candidate of a
2 political party for the office of governor, ~~or lieutenant governor,~~

1 a blank space shall be provided on each of the official primary
2 ballots that affords every elector of the political party an
3 opportunity to vote for a candidate for ~~those offices~~ **THAT OFFICE**
4 by writing in the name of his or her selection.

5 **SEC. 72A. A GENERAL PRIMARY ELECTION SHALL BE HELD IN EVERY**
6 **ELECTION PRECINCT IN THIS STATE ON THE TUESDAY AFTER THE FIRST**
7 **MONDAY IN AUGUST BEFORE EVERY GENERAL NOVEMBER ELECTION IN WHICH A**
8 **LIEUTENANT GOVERNOR, ATTORNEY GENERAL, AND SECRETARY OF STATE ARE**
9 **TO BE ELECTED. AT THE GENERAL PRIMARY ELECTION, THE QUALIFIED AND**
10 **REGISTERED ELECTORS OF EACH POLITICAL PARTY MAY VOTE FOR PARTY**
11 **CANDIDATES FOR THE OFFICES OF LIEUTENANT GOVERNOR, ATTORNEY**
12 **GENERAL, AND SECRETARY OF STATE. THIS SECTION DOES NOT APPLY TO**
13 **POLITICAL PARTIES REQUIRED TO NOMINATE CANDIDATES AT CAUCUSES OR**
14 **CONVENTIONS AS PROVIDED IN SECTION 532.**

15 **SEC. 73A. TO OBTAIN THE PRINTING OF THE NAME OF A PERSON AS A**
16 **CANDIDATE FOR NOMINATION BY A POLITICAL PARTY FOR THE OFFICE OF**
17 **LIEUTENANT GOVERNOR, ATTORNEY GENERAL, OR SECRETARY OF STATE UNDER**
18 **A PARTICULAR PARTY HEADING UPON THE OFFICIAL PRIMARY BALLOTS, THERE**
19 **SHALL BE FILED WITH THE STATE BUREAU OF ELECTIONS NOMINATING**
20 **PETITIONS SIGNED BY A NUMBER OF QUALIFIED AND REGISTERED ELECTORS**
21 **RESIDING IN THIS STATE AS DETERMINED UNDER SECTION 544F. NOMINATING**
22 **PETITIONS SHALL BE SIGNED BY AT LEAST 1,000 REGISTERED RESIDENT**
23 **ELECTORS IN EACH OF AT LEAST 1/2 OF THE CONGRESSIONAL DISTRICTS OF**
24 **THIS STATE. NOMINATING PETITIONS SHALL BE IN THE FORM AS PRESCRIBED**
25 **IN SECTION 544C. NOMINATING PETITIONS SHALL BE RECEIVED BY THE**
26 **STATE BUREAU OF ELECTIONS FOR FILING IN ACCORDANCE WITH THIS ACT UP**
27 **TO 4 P.M. OF THE FIFTEENTH TUESDAY BEFORE THE AUGUST PRIMARY**

1 ELECTION.

2 SEC. 74A. AFTER THE FILING OF A NOMINATING PETITION BY OR ON
3 BEHALF OF A PROPOSED CANDIDATE FOR LIEUTENANT GOVERNOR, ATTORNEY
4 GENERAL, OR SECRETARY OF STATE, THE CANDIDATE IS NOT PERMITTED TO
5 WITHDRAW UNLESS A WRITTEN NOTICE OF WITHDRAWAL IS SERVED ON THE
6 STATE BUREAU OF ELECTIONS NOT LATER THAN 4 P.M. OF THE THIRD DAY
7 AFTER THE LAST DAY FOR FILING NOMINATING PETITIONS.

8 SEC. 74B. IF FOR ANY REASON THERE IS NO CANDIDATE OF A
9 POLITICAL PARTY FOR THE OFFICE OF LIEUTENANT GOVERNOR, ATTORNEY
10 GENERAL, OR SECRETARY OF STATE, A BLANK SPACE SHALL BE PROVIDED ON
11 EACH OF THE OFFICIAL PRIMARY BALLOTS THAT AFFORDS EVERY ELECTOR OF
12 THE POLITICAL PARTY AN OPPORTUNITY TO VOTE FOR A CANDIDATE FOR THE
13 OFFICE OF LIEUTENANT GOVERNOR, ATTORNEY GENERAL, OR SECRETARY OF
14 STATE BY WRITING IN THE NAME OF HIS OR HER SELECTION.

