

# SENATE BILL NO. 1050

May 19, 2022, Introduced by Senator MCBROOM and referred to the Committee on Elections.

A bill to amend 1954 PA 116, entitled  
"Michigan election law,"  
by amending sections 192, 193, 197, 200, 253, 254, 258, 261, 345,  
349, 355, 370, 370a, 561, 696, 697, and 699 (MCL 168.192, 168.193,  
168.197, 168.200, 168.253, 168.254, 168.258, 168.261, 168.345,  
168.349, 168.355, 168.370, 168.370a, 168.561, 168.696, 168.697, and  
168.699), sections 193 and 254 as amended by 2021 PA 146, section  
200 as amended by 1998 PA 364, section 349 as amended by 2021 PA  
147, section 355 as amended by 2013 PA 51, sections 370 and 370a as

amended by 2014 PA 94, section 561 as amended by 2002 PA 163, section 696 as amended by 2017 PA 113, section 697 as amended by 2018 PA 226, and section 699 as amended by 2012 PA 523, and by adding sections 192a, 193a, 193b, 197a, 200a, 253a, 254a, 254b, 258a, 261a, 345a, 349b, 349c, 356a, and 357a.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 192. A-~~Except as otherwise provided in section 192a, a~~  
2       general primary election of all political parties shall be held in  
3       every county of this state on the Tuesday ~~succeeding~~-**after** the  
4       first Monday in August ~~preceding~~-**before** the general November  
5       election at which the officers named in section 191 ~~of this act are~~  
6       to be elected, at which time the qualified and registered electors  
7       of each political party may vote for party candidates for the  
8       offices. This section ~~shall~~-**does** not apply to **political** parties  
9       required to nominate candidates at caucuses or conventions.

10       Sec. 192a. (1) **Beginning January 1 of the year of the federal**  
11       **decennial census and continuing until December 31 of the third year**  
12       **following that date, the county board of commissioners of a county**  
13       **with a population of less than 75,000 may adopt a resolution to**  
14       **conduct nonpartisan elections for the offices of county clerk,**  
15       **county treasurer, register of deeds, prosecuting attorney, sheriff,**  
16       **drain commissioner, surveyor, and coroner. If a county board of**  
17       **commissioners adopts a resolution as provided in this section, the**  
18       **resolution takes effect on December 31 of the year in which the**  
19       **resolution is adopted.**

20       (2) **If a county board of commissioners adopts a resolution as**  
21       **provided under subsection (1), a general nonpartisan primary**  
22       **election must be held in that county on the Tuesday after the first**  
23       **Monday in August before every general November election at which a**

1 county clerk, county treasurer, register of deeds, prosecuting  
 2 attorney, sheriff, drain commissioner, surveyor, or coroner is to  
 3 be elected, at which time the qualified and registered electors may  
 4 vote for the nonpartisan candidates for the office of county clerk,  
 5 county treasurer, register of deeds, prosecuting attorney, sheriff,  
 6 drain commissioner, surveyor, or coroner. If upon the expiration of  
 7 the time for filing petitions or a filing fee for the primary  
 8 election of the county clerk, county treasurer, register of deeds,  
 9 prosecuting attorney, sheriff, drain commissioner, surveyor, or  
 10 coroner it appears that there are not to exceed twice the number of  
 11 candidates as there are individuals to be elected, then the county  
 12 clerk shall certify to the county board of election commissioners  
 13 the names of the candidates for county clerk, county treasurer,  
 14 register of deeds, prosecuting attorney, sheriff, drain  
 15 commissioner, surveyor, or coroner whose petitions have been  
 16 properly filed and those candidates must be so certified. As to  
 17 that office, there must not be a primary election and this office  
 18 must be omitted from the primary ballot.

19       Sec. 193. (1) ~~To~~**Except as otherwise provided in section 193a,**  
 20 to obtain the printing of the name of an individual as a candidate  
 21 for nomination by a political party for an office named in section  
 22 191 under a particular party heading upon the official primary  
 23 ballots, there must be filed with the county clerk nominating  
 24 petitions signed by a number of qualified and registered electors  
 25 residing within the county as determined under section 544f.  
 26 Nominating petitions must be in the form prescribed in section  
 27 544c. The county clerk shall receive nominating petitions up to 4  
 28 p.m. of the fifteenth Tuesday before the August primary.

