

HOUSE BILL NO. 4192

February 10, 2021, Introduced by Rep. Hornberger and referred to the Committee on Elections and Ethics.

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 326, 352, and 381 (MCL 168.326, 168.352, and 168.381), sections 326 and 352 as amended by 2012 PA 276 and section 381 as amended by 2018 PA 120, and by adding section 326a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 326. If a candidate of a political party for a city
2 office, after having qualified as a candidate, dies after the last
3 day for qualifying, leaving the political party without a candidate

1 for the office, a candidate to fill the vacancy may, **subject to**
2 **this section**, be selected by the members of the county executive
3 committee of the candidate's political party residing in the city
4 if 3 or more members of the county executive committee of that
5 political party reside in the city. If less than 3 members of the
6 county executive committee of that political party reside in the
7 city, the county executive committee of that political party may,
8 **subject to this section**, select a candidate to fill the vacancy for
9 that office. **An individual selected as a candidate to fill the**
10 **vacancy for that office on the ballot under this section must not**
11 **be a candidate for any other office on the same ballot.** The name of
12 the candidate selected ~~shall~~**must** be transmitted to the city
13 officials required by law to print and distribute ballots. The name
14 of the candidate ~~shall~~**must** be printed on the ballots, but if the
15 ballots have been printed, the city officials ~~shall~~**must** have the
16 ballots reprinted with the candidate's name on the ballots and the
17 reprinted ballots ~~shall~~**must** be distributed to the various voting
18 precincts ~~within~~**in** the city.

19 **Sec. 326a. If a nonpartisan candidate for a city office dies**
20 **after the last day for qualifying and an individual is selected as**
21 **a candidate to fill the vacancy for that office on the ballot, the**
22 **individual selected as the candidate to fill the vacancy for that**
23 **office on the ballot must not be a candidate for any other office**
24 **on the same ballot. The name of the candidate selected must be**
25 **transmitted to the city officials required by law to print and**
26 **distribute ballots. The name of the candidate must be printed on**
27 **the ballots, but if the ballots have been printed, the city**
28 **officials must have the ballots reprinted with the candidate's name**
29 **on the ballots and the reprinted ballots must be distributed to the**

1 **various voting precincts in the city.**

2 Sec. 352. If a candidate of a political party for a township
3 office, after having qualified as a candidate, dies after the last
4 day for qualifying, leaving the political party without a candidate
5 for a township office, a candidate to fill the vacancy may, **subject**
6 **to this section**, be selected by the members of the county executive
7 committee of the candidate's political party residing in the
8 township if 3 or more members of the county executive committee of
9 that political party reside in the township. If less than 3 members
10 of the county executive committee of that political party reside in
11 the township, the county executive committee of that political
12 party may, **subject to this section**, select a candidate to fill the
13 vacancy for that office. **An individual selected as a candidate to**
14 **fill the vacancy for that office on the ballot under this section**
15 **must not be a candidate for any other office on the same ballot.**

16 The name of the candidate selected ~~shall~~**must** be transmitted to the
17 township officials required by law to print and distribute ballots.
18 The name of the candidate ~~shall~~**must** be printed on the ballots, but
19 if the ballots have been printed, the township officials ~~shall~~**must**
20 have the ballots reprinted with the candidate's name on the ballots
21 and the reprinted ballots ~~shall~~**must** be distributed to the various
22 voting precincts ~~within~~**in** the township.

23 Sec. 381. (1) Except as provided in this section and sections
24 383, 641, 642, 642a, and 644g, the qualifications, nomination,
25 election, appointment, term of office, and removal from office of a
26 village officer must be as determined by the charter provisions
27 governing the village.

28 (2) If the membership of the village council of a village
29 governed by the general law village act, 1895 PA 3, MCL 61.1 to

1 74.25, is reduced to less than a quorum of 4 and a special election
2 for the purpose of filling all vacancies in the office of trustee
3 is called under section 13 of chapter II of the general law village
4 act, 1895 PA 3, MCL 62.13, temporary appointments of trustees must
5 be made as provided in this subsection. The board of county
6 election commissioners of the county in which the largest portion
7 of the population of the village is situated shall make temporary
8 appointment of the number of trustees required to constitute a
9 quorum for the transaction of business by the village council. A
10 trustee appointed under this subsection shall hold the office only
11 until the trustee's successor is elected and qualified. A trustee
12 who is temporarily appointed under this subsection shall not vote
13 on the appointment of himself or herself to an elective or
14 appointive village office.

15 (3) Notwithstanding another provision of law or charter to the
16 contrary, an appointment to an elective or appointive village
17 office made by a quorum constituted by temporary appointments under
18 this subsection expires upon the election and qualification of
19 trustees under the special election called to fill the vacancies in
20 the office of trustee.

21 (4) Filing for a village office must be with the township
22 clerk if the township is conducting the election or if the village
23 is located in more than 1 township with the township in which the
24 largest number of the registered electors of the village reside.
25 Nominating petitions for village offices must be filed with the
26 appropriate township clerk by 4 p.m. on the fifteenth Tuesday
27 before the general November election. After a nominating petition
28 is filed for a candidate for a village office, the candidate is not
29 permitted to withdraw unless a written withdrawal notice, signed by

1 the candidate, is filed with the appropriate township clerk not
2 later than 4 p.m. of the third day after the last day for filing
3 the nominating petition.

4 (5) If a candidate for a village office dies after the last
5 day for qualifying and an individual is selected as a candidate to
6 fill the vacancy for that office on the ballot, the individual
7 selected as the candidate to fill the vacancy for that office on
8 the ballot must not be a candidate for any other office on the same
9 ballot. The name of the candidate selected must be transmitted to
10 the township officials required by law to print and distribute
11 ballots. The name of the candidate must be printed on the ballots,
12 but if the ballots have been printed, the township officials must
13 have the ballots reprinted with the candidate's name on the ballots
14 and the reprinted ballots must be distributed to the various voting
15 precincts in the village.