15 SEC. 74C. IF A CANDIDATE OF A POLITICAL PARTY FOR THE OFFICE
16 OF LIEUTENANT GOVERNOR, ATTORNEY GENERAL, OR SECRETARY OF STATE,
17 AFTER HAVING QUALIFIED AS A CANDIDATE, DIES, AFTER THE TIME
18 SPECIFIED FOR FILING NOMINATING PETITIONS IN SECTION 73A, LEAVING
19 THE POLITICAL PARTY WITHOUT A CANDIDATE FOR THE OFFICE OF
20 LIEUTENANT GOVERNOR, ATTORNEY GENERAL, OR SECRETARY OF STATE, A
21 CANDIDATE TO FILL THE VACANCY MAY BE SELECTED BY THE STATE CENTRAL
22 COMMITTEE OF THE POLITICAL PARTY, AND THE NAME OF THE CANDIDATE
23 SELECTED SHALL BE TRANSMITTED TO THE COUNTY OFFICERS WHO ARE
24 REQUIRED BY LAW TO PRINT AND DISTRIBUTE BALLOTS. THE NAME OF THE
25 CANDIDATE SHALL BE PRINTED ON THE BALLOT, BUT IF THE PRIMARY
26 BALLOTS HAVE BEEN PRINTED, THE COUNTY OFFICERS SHALL PRINT A
27 SUFFICIENT NUMBER OF GUMMED LABELS OR STICKERS BEARING THE NAME OF

1 THE CANDIDATE, WHICH SHALL BE DISTRIBUTED TO THE VARIOUS VOTING
2 PRECINCTS IN THEIR RESPECTIVE COUNTIES, AND THE BOARD OF ELECTION
3 INSPECTORS OF EACH PRECINCT SHALL PLACE 1 OF THE LABELS OR STICKERS
4 ON EACH BALLOT OVER THE NAME OF THE CANDIDATE WHO HAS DIED BEFORE
5 THE BALLOT IS GIVEN TO AN ELECTOR.

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

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

26 SEC. 74F. THE CANDIDATE OF EACH POLITICAL PARTY FOR THE OFFICE
27 OF SECRETARY OF STATE RECEIVING THE GREATEST NUMBER OF VOTES CAST

1 FOR THE OFFICE OF SECRETARY OF STATE, AS SET FORTH IN THE REPORT OF
2 THE BOARD OF STATE CANVASSERS BASED ON THE RETURNS FROM THE VARIOUS
3 BOARDS OF COUNTY CANVASSERS, OR AS DETERMINED BY THE BOARD OF STATE
4 CANVASSERS AS THE RESULT OF A RECOUNT, SHALL BE DECLARED THE
5 NOMINEE OF THAT POLITICAL PARTY FOR THE OFFICE OF SECRETARY OF
6 STATE AT THE NEXT ENSUING NOVEMBER ELECTION. THE BOARD OF STATE
7 CANVASSERS SHALL IMMEDIATELY CERTIFY THE NOMINATIONS TO THE STATE
8 BUREAU OF ELECTIONS.

9 SEC. 74G. IF A CANDIDATE OF A POLITICAL PARTY FOR THE OFFICE
10 OF LIEUTENANT GOVERNOR, ATTORNEY GENERAL, OR SECRETARY OF STATE
11 FILES A NOMINATING PETITION FOR THAT OFFICE AND HAS BEEN NOMINATED
12 FOR THE OFFICE OF LIEUTENANT GOVERNOR, ATTORNEY GENERAL, OR
13 SECRETARY OF STATE BY THE POLITICAL PARTY, HE OR SHE IS NOT
14 PERMITTED TO WITHDRAW UNLESS HE OR SHE MOVES FROM THIS STATE OR
15 BECOMES PHYSICALLY UNFIT. THIS SECTION DOES NOT PROHIBIT THE
16 WITHDRAWAL OF A CANDIDATE WHO WAS NOMINATED WITHOUT HAVING FILED A
17 NOMINATING PETITION AND WHOSE NAME HAS BEEN WRITTEN OR PLACED ON
18 THE BALLOT OF A POLITICAL PARTY.

19 SEC. 282B. A GENERAL PRIMARY ELECTION SHALL BE HELD IN EVERY
20 ELECTION PRECINCT IN THIS STATE ON THE TUESDAY AFTER THE FIRST
21 MONDAY IN AUGUST BEFORE EVERY GENERAL NOVEMBER ELECTION IN WHICH 2
22 MEMBERS OF THE STATE BOARD OF EDUCATION ARE TO BE ELECTED. AT THE
23 GENERAL PRIMARY ELECTION, THE QUALIFIED AND REGISTERED ELECTORS OF
24 EACH POLITICAL PARTY MAY VOTE FOR PARTY CANDIDATES FOR MEMBERSHIP
25 ON THE STATE BOARD OF EDUCATION. THIS SECTION DOES NOT APPLY TO
26 POLITICAL PARTIES REQUIRED TO NOMINATE CANDIDATES AT CAUCUSES OR
27 CONVENTIONS AS PROVIDED IN SECTION 532.

