

HOUSE BILL NO. 5247

November 13, 2019, Introduced by Reps. Yaroach 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 2018 PA 654, section 355 as amended by 2013 PA 51, sections 370 and 370a as amended by 2014 PA 94, section 697 as amended by 2018 PA 226, 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
6 each political party may vote for party candidates for township
7 offices.

8 Sec. 345a. (1) The board of trustees of a township may adopt a
9 resolution to conduct nonpartisan elections for the offices of
10 supervisor, clerk, treasurer, or trustee. If a board of trustees of
11 a township adopts a resolution as provided in this section and the
12 resolution is approved by a majority of the electors of the
13 township voting on the resolution at the next regularly scheduled
14 election of the township following the adoption of the resolution,
15 the resolution takes effect on December 31 of the year in which the
16 resolution is approved by the electors of the township.

17 (2) If a resolution is adopted and approved by the electors of
18 a township as provided under subsection (1), a general nonpartisan
19 primary must be held in that township on the Tuesday after the
20 first Monday in August before every general November election at
21 which a township supervisor, clerk, treasurer, and trustees are to
22 be elected, at which time the qualified and registered electors may
23 vote for nonpartisan candidates for the offices of township
24 supervisor, clerk, treasurer, and trustee. If upon the expiration
25 of the time for filing petitions for the nonpartisan primary
26 election of a township office described in this section it appears
27 that there are not to exceed twice the number of candidates as
28 there are individuals to be elected, then the township clerk shall

1 certify to the county clerk the name of the candidate for that
2 township office whose petitions have been properly filed and that
3 candidate is the nominee for that township office and must be so
4 certified. As to that township office, there is no primary election
5 and this township office must be omitted from the primary ballot.

6 Sec. 349. (1) ~~To~~**Except as otherwise provided in section 349b,**
7 to obtain the printing of the name of ~~a person~~**an individual** as a
8 candidate for nomination by a political party for a township office
9 under the particular party heading upon the official primary
10 ballots, there must be filed with the township clerk nominating
11 petitions signed by a number of qualified and registered electors
12 residing within the township as determined under section 544f.
13 Nominating petitions must be in the form prescribed in section
14 544c. The township clerk shall receive nominating petitions up to 4
15 p.m. of the fifteenth Tuesday before the August primary.

16 (2) ~~To~~**Except as otherwise provided in section 349b,** to obtain
17 the printing of the name of a candidate of a political party under
18 the particular party's heading upon the primary election ballots in
19 the various voting precincts of the township, there may be filed by
20 the candidate, in lieu of filing nominating petitions, a filing fee
21 of \$100.00 to be paid to the township clerk. Payment of the fee and
22 certification of the candidate's name paying the fee are governed
23 by the same provisions as in the case of nominating petitions. The
24 fee must be deposited in the general fund of the township and must
25 be refunded to candidates who are nominated and to an equal number
26 of candidates who receive the next highest number of votes in the
27 primary election. If 2 or more candidates tie in having the lowest
28 number of votes allowing a refund, the sum of \$100.00 must be
29 divided among them. The deposits of all other defeated candidates,



as well as the deposits of candidates who withdraw or are disqualified, are forfeited and the candidates must be notified of the forfeiture. Deposits forfeited under this section must be paid into and credited to the general fund of the township.

(3) ~~Within~~ **Except as otherwise provided in section 349b,** **within** 4 days after the last day for filing nominating petitions or a filing fee, the township clerk shall deliver to the county clerk a list setting forth the name, address, and political affiliation and office sought of each candidate who has qualified for a position on the primary ballot.

Sec. 349b. (1) This section only applies if a resolution is adopted by the board of trustees and approved by the electors of a township as provided in section 345a.

(2) To obtain the printing of the name of an individual as a candidate for nomination for a township office described in section 345a upon the official nonpartisan primary ballots, there must be filed with the township clerk nominating petitions signed by a number of qualified and registered electors residing within the township determined under section 544f. Nominating petitions must be in the form prescribed in section 544a. The township clerk shall receive nominating petitions up to 4 p.m. of the fifteenth Tuesday before the August primary.