29       (2) ~~To~~**Except as otherwise provided in section 193a, to obtain**

1 the printing of the name of a candidate of a political party under  
2 the particular party's heading upon the primary election ballots in  
3 the various voting precincts of the county, there may be filed by  
4 the candidate, in lieu of filing nomination petitions, a  
5 nonrefundable filing fee of \$100.00 to be paid to the county clerk.  
6 Payment of the fee and certification of the candidate's name paying  
7 the fee are governed by the same provisions as in the case of  
8 nominating petitions. The fee must be deposited in the general fund  
9 of the county and must be used only for the purchase and  
10 maintenance of voting equipment.

11       **Sec. 193a. (1) This section only applies if a county board of**  
12 **commissioners adopts a resolution as provided in section 192a.**

13       **(2) Subject to subsection (3), to obtain the printing of the**  
14 **name of an individual as a candidate for nomination for the office**  
15 **of county clerk, county treasurer, register of deeds, prosecuting**  
16 **attorney, sheriff, drain commissioner, surveyor, or coroner upon**  
17 **the official nonpartisan primary ballots, there must be filed with**  
18 **the county clerk nominating petitions signed by a number of**  
19 **qualified and registered electors residing within the county as**  
20 **determined under section 544f. Nominating petitions must be in the**  
21 **form prescribed in section 544a. The county clerk shall receive**  
22 **nominating petitions up to 4 p.m. of the fifteenth Tuesday before**  
23 **the August primary.**

24       **(3) Instead of filing nominating petitions, a candidate for**  
25 **county clerk, county treasurer, register of deeds, prosecuting**  
26 **attorney, sheriff, drain commissioner, surveyor, or coroner may pay**  
27 **a nonrefundable filing fee of \$100.00 to the county clerk. Payment**  
28 **of the filing fee and certification of the candidate's name paying**  
29 **the filing fee are governed by the same provisions as in the case**

1 of nominating petitions. The fee must be deposited in the general  
2 fund of the county.

3 (4) The nominating petition signatures filed under this  
4 section are subject to challenge as provided in section 552.

5 Sec. 193b. (1) This section only applies if a county board of  
6 commissioners adopts a resolution as provided in section 192a.

7 (2) There must be printed upon the ballot under the name of  
8 each incumbent county clerk, county treasurer, register of deeds,  
9 prosecuting attorney, sheriff, drain commissioner, surveyor, or  
10 coroner who is a candidate for nomination or election to the same  
11 office the designation of that office.

12 Sec. 197. ~~The~~ Except as otherwise provided in section 197a,  
13 the candidates of each political party for the offices named in  
14 section 191 ~~of this act~~ receiving the greatest number of votes cast  
15 for ~~said~~ those offices, as set forth in the reports of the board of  
16 county canvassers, based on the returns from the various election  
17 precincts, or as determined by ~~said~~ the board as the result of a  
18 recount, ~~shall~~ must be declared the nominees of that political  
19 party for ~~said~~ those offices at the next ensuing November election.  
20 The board of county canvassers shall forthwith certify ~~such~~ the  
21 nominations to the county election commission.

22 Sec. 197a. (1) This section only applies if a county board of  
23 commissioners adopts a resolution as provided in section 192a.

24 (2) The candidates for the office of county clerk, county  
25 treasurer, register of deeds, prosecuting attorney, sheriff, drain  
26 commissioner, surveyor, or coroner receiving the largest number of  
27 votes at a primary election, to a number equal to twice the number  
28 of places to be filled as set forth in the report of the board of  
29 county canvassers, based on the returns from the various election

precincts or as determined by the board of county canvassers as a result of a recount, must be declared the nominees for the office of county clerk, county treasurer, register of deeds, prosecuting attorney, sheriff, drain commissioner, surveyor, or coroner at the next November election. The board of county canvassers shall certify the nominations to the county election commission.

Sec. 200. (1) ~~A~~**Except as otherwise provided in section 200a,** a county clerk, a county treasurer, a register of deeds, a prosecuting attorney, a sheriff, a drain commissioner, and a surveyor ~~shall~~**must** be elected at the 2000 general November election and every fourth year after that. However, in a county in which 1 of these offices is abolished or combined as provided by law, ~~no person~~**an individual** shall **not** be elected to that office in that county.

(2) Subject to subsections (3), (4), and (5), a county board of commissioners may by resolution combine the offices of county clerk and register of deeds in 1 office of the clerk register or separate the office of the clerk register into the offices of county clerk and register of deeds. A combination or separation of offices ~