1 SEC. 282C. A GENERAL PRIMARY ELECTION SHALL BE HELD IN EVERY
2 ELECTION PRECINCT IN THIS STATE ON THE TUESDAY AFTER THE FIRST
3 MONDAY IN AUGUST BEFORE EVERY GENERAL NOVEMBER ELECTION IN WHICH 2
4 MEMBERS OF THE BOARD OF REGENTS OF THE UNIVERSITY OF MICHIGAN, 2
5 MEMBERS OF THE BOARD OF TRUSTEES OF MICHIGAN STATE UNIVERSITY, AND
6 2 MEMBERS OF THE BOARD OF GOVERNORS OF WAYNE STATE UNIVERSITY ARE
7 TO BE ELECTED. AT THE GENERAL PRIMARY ELECTION, THE QUALIFIED AND
8 REGISTERED ELECTORS OF EACH POLITICAL PARTY MAY VOTE FOR PARTY
9 CANDIDATES FOR MEMBERSHIP ON THE BOARD OF REGENTS OF THE UNIVERSITY
10 OF MICHIGAN, THE BOARD OF TRUSTEES OF MICHIGAN STATE UNIVERSITY,
11 AND THE BOARD OF GOVERNORS OF WAYNE STATE UNIVERSITY. THIS SECTION
12 DOES NOT APPLY TO POLITICAL PARTIES REQUIRED TO NOMINATE CANDIDATES
13 AT CAUCUSES OR CONVENTIONS AS PROVIDED IN SECTION 532.

14 SEC. 283A. TO OBTAIN THE PRINTING OF THE NAME OF A PERSON AS A
15 CANDIDATE FOR NOMINATION BY A POLITICAL PARTY FOR MEMBERSHIP ON THE
16 STATE BOARD OF EDUCATION, THE BOARD OF REGENTS OF THE UNIVERSITY OF
17 MICHIGAN, THE BOARD OF TRUSTEES OF MICHIGAN STATE UNIVERSITY, OR
18 THE BOARD OF GOVERNORS OF WAYNE STATE UNIVERSITY UNDER A PARTICULAR
19 PARTY HEADING UPON THE OFFICIAL PRIMARY BALLOTS, THERE SHALL BE
20 FILED WITH THE STATE BUREAU OF ELECTIONS NOMINATING PETITIONS
21 SIGNED BY A NUMBER OF QUALIFIED AND REGISTERED ELECTORS RESIDING IN
22 THIS STATE AS DETERMINED UNDER SECTION 544F. NOMINATING PETITIONS
23 SHALL BE SIGNED BY AT LEAST 1,000 REGISTERED RESIDENT ELECTORS IN
24 EACH OF AT LEAST 1/2 OF THE CONGRESSIONAL DISTRICTS OF THIS STATE.
25 NOMINATING PETITIONS SHALL BE IN THE FORM AS PRESCRIBED IN SECTION
26 544C. NOMINATING PETITIONS SHALL BE RECEIVED BY THE STATE BUREAU OF
27 ELECTIONS FOR FILING IN ACCORDANCE WITH THIS ACT UP TO 4 P.M. OF

1 THE FIFTEENTH TUESDAY BEFORE THE AUGUST PRIMARY ELECTION.

2 SEC. 284A. AFTER THE FILING OF A NOMINATING PETITION BY OR ON
3 BEHALF OF A PROPOSED CANDIDATE FOR MEMBERSHIP ON THE STATE BOARD OF
4 EDUCATION, THE BOARD OF REGENTS OF THE UNIVERSITY OF MICHIGAN, THE
5 BOARD OF TRUSTEES OF MICHIGAN STATE UNIVERSITY, OR THE BOARD OF
6 GOVERNORS OF WAYNE STATE UNIVERSITY, THE CANDIDATE IS NOT PERMITTED
7 TO WITHDRAW UNLESS A WRITTEN NOTICE OF WITHDRAWAL IS SERVED ON THE
8 STATE BUREAU OF ELECTIONS NOT LATER THAN 4 P.M. OF THE THIRD DAY
9 AFTER THE LAST DAY FOR FILING NOMINATING PETITIONS.

