

HOUSE BILL No. 4948

September 13, 2017, Introduced by Reps. Yaroach, Lucido, Canfield, Leutheuser, Schor, Moss, Zemke and Lasinski and referred to the Committee on Elections and Ethics.

A bill to amend 1954 PA 116, entitled
"Michigan election law,"
by amending sections 345, 349, 355, 370, 370a, 697, and 699 (MCL 168.345, 168.349, 168.355, 168.370, 168.370a, 168.697, and 168.699), section 349 as amended by 2012 PA 276, section 355 as amended by 2013 PA 51, sections 370 and 370a as amended by 2014 PA 94, and section 699 as amended by 2012 PA 523, and by adding sections 345a, 349b, 356a, and 357a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 345. A—**EXCEPT AS OTHERWISE PROVIDED IN SECTION 345A, A**
2 primary of all political parties ~~shall~~ **MUST** be held in every
3 organized township of this state on the Tuesday ~~succeeding~~ **AFTER**
4 the first Monday in August ~~preceding~~ **BEFORE** every general November
5 election, at which time the qualified and registered electors of

1 each political party may vote for party candidates for township
2 offices.

3 SEC. 345A. (1) THE BOARD OF TRUSTEES OF A TOWNSHIP MAY ADOPT A
4 RESOLUTION TO CONDUCT NONPARTISAN ELECTIONS FOR THE OFFICES OF
5 SUPERVISOR, CLERK, TREASURER, OR TRUSTEE. IF A BOARD OF TRUSTEES OF
6 A TOWNSHIP ADOPTS A RESOLUTION AS PROVIDED IN THIS SECTION, THE
7 RESOLUTION TAKES EFFECT ON DECEMBER 31 OF THE YEAR IN WHICH THE
8 RESOLUTION IS ADOPTED.

9 (2) IF A BOARD OF TRUSTEES ADOPTS A RESOLUTION AS PROVIDED
10 UNDER SUBSECTION (1), A GENERAL NONPARTISAN PRIMARY MUST BE HELD IN
11 THAT TOWNSHIP ON THE TUESDAY AFTER THE FIRST MONDAY IN AUGUST
12 BEFORE EVERY GENERAL NOVEMBER ELECTION AT WHICH A TOWNSHIP
13 SUPERVISOR, CLERK, TREASURER, AND TRUSTEES ARE TO BE ELECTED, AT
14 WHICH TIME THE QUALIFIED AND REGISTERED ELECTORS MAY VOTE FOR
15 NONPARTISAN CANDIDATES FOR THE OFFICES OF TOWNSHIP SUPERVISOR,
16 CLERK, TREASURER, AND TRUSTEE. IF UPON THE EXPIRATION OF THE TIME
17 FOR FILING PETITIONS FOR THE NONPARTISAN PRIMARY ELECTION OF A
18 TOWNSHIP OFFICE DESCRIBED IN THIS SECTION IT APPEARS THAT THERE ARE
19 NOT TO EXCEED TWICE THE NUMBER OF CANDIDATES AS THERE ARE PERSONS
20 TO BE ELECTED, THEN THE TOWNSHIP CLERK SHALL CERTIFY TO THE COUNTY
21 CLERK THE NAME OF THE CANDIDATE FOR THAT TOWNSHIP OFFICE WHOSE
22 PETITIONS HAVE BEEN PROPERLY FILED AND THAT CANDIDATE IS THE
23 NOMINEE FOR THAT TOWNSHIP OFFICE AND MUST BE SO CERTIFIED. AS TO
24 THAT TOWNSHIP OFFICE, THERE IS NO PRIMARY ELECTION AND THIS
25 TOWNSHIP OFFICE MUST BE OMITTED FROM THE PRIMARY BALLOT.

26 Sec. 349. (1) ~~To~~ EXCEPT AS OTHERWISE PROVIDED IN SECTION 349B,
27 TO obtain the printing of the name of a person as a candidate for

1 nomination by a political party for a township office under the
2 particular party heading upon the official primary ballots, there
3 ~~shall~~ **MUST** be filed with the township clerk nominating petitions
4 signed by a number of qualified and registered electors residing
5 within the township as determined under section 544f. Nominating
6 petitions ~~shall~~ **MUST** be in the form prescribed in section 544c.
7 ~~Until December 31, 2013, the township clerk shall receive~~
8 ~~nominating petitions up to 4 p.m. of the twelfth Tuesday before the~~
9 ~~August primary. Beginning January 1, 2014, the~~ **THE** township clerk
10 shall receive nominating petitions up to 4 p.m. of the fifteenth
11 Tuesday before the August primary.