(3) To obtain the printing of the name of an individual as a candidate for nomination for a township office described in section 345a upon the official nonpartisan primary ballots, there may be filed by the candidate, in lieu of filing nominating petitions, a filing fee of \$100.00 to be paid to the township clerk. Payment of the fee and certification of the candidate's name paying the fee are governed by the same provisions as in the case of nominating

1 petitions. The fee must be deposited in the general fund of the
2 township and must be refunded to candidates who are nominated and
3 to an equal number of candidates who receive the next highest
4 number of votes in the primary election. If 2 or more candidates
5 tie in having the lowest number of votes allowing a refund, the sum
6 of \$100.00 must be divided among them. The deposits of all other
7 defeated candidates, as well as the deposits of candidates who
8 withdraw or are disqualified, are forfeited and the candidates must
9 be notified of the forfeiture. Deposits forfeited under this
10 section must be paid into and credited to the general fund of the
11 township.

12 (4) Within 4 days after the last day for filing nominating
13 petitions or a filing fee, the township clerk shall deliver to the
14 county clerk a list setting forth the name, address, and office
15 sought for each candidate who has qualified for a position on the
16 nonpartisan primary ballot.

17 Sec. 355. (1) ~~The~~ Except as otherwise provided in section
18 356a, the candidate or candidates of each political party to a
19 township office receiving the greatest number of votes cast for
20 candidates of that office, as set forth in the report of the board
21 of county canvassers, based on the returns from the various
22 election precincts, or as determined by the board of county
23 canvassers as the result of a recount, ~~shall~~ **must** be declared the
24 nominee or nominees of that political party for that office at the
25 next ensuing November election. The board of county canvassers
26 shall certify the nomination or nominations to the township clerk
27 within 48 hours after the polls close.

28 (2) Within 4 days following the primary, the township clerk
29 shall deliver to the county clerk a list setting forth the names,



1 addresses, political affiliation, and office sought of all
2 candidates nominated at the primary.

3 Sec. 356a. (1) This section only applies if a resolution is
4 adopted by the board of trustees and approved by the electors of a
5 township as provided in section 345a.

6 (2) The candidates for each township office described in
7 section 345a receiving the largest number of votes at a nonpartisan
8 primary election, to a number equal to twice the number of places
9 to be filled as set forth in the report of the board of township
10 canvassers, based on the returns from the various election
11 precincts or as determined by the board of county canvassers as the
12 result of a recount, must be declared the nominees for those
13 township offices at the next November election. The board of county
14 canvassers shall certify the nominations to the township clerk
15 within 48 hours after the closing of the polls.

16 (3) Within 4 days following the nonpartisan primary, the
17 township clerk shall deliver to the county clerk a list setting
18 forth the name, address, and office sought of each candidate
19 nominated at the nonpartisan primary.

20 Sec. 357a. (1) This section only applies if a resolution is
21 adopted by the board of trustees and approved by the electors of a
22 township as provided in section 345a.

23 (2) If there are fewer nominees for the office of supervisor,
24 clerk, treasurer, or trustee than there are individuals to be
25 elected because of the death or disqualification of a nominee less
26 than 66 days before the general November election, then an
27 individual shall not be elected at that general November election
28 for that office for which there is no nominee.

29 Sec. 370. (1) Except as provided in section 370a or subsection



1 (2), if a vacancy occurs in an elective or appointive township
2 office, the vacancy ~~shall~~**must** be filled by appointment by the
3 township board, and the person appointed shall hold the office for
4 the remainder of the unexpired term.

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

17 (3) If a township official submits a written resignation from
18 an elective township office, for circumstances other than a
19 resignation related to a recall election, that specifies a date and
20 time when the resignation is effective, the township board, within
21 30 days before that effective date and time, may appoint a person
22 to fill the vacancy at the effective date and time of the
23 resignation. The resigning official shall not vote on the
24 appointment.