10 SEC. 284B. IF FOR ANY REASON THERE ARE NOT 2 CANDIDATES OF A
11 POLITICAL PARTY FOR MEMBERSHIP ON THE STATE BOARD OF EDUCATION, THE
12 BOARD OF REGENTS OF THE UNIVERSITY OF MICHIGAN, THE BOARD OF
13 TRUSTEES OF MICHIGAN STATE UNIVERSITY, OR THE BOARD OF GOVERNORS OF
14 WAYNE STATE UNIVERSITY, A BLANK SPACE SHALL BE PROVIDED ON EACH OF
15 THE OFFICIAL PRIMARY BALLOTS THAT AFFORDS EVERY ELECTOR OF THE
16 POLITICAL PARTY AN OPPORTUNITY TO VOTE FOR A CANDIDATE FOR
17 MEMBERSHIP ON THE STATE BOARD OF EDUCATION, THE BOARD OF REGENTS OF
18 THE UNIVERSITY OF MICHIGAN, THE BOARD OF TRUSTEES OF MICHIGAN STATE
19 UNIVERSITY, OR THE BOARD OF GOVERNORS OF WAYNE STATE UNIVERSITY BY
20 WRITING IN THE NAME OF HIS OR HER SELECTION.

21 SEC. 284C. IF A CANDIDATE OF A POLITICAL PARTY FOR MEMBERSHIP
22 ON THE STATE BOARD OF EDUCATION, THE BOARD OF REGENTS OF THE
23 UNIVERSITY OF MICHIGAN, THE BOARD OF TRUSTEES OF MICHIGAN STATE
24 UNIVERSITY, OR THE BOARD OF GOVERNORS OF WAYNE STATE UNIVERSITY,
25 AFTER HAVING QUALIFIED AS A CANDIDATE, DIES, AFTER THE TIME
26 SPECIFIED FOR FILING NOMINATING PETITIONS IN SECTION 283A, LEAVING
27 THE POLITICAL PARTY WITHOUT A CANDIDATE FOR MEMBERSHIP ON THE STATE

1 BOARD OF EDUCATION, THE BOARD OF REGENTS OF THE UNIVERSITY OF
2 MICHIGAN, THE BOARD OF TRUSTEES OF MICHIGAN STATE UNIVERSITY, OR
3 THE BOARD OF GOVERNORS OF WAYNE STATE UNIVERSITY, A CANDIDATE TO
4 FILL THE VACANCY MAY BE SELECTED BY THE STATE CENTRAL COMMITTEE OF
5 THE POLITICAL PARTY, AND THE NAME OF THE CANDIDATE SELECTED SHALL
6 BE TRANSMITTED TO THE COUNTY OFFICERS WHO ARE REQUIRED BY LAW TO
7 PRINT AND DISTRIBUTE BALLOTS. THE NAME OF THE CANDIDATE SHALL BE
8 PRINTED ON THE BALLOT, BUT IF THE PRIMARY BALLOTS HAVE BEEN
9 PRINTED, THE COUNTY OFFICERS SHALL PRINT A SUFFICIENT NUMBER OF
10 GUMMED LABELS OR STICKERS BEARING THE NAME OF THE CANDIDATE, WHICH
11 SHALL BE DISTRIBUTED TO THE VARIOUS VOTING PRECINCTS IN THEIR
12 RESPECTIVE COUNTIES, AND THE BOARD OF ELECTION INSPECTORS OF EACH
13 PRECINCT SHALL PLACE 1 OF THE LABELS OR STICKERS ON EACH BALLOT
14 OVER THE NAME OF THE CANDIDATE WHO HAS DIED BEFORE THE BALLOT IS
15 GIVEN TO AN ELECTOR.

16 SEC. 284D. THE 2 CANDIDATES OF EACH POLITICAL PARTY FOR
17 MEMBERSHIP ON THE STATE BOARD OF EDUCATION RECEIVING THE GREATEST
18 NUMBER OF VOTES CAST FOR MEMBERSHIP ON THE STATE BOARD OF
19 EDUCATION, AS SET FORTH IN THE REPORT OF THE BOARD OF STATE
20 CANVASSERS BASED ON THE RETURNS FROM THE VARIOUS BOARDS OF COUNTY
21 CANVASSERS, OR AS DETERMINED BY THE BOARD OF STATE CANVASSERS AS
22 THE RESULT OF A RECOUNT, SHALL BE DECLARED THE NOMINEES OF THAT
23 POLITICAL PARTY FOR MEMBERSHIP ON THE STATE BOARD OF EDUCATION AT
24 THE NEXT ENSUING NOVEMBER ELECTION. THE BOARD OF STATE CANVASSERS
25 SHALL IMMEDIATELY CERTIFY THE NOMINATIONS TO THE STATE BUREAU OF
26 ELECTIONS.