12 (2) ~~Within~~ **EXCEPT AS OTHERWISE PROVIDED IN SECTION 349B,**
13 **WITHIN** 4 days after the last day for filing nominating petitions,
14 the township clerk shall deliver to the county clerk a list setting
15 forth the name, address, and political affiliation and office
16 sought of each candidate who has qualified for a position on the
17 primary ballot.

18 **SEC. 349B. (1) THIS SECTION ONLY APPLIES IF A BOARD OF**
19 **TRUSTEES OF A TOWNSHIP ADOPTS A RESOLUTION AS PROVIDED IN SECTION**
20 **345A.**

21 (2) **TO OBTAIN THE PRINTING OF THE NAME OF A PERSON AS A**
22 **CANDIDATE FOR NOMINATION FOR A TOWNSHIP OFFICE DESCRIBED IN SECTION**
23 **345A UPON THE OFFICIAL NONPARTISAN PRIMARY BALLOTS, THERE MUST BE**
24 **FILED WITH THE TOWNSHIP CLERK NOMINATING PETITIONS SIGNED BY A**
25 **NUMBER OF QUALIFIED AND REGISTERED ELECTORS RESIDING WITHIN THE**
26 **TOWNSHIP DETERMINED UNDER SECTION 544F. NOMINATING PETITIONS MUST**
27 **BE IN THE FORM PRESCRIBED IN SECTION 544A. THE TOWNSHIP CLERK SHALL**

1 RECEIVE NOMINATING PETITIONS UP TO 4 P.M. OF THE FIFTEENTH TUESDAY
2 BEFORE THE AUGUST PRIMARY.

3 (3) WITHIN 4 DAYS AFTER THE LAST DAY FOR FILING NOMINATING
4 PETITIONS, THE TOWNSHIP CLERK SHALL DELIVER TO THE COUNTY CLERK A
5 LIST SETTING FORTH THE NAME, ADDRESS, AND OFFICE SOUGHT FOR EACH
6 CANDIDATE WHO HAS QUALIFIED FOR A POSITION ON THE NONPARTISAN
7 PRIMARY BALLOT.

8 Sec. 355. (1) ~~The~~ **EXCEPT AS OTHERWISE PROVIDED IN SECTION**
9 **356A, THE** candidate or candidates of each political party to a
10 township office receiving the greatest number of votes cast for
11 candidates of that office, as set forth in the report of the board
12 of county canvassers, based on the returns from the various
13 election precincts, or as determined by the board of county
14 canvassers as the result of a recount, ~~shall~~ **MUST** be declared the
15 nominee or nominees of that political party for that office at the
16 next ensuing November election. The board of county canvassers
17 shall certify the nomination or nominations to the township clerk
18 within 48 hours after the polls close.

19 (2) Within 4 days following the primary, the township clerk
20 shall deliver to the county clerk a list setting forth the names,
21 addresses, political affiliation, and office sought of all
22 candidates nominated at the primary.

23 **SEC. 356A. (1) THIS SECTION ONLY APPLIES IF A BOARD OF**
24 **TRUSTEES OF A TOWNSHIP ADOPTS A RESOLUTION AS PROVIDED IN SECTION**
25 **345A.**

26 (2) **THE CANDIDATES FOR EACH TOWNSHIP OFFICE DESCRIBED IN**
27 **SECTION 345A RECEIVING THE LARGEST NUMBER OF VOTES AT A NONPARTISAN**

1 PRIMARY ELECTION, TO A NUMBER EQUAL TO TWICE THE NUMBER OF PLACES
2 TO BE FILLED AS SET FORTH IN THE REPORT OF THE BOARD OF TOWNSHIP
3 CANVASSERS, BASED ON THE RETURNS FROM THE VARIOUS ELECTION
4 PRECINCTS OR AS DETERMINED BY THE BOARD OF COUNTY CANVASSERS AS THE
5 RESULT OF A RECOUNT, MUST BE DECLARED THE NOMINEES FOR THOSE
6 TOWNSHIP OFFICES AT THE NEXT NOVEMBER ELECTION. THE BOARD OF COUNTY
7 CANVASSERS SHALL CERTIFY THE NOMINATIONS TO THE TOWNSHIP CLERK
8 WITHIN 48 HOURS AFTER THE CLOSING OF THE POLLS.

9 (3) WITHIN 4 DAYS FOLLOWING THE NONPARTISAN PRIMARY, THE
10 TOWNSHIP CLERK SHALL DELIVER TO THE COUNTY CLERK A LIST SETTING
11 FORTH THE NAME, ADDRESS, AND OFFICE SOUGHT OF EACH CANDIDATE
12 NOMINATED AT THE NONPARTISAN PRIMARY.