25 (4) Except as provided in subsection (5), if the township
26 board does not make an appointment under subsection (3), or if a
27 vacancy occurs in an elective township office and the vacancy is
28 not filled by the township board or the board of county election
29 commissioners within 45 days after the beginning of the vacancy,



1 the county clerk of the county in which the township is located
2 shall call a special election within 5 calendar days to fill the
3 vacancy. ~~Not~~ **Except as otherwise provided in this subsection, not**
4 later than 4 p.m. on the fifteenth calendar day after the county
5 clerk calls a special election under this section, the township
6 party committee for each political party in the township shall
7 submit a nominee to fill the vacancy. **If a resolution is adopted by**
8 **the board of trustees and approved by the electors of a township as**
9 **provided in section 345a, to obtain the printing upon the special**
10 **election ballot of the name of an individual as a candidate for a**
11 **vacant township office, there must be filed with the township clerk**
12 **nominating petitions, in the form prescribed in section 544a,**
13 **signed by a number of qualified and registered electors residing**
14 **within the township determined under section 544f. If a resolution**
15 **is adopted by the board of trustees and approved by the electors of**
16 **a township as provided in section 345a, the township clerk shall**
17 **receive nominating petitions for a vacant township office up to 4**
18 **p.m. on the fifteenth calendar day after the county clerk calls a**
19 **special election under this section. Instead of filing nominating**
20 **petitions, a candidate for a vacant township office may pay a**
21 **filing fee of \$100.00 to the township clerk. The fee must be**
22 **deposited in the general fund of the township and must be refunded**
23 **to candidates as provided in section 349b(3). Within 4 days after**
24 **the last day for filing nominating petitions or a filing fee, the**
25 **township clerk shall deliver to the county clerk a list setting**
26 **forth the name and address of each candidate who has qualified to**
27 **be placed on the special election ballot for that vacant township**
28 **office. The special election shall** ~~shall~~ **must** ~~must~~ be held on the next regular
29 election date that is not less than 60 days after the deadline for

1 submitting nominees under this section or 70 days after the
 2 deadline for submitting nominees under this section if the next
 3 regular election date is the even year August primary or the
 4 general November election. Notice of the special election ~~shall~~
 5 **must** be given in the same manner required by section 653a. A
 6 special election called under this section does not affect the
 7 rights of a qualified elector to register for any other election. A
 8 ~~person~~**An individual** elected to fill a vacancy shall serve for the
 9 remainder of the unexpired term.

10 (5) Subsection (4) does not apply to the office of township
 11 constable. If a vacancy occurs in the office of township constable,
 12 the township board shall determine if and when the vacancy ~~shall~~
 13 **must** be filled by appointment. If the township board does not fill
 14 the vacancy by appointment, the office of township constable ~~shall~~
 15 ~~remain~~**remains** vacant until the next general or special election in
 16 which township offices are filled.

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

29 Sec. 697. At the general November election, the names of the



several offices to be voted for must be placed on the ballot substantially in the following order in the years in which elections for those offices are held: Electors of President and Vice President of the United States; governor and lieutenant governor; secretary of state; attorney general; United States Senator; Representative in Congress; senator and representative in the state legislature; members of the state board of education; regents of the University of Michigan; trustees of Michigan State University; governors of Wayne State University; county executive; prosecuting attorney; sheriff; clerk; treasurer; register of deeds; mine inspector in counties electing a mine inspector; county road commissioners; drain commissioners; coroners; and surveyor. ~~The~~ **Except as otherwise provided under section 699(2), the** following township officers must be placed on the same ballot as above described in substantially the following order in the year in which elections for those offices are held: supervisor, clerk, treasurer, trustees, and constables.

Sec. 699. (1) ~~At~~ **Subject to section (2), at** any regular election, the names of the several nonpartisan offices to be voted for ~~shall~~ **must** be placed on a separate portion of the ballot containing no party designation in the following order: justices of the supreme court, judges of the court of appeals, judges of the circuit court, judges of the probate court, judges of the district court, community college board of trustees member, intermediate school district board member, city officers, the following village officers in substantially the following order in the year in which elections for the offices are held: president, clerk, treasurer, and trustees, and in a year in which an election for the office is held, local school district board member, metropolitan district



1 officer, and district library board member.

2 (2) If a resolution is adopted by the board of trustees and
3 approved by the electors of a township as provided in section 345a,
4 the names of the nonpartisan township offices to be voted must be
5 placed on a separate portion of the ballot containing no party
6 designation as provided in subsection (1) and must appear after
7 city officers and before village officers.

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