27 SEC. 284E. THE 2 CANDIDATES OF EACH POLITICAL PARTY FOR

1 MEMBERSHIP ON THE BOARD OF REGENTS OF THE UNIVERSITY OF MICHIGAN
2 RECEIVING THE GREATEST NUMBER OF VOTES CAST FOR MEMBERSHIP ON THE
3 BOARD OF REGENTS OF THE UNIVERSITY OF MICHIGAN, AS SET FORTH IN THE
4 REPORT OF THE BOARD OF STATE CANVASSERS BASED ON THE RETURNS FROM
5 THE VARIOUS BOARDS OF COUNTY CANVASSERS, OR AS DETERMINED BY THE
6 BOARD OF STATE CANVASSERS AS THE RESULT OF A RECOUNT, SHALL BE
7 DECLARED THE NOMINEES OF THAT POLITICAL PARTY FOR MEMBERSHIP ON THE
8 BOARD OF REGENTS OF THE UNIVERSITY OF MICHIGAN AT THE NEXT ENSUING
9 NOVEMBER ELECTION. THE BOARD OF STATE CANVASSERS SHALL IMMEDIATELY
10 CERTIFY THE NOMINATIONS TO THE STATE BUREAU OF ELECTIONS.

11 SEC. 284F. THE 2 CANDIDATES OF EACH POLITICAL PARTY FOR
12 MEMBERSHIP ON THE BOARD OF TRUSTEES OF MICHIGAN STATE UNIVERSITY
13 RECEIVING THE GREATEST NUMBER OF VOTES CAST FOR MEMBERSHIP ON THE
14 BOARD OF TRUSTEES OF MICHIGAN STATE UNIVERSITY, AS SET FORTH IN THE
15 REPORT OF THE BOARD OF STATE CANVASSERS BASED ON THE RETURNS FROM
16 THE VARIOUS BOARDS OF COUNTY CANVASSERS, OR AS DETERMINED BY THE
17 BOARD OF STATE CANVASSERS AS THE RESULT OF A RECOUNT, SHALL BE
18 DECLARED THE NOMINEES OF THAT POLITICAL PARTY FOR MEMBERSHIP ON THE
19 BOARD OF TRUSTEES OF MICHIGAN STATE UNIVERSITY AT THE NEXT ENSUING
20 NOVEMBER ELECTION. THE BOARD OF STATE CANVASSERS SHALL IMMEDIATELY
21 CERTIFY THE NOMINATIONS TO THE STATE BUREAU OF ELECTIONS.

22 SEC. 284G. THE 2 CANDIDATES OF EACH POLITICAL PARTY FOR
23 MEMBERSHIP ON THE BOARD OF GOVERNORS OF WAYNE STATE UNIVERSITY
24 RECEIVING THE GREATEST NUMBER OF VOTES CAST FOR MEMBERSHIP ON THE
25 BOARD OF GOVERNORS OF WAYNE STATE UNIVERSITY, AS SET FORTH IN THE
26 REPORT OF THE BOARD OF STATE CANVASSERS BASED ON THE RETURNS FROM
27 THE VARIOUS BOARDS OF COUNTY CANVASSERS, OR AS DETERMINED BY THE

1 BOARD OF STATE CANVASSERS AS THE RESULT OF A RECOUNT, SHALL BE
2 DECLARED THE NOMINEES OF THAT POLITICAL PARTY FOR MEMBERSHIP ON THE
3 BOARD OF GOVERNORS OF WAYNE STATE UNIVERSITY AT THE NEXT ENSUING
4 NOVEMBER ELECTION. THE BOARD OF STATE CANVASSERS SHALL IMMEDIATELY
5 CERTIFY THE NOMINATIONS TO THE STATE BUREAU OF ELECTIONS.