13 SEC. 357A. (1) THIS SECTION ONLY APPLIES IF A BOARD OF
14 TRUSTEES OF A TOWNSHIP ADOPTS A RESOLUTION AS PROVIDED UNDER
15 SECTION 345A.

16 (2) IF THERE ARE FEWER NOMINEES FOR THE OFFICE OF SUPERVISOR,
17 CLERK, TREASURER, OR TRUSTEE THAN THERE ARE PERSONS TO BE ELECTED
18 BECAUSE OF THE DEATH OR DISQUALIFICATION OF A NOMINEE LESS THAN 66
19 DAYS BEFORE THE GENERAL NOVEMBER ELECTION, THEN A PERSON SHALL NOT
20 BE ELECTED AT THAT GENERAL NOVEMBER ELECTION FOR THAT OFFICE FOR
21 WHICH THERE IS NO NOMINEE.

22 Sec. 370. (1) Except as provided in section 370a or subsection
23 (2), if a vacancy occurs in an elective or appointive township
24 office, the vacancy ~~shall~~**MUST** be filled by appointment by the
25 township board, and the person appointed shall hold the office for
26 the remainder of the unexpired term.

27 (2) If 1 or more vacancies occur in an elective township

1 office that cause the number of members serving on the township
2 board to be less than the minimum number of board members that is
3 required to constitute a quorum for the transaction of business by
4 the board, the board of county election commissioners shall make
5 temporary appointment of the number of members required to
6 constitute a quorum for the transaction of business by the township
7 board. An official appointed under this subsection shall hold the
8 office only until the official's successor is elected or appointed
9 and qualified. An official who is temporarily appointed under this
10 subsection shall not vote on the appointment of himself or herself
11 to an elective or appointive township office.

12 (3) If a township official submits a written resignation from
13 an elective township office, for circumstances other than a
14 resignation related to a recall election, that specifies a date and
15 time when the resignation is effective, the township board, within
16 30 days before that effective date and time, may appoint a person
17 to fill the vacancy at the effective date and time of the
18 resignation. The resigning official shall not vote on the
19 appointment.

20 (4) Except as provided in subsection (5), if the township
21 board does not make an appointment under subsection (3), or if a
22 vacancy occurs in an elective township office and the vacancy is
23 not filled by the township board or the board of county election
24 commissioners within 45 days after the beginning of the vacancy,
25 the county clerk of the county in which the township is located
26 shall call a special election within 5 calendar days to fill the
27 vacancy. ~~Not~~ **EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, NOT**

1 later than 4 p.m. on the fifteenth calendar day after the county
2 clerk calls a special election under this section, the township
3 party committee for each political party in the township shall
4 submit a nominee to fill the vacancy. **IF A BOARD OF TRUSTEES OF A**
5 **TOWNSHIP ADOPTS A RESOLUTION AS PROVIDED IN SECTION 345A, TO OBTAIN**
6 **THE PRINTING UPON THE SPECIAL ELECTION BALLOT OF THE NAME OF A**
7 **PERSON AS A CANDIDATE FOR A VACANT TOWNSHIP OFFICE, THERE MUST BE**
8 **FILED WITH THE TOWNSHIP CLERK NOMINATING PETITIONS, IN THE FORM**
9 **PRESCRIBED IN SECTION 544A, SIGNED BY A NUMBER OF QUALIFIED AND**
10 **REGISTERED ELECTORS RESIDING WITHIN THE TOWNSHIP DETERMINED UNDER**
11 **SECTION 544F. IF A BOARD OF TRUSTEES OF A TOWNSHIP ADOPTS A**
12 **RESOLUTION AS PROVIDED IN SECTION 345A, THE TOWNSHIP CLERK SHALL**
13 **RECEIVE NOMINATING PETITIONS FOR A VACANT TOWNSHIP OFFICE UP TO 4**
14 **P.M. ON THE FIFTEENTH CALENDAR DAY AFTER THE COUNTY CLERK CALLS A**
15 **SPECIAL ELECTION UNDER THIS SECTION, AND WITHIN 4 DAYS AFTER THE**
16 **LAST DAY FOR FILING NOMINATING PETITIONS, THE TOWNSHIP CLERK SHALL**
17 **DELIVER TO THE COUNTY CLERK A LIST SETTING FORTH THE NAME AND**
18 **ADDRESS OF EACH CANDIDATE WHO HAS QUALIFIED TO BE PLACED ON THE**
19 **SPECIAL ELECTION BALLOT FOR THAT VACANT TOWNSHIP OFFICE.** The
20 special election ~~shall~~**MUST** be held on the next regular election
21 date that is not less than 60 days after the deadline for
22 submitting nominees under this section or 70 days after the
23 deadline for submitting nominees under this section if the next
24 regular election date is the even year August primary or the
25 general November election. Notice of the special election ~~shall~~
26 **MUST** be given in the same manner required by section 653a. A
27 special election called under this section does not affect the

1 rights of a qualified elector to register for any other election. A
 2 person elected to fill a vacancy shall serve for the remainder of
 3 the unexpired term.