6 SEC. 284H. IF A CANDIDATE OF A POLITICAL PARTY FOR MEMBERSHIP
7 ON THE STATE BOARD OF EDUCATION, THE BOARD OF REGENTS OF THE
8 UNIVERSITY OF MICHIGAN, THE BOARD OF TRUSTEES OF MICHIGAN STATE
9 UNIVERSITY, OR THE BOARD OF GOVERNORS OF WAYNE STATE UNIVERSITY
10 FILES A NOMINATING PETITION FOR THAT OFFICE AND HAS BEEN NOMINATED
11 FOR MEMBERSHIP ON THE STATE BOARD OF EDUCATION, THE BOARD OF
12 REGENTS OF THE UNIVERSITY OF MICHIGAN, THE BOARD OF TRUSTEES OF
13 MICHIGAN STATE UNIVERSITY, OR THE BOARD OF GOVERNORS OF WAYNE STATE
14 UNIVERSITY BY THE POLITICAL PARTY, HE OR SHE IS NOT PERMITTED TO
15 WITHDRAW UNLESS HE OR SHE MOVES FROM THIS STATE OR BECOMES
16 PHYSICALLY UNFIT. THIS SECTION DOES NOT PROHIBIT THE WITHDRAWAL OF
17 A CANDIDATE WHO WAS NOMINATED WITHOUT HAVING FILED A NOMINATING
18 PETITION AND WHOSE NAME HAS BEEN WRITTEN OR PLACED ON THE BALLOT OF
19 A POLITICAL PARTY.

20 SEC. 391A. A GENERAL NONPARTISAN PRIMARY ELECTION SHALL BE
21 HELD IN EVERY COUNTY OF THIS STATE ON THE TUESDAY AFTER THE FIRST
22 MONDAY IN AUGUST BEFORE THE GENERAL ELECTION AT WHICH JUSTICES OF
23 THE SUPREME COURT ARE ELECTED, AT WHICH TIME THE QUALIFIED AND
24 REGISTERED ELECTORS MAY VOTE FOR NONPARTISAN CANDIDATES FOR THE
25 OFFICE OF JUSTICE OF THE SUPREME COURT. IF, UPON THE EXPIRATION OF
26 THE TIME FOR FILING PETITIONS OR INCUMBENCY AFFIDAVITS OF CANDIDACY
27 FOR THE PRIMARY ELECTION OF JUSTICES OF THE SUPREME COURT, IT

1 APPEARS THAT THERE ARE NOT TO EXCEED TWICE THE NUMBER OF CANDIDATES
 2 AS THERE ARE PERSONS TO BE ELECTED, THEN THE SECRETARY OF STATE
 3 SHALL CERTIFY TO THE COUNTY BOARD OF ELECTION COMMISSIONERS THE
 4 NAME OF THOSE CANDIDATES FOR SUPREME COURT JUSTICE WHOSE PETITIONS
 5 OR AFFIDAVITS HAVE BEEN PROPERLY FILED, AND THOSE CANDIDATES SHALL
 6 BE THE NOMINEES FOR THE OFFICE OF JUSTICE OF THE SUPREME COURT AND
 7 SHALL BE SO CERTIFIED. AS TO THAT OFFICE, THERE SHALL BE NO PRIMARY
 8 ELECTION AND THIS OFFICE SHALL BE OMITTED FROM THE JUDICIAL PRIMARY
 9 BALLOT.

10 Sec. 392a. (1) ~~Any~~**AN** incumbent justice of the supreme court
 11 may become a candidate for re-election as a justice of the supreme
 12 court by filing with the secretary of state an affidavit of
 13 candidacy not less than ~~180~~**210** days ~~prior to~~**BEFORE** the expiration
 14 of his **OR HER** term of office.

15 (2) The affidavit of candidacy shall contain statements that
 16 the affiant is an incumbent supreme court justice, that he **OR SHE**
 17 is domiciled within ~~the~~**THIS** state, **AND** that he **OR SHE** will not
 18 have attained the age of 70 years ~~prior to~~**BEFORE** the date of
 19 election and a declaration that he **OR SHE** is a candidate for
 20 election to the office of **JUSTICE OF THE** supreme court. ~~justice.~~

21 **SEC. 392B. TO OBTAIN THE PRINTING OF THE NAME OF A PERSON AS A**
 22 **CANDIDATE FOR NOMINATION FOR THE OFFICE OF JUSTICE OF THE SUPREME**
 23 **COURT UPON THE OFFICIAL NONPARTISAN PRIMARY BALLOTS, THERE SHALL BE**
 24 **FILED WITH THE SECRETARY OF STATE NOMINATING PETITIONS CONTAINING**
 25 **THE SIGNATURES, ADDRESSES, AND DATES OF SIGNING OF A NUMBER OF**
 26 **QUALIFIED AND REGISTERED ELECTORS RESIDING IN THIS STATE AS**
 27 **DETERMINED UNDER SECTION 544F OR BY THE FILING OF AN AFFIDAVIT**

1 ACCORDING TO SECTION 392A. THE SECRETARY OF STATE SHALL RECEIVE THE
2 NOMINATING PETITIONS UP TO 4 P.M. OF THE FOURTEENTH TUESDAY BEFORE
3 THE PRIMARY. THE PROVISIONS OF SECTIONS 544A AND 544B APPLY.