4 (5) Subsection (4) does not apply to the office of township
 5 constable. If a vacancy occurs in the office of township constable,
 6 the township board shall determine if and when the vacancy ~~shall~~
 7 **MUST** be filled by appointment. If the township board does not fill
 8 the vacancy by appointment, the office of township constable ~~shall~~
 9 ~~remain~~ **REMAINS** vacant until the next general or special election in
 10 which township offices are filled.

11 Sec. 370a. Notwithstanding the provisions of section 370, if a
 12 vacancy occurs in an elective or appointive township office, which
 13 vacancy is filled by appointment by the township board or the board
 14 of county election commissioners and the vacancy occurs more than 7
 15 days before the nominating petition filing deadline as provided in
 16 section 349 **OR 349B** for the general November election that is not
 17 the general November election at which a successor in office would
 18 be elected if no vacancy, then the person appointed ~~shall hold~~
 19 **HOLDS** office only until a successor is elected at the next general
 20 November election in the manner provided by law and qualifies for
 21 office. The successor ~~shall hold~~ **HOLDS** the office for the remainder
 22 of the unexpired term.

23 Sec. 697. At the general November election, the names of the
 24 several offices to be voted for ~~shall~~ **MUST** be placed on the ballot
 25 substantially in the following order in the years in which
 26 elections for ~~such~~ **THOSE** offices are held: Electors of ~~president~~
 27 **PRESIDENT** and ~~vice-president~~ **VICE PRESIDENT** of the United States;

1 governor and lieutenant governor; secretary of state; attorney
 2 general; United States ~~senator; representative~~ **SENATOR;**
 3 **REPRESENTATIVE** in congress; ~~CONGRESS;~~ senator and representative in
 4 the state legislature; members of the state board of education;
 5 regents of the ~~university~~ **UNIVERSITY** of Michigan; trustees of
 6 Michigan ~~state university;~~ **STATE UNIVERSITY;** governors of Wayne
 7 ~~state university;~~ **STATE UNIVERSITY;** county executive; prosecuting
 8 attorney; sheriff; clerk; treasurer; register of deeds; auditor in
 9 counties electing an auditor; mine inspector in counties electing a
 10 mine inspector; county road commissioners; drain commissioners;
 11 coroners; and surveyor. ~~The~~ **EXCEPT AS OTHERWISE PROVIDED UNDER**
 12 **SECTION 699(2), THE** following township officers ~~shall~~ **MUST** be
 13 placed on the same ballot as above described in substantially the
 14 following order in the year in which elections for ~~such~~ **THOSE**
 15 offices are held: supervisor, clerk, treasurer, trustees, and
 16 constables.

17 Sec. 699. ~~(1) At~~ **SUBJECT TO SECTION (2), AT** any regular
 18 election, the names of the several nonpartisan offices to be voted
 19 for ~~shall~~ **MUST** be placed on a separate portion of the ballot
 20 containing no party designation in the following order: justices of
 21 the supreme court, judges of the court of appeals, judges of the
 22 circuit court, judges of the probate court, judges of the district
 23 court, community college board of trustees member, intermediate
 24 school district board member, city officers, the following village
 25 officers in substantially the following order in the year in which
 26 elections for the offices are held: president, clerk, treasurer,
 27 and trustees, and in a year in which an election for the office is

1 held, local school district board member, metropolitan district
2 officer, and district library board member.

3 **(2) IF A BOARD OF TRUSTEES OF A TOWNSHIP ADOPTS A RESOLUTION**
4 **AS PROVIDED UNDER SECTION 345A, THE NAMES OF THE NONPARTISAN**
5 **TOWNSHIP OFFICES TO BE VOTED MUST BE PLACED ON A SEPARATE PORTION**
6 **OF THE BALLOT CONTAINING NO PARTY DESIGNATION AS PROVIDED IN**
7 **SUBSECTION (1) AND MUST APPEAR AFTER CITY OFFICERS AND BEFORE**
8 **VILLAGE OFFICERS.**

9 Enacting section 1. This amendatory act takes effect 90 days
10 after the date it is enacted into law.