4 SEC. 394A. AFTER THE FILING OF A NOMINATING PETITION OR
5 AFFIDAVIT OF CANDIDACY BY OR ON BEHALF OF A PROPOSED CANDIDATE FOR
6 THE OFFICE OF JUSTICE OF THE SUPREME COURT, THE PROPOSED CANDIDATE
7 IS NOT PERMITTED TO WITHDRAW UNLESS HE OR SHE SERVES A WRITTEN
8 NOTICE OF WITHDRAWAL ON THE SECRETARY OF STATE OR HIS OR HER DULY
9 AUTHORIZED AGENT. THE NOTICE MUST BE SERVED NOT LATER THAN 3 DAYS
10 AFTER THE LAST DAY FOR FILING NOMINATING PETITIONS IF A NOMINATING
11 PETITION WAS FILED FOR THE PROPOSED CANDIDATE, AND NOT LATER THAN 3
12 DAYS AFTER THE LAST DAY FOR FILING AFFIDAVITS OF CANDIDACY IF AN
13 AFFIDAVIT OF CANDIDACY WAS FILED FOR THE PROPOSED CANDIDATE. IF THE
14 THIRD DAY FALLS ON A SATURDAY, SUNDAY, OR LEGAL HOLIDAY, THE NOTICE
15 OF WITHDRAWAL MAY BE SERVED ON THE SECRETARY OF STATE OR HIS OR HER
16 DULY AUTHORIZED AGENT AT ANY TIME ON OR BEFORE 4 P.M. ON THE NEXT
17 SECULAR DAY.

18 SEC. 395A. (1) THE CANDIDATES FOR THE OFFICE OF JUSTICE OF THE
19 SUPREME COURT RECEIVING THE LARGEST NUMBER OF VOTES AT ANY PRIMARY
20 ELECTION, TO A NUMBER EQUAL TO TWICE THE NUMBER OF PERSONS TO BE
21 ELECTED AS SET FORTH IN THE REPORT OF THE BOARD OF STATE
22 CANVASSERS, BASED ON THE RETURNS FROM THE VARIOUS COUNTY BOARDS OF
23 CANVASSERS AND ELECTION PRECINCTS OR AS DETERMINED BY THE BOARD OF
24 STATE CANVASSERS AS THE RESULT OF A RECOUNT, SHALL BE DECLARED THE
25 NOMINEES FOR THE OFFICE AT THE NEXT GENERAL ELECTION. THE BOARD OF
26 STATE CANVASSERS SHALL CERTIFY THE NOMINATION TO THE COUNTY
27 ELECTION COMMISSIONS.

1 (2) IF, AFTER THE DEADLINE FOR FILING NOMINATING PETITIONS
2 UNDER SECTION 392B, THERE ARE FEWER CANDIDATES FOR NOMINATION OR
3 NOMINEES FOR THE OFFICE OF JUSTICE OF THE SUPREME COURT THAN THERE
4 ARE PERSONS TO BE ELECTED AT THE GENERAL NOVEMBER ELECTION BECAUSE
5 OF THE DEATH OR DISQUALIFICATION OF A CANDIDATE MORE THAN 65 DAYS
6 BEFORE THE GENERAL NOVEMBER ELECTION, THEN A PERSON, WHETHER OR NOT
7 AN INCUMBENT, MAY QUALIFY AS A NOMINEE FOR THAT OFFICE AT THE
8 GENERAL NOVEMBER ELECTION BY FILING NOMINATING PETITIONS AS
9 REQUIRED BY SECTION 392B. HOWEVER, THE FILING SHALL BE MADE BEFORE
10 4 P.M. ON THE TWENTY-FIRST DAY FOLLOWING THE DEATH OR
11 DISQUALIFICATION OF THE CANDIDATE OR 4 P.M. ON THE SIXTIETH DAY
12 PRECEDING THE GENERAL NOVEMBER ELECTION, WHICHEVER IS EARLIER, AND
13 THE MINIMUM NUMBER OF SIGNATURES REQUIRED IS 1/2 THE MINIMUM NUMBER
14 REQUIRED UNDER SECTION 392B.

15 (3) THE SECRETARY OF STATE SHALL CERTIFY THE NOMINATION OF
16 EACH PERSON WHO QUALIFIES AS A NOMINEE UNDER SUBSECTION (2) TO THE
17 BOARD OF ELECTION COMMISSIONERS SPECIFIED BY SECTION 687 FOR THE
18 GENERAL NOVEMBER ELECTION.

19 (4) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (5), A JUSTICE
20 OR JUSTICES OF THE SUPREME COURT SHALL BE ELECTED AT THE GENERAL
21 ELECTION IN WHICH JUSTICES OF THE SUPREME COURT ARE TO BE ELECTED
22 AS PROVIDED BY LAW.

23 (5) IF THERE ARE FEWER NOMINEES FOR THE OFFICE OF JUSTICE OF
24 THE SUPREME COURT THAN THERE ARE PERSONS TO BE ELECTED AT THE
25 GENERAL NOVEMBER ELECTION BECAUSE OF THE DEATH OR DISQUALIFICATION
26 OF A NOMINEE LESS THAN 66 DAYS BEFORE THE GENERAL NOVEMBER
27 ELECTION, THEN A PERSON SHALL NOT BE ELECTED AT THAT GENERAL

1 **NOVEMBER ELECTION TO ANY OFFICE OF JUSTICE OF THE SUPREME COURT FOR**
 2 **WHICH THERE IS NO NOMINEE.**

3 Sec. 404. (1) The governor shall appoint a successor to fill
 4 the vacancy in the office of justice of the supreme court. The
 5 person appointed by the governor shall be considered an incumbent
 6 for purposes of this act and shall hold office until 12 noon of
 7 January 1 following the next general election, at which a successor
 8 is elected and qualified.

9 (2) ~~At~~ **EXCEPT AS OTHERWISE PROVIDED IN SECTION 395A(2), AT** the
 10 next ~~general November~~ **AUGUST PRIMARY** election held at least 105
 11 days after the vacancy occurs, ~~a person nominated under section 392~~
 12 ~~shall be elected to fill that office.~~ **CANDIDATES SHALL BE NOMINATED**
 13 **TO FILL THE VACANCY IN THE MANNER PROVIDED IN THIS CHAPTER FOR THE**
 14 **NOMINATION OF CANDIDATES FOR JUSTICE OF THE SUPREME COURT.** The
 15 person elected shall hold the office for the remainder of the
 16 unexpired term.

17 (3) A candidate receiving the highest number of votes for that
 18 office who has subscribed to the oath as provided in section 1 of
 19 article XI of the state constitution **OF 1963** is considered to be
 20 elected and qualified even though a vacancy occurs before the time
 21 he or she has entered upon the duties of his or her office.

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, **LIEUTENANT**

1 **GOVERNOR**, United States senator, representative in congress, state
 2 senator, representative in the legislature, **ATTORNEY GENERAL**,
 3 **SECRETARY OF STATE**, **MEMBER OF THE STATE BOARD OF EDUCATION**, **MEMBER**
 4 **OF THE BOARD OF REGENTS OF THE UNIVERSITY OF MICHIGAN**, **MEMBER OF**
 5 **THE BOARD OF TRUSTEES OF MICHIGAN STATE UNIVERSITY**, **MEMBER OF THE**
 6 **BOARD OF GOVERNORS OF WAYNE STATE UNIVERSITY**, county executive,
 7 prosecuting attorney, sheriff, county clerk, county treasurer,
 8 register of deeds, county auditor, drain commissioner, public works
 9 commissioner, county road commissioner, county mine inspector,
 10 surveyor, and candidates for office in townships. A nomination for
 11 an office shall be made only if the official is to be elected at
 12 the next succeeding general November election.

13 Sec. 535. A general primary shall be held in every election
 14 precinct in this state on the Tuesday ~~succeeding~~ **AFTER** the first
 15 Monday in August ~~preceding~~ **BEFORE** every general November election,
 16 at which time the qualified and registered voters may vote for
 17 nonpartisan candidates for the office of **JUSTICE OF THE SUPREME**
 18 **COURT**, judge of the court of appeals, judge of the circuit court,
 19 judge of probate, and for circuit court commissioner in the years
 20 in which ~~such~~ **THOSE** officers are to be elected.

21 Enacting section 1. Sections 72, 73, 74, 282, 282a, 283, 284,
 22 392, 393, 394, and 395 of the Michigan election law, 1954 PA 116,
 23 MCL 168.72, 168.73, 168.74, 168.282, 168.282a, 168.283, 168.284,
 24 168.392, 168.393, 168.394, and 168.395, are repealed.

25 Enacting section 2. This amendatory act does not take effect
 26 unless Senate Joint Resolution ____ or House Joint Resolution ____
 27 (request no. 06231'16) of the 98th Legislature becomes a part of

- 1 the state constitution of 1963 as provided in section 1 of article
- 2 XII of the state constitution of 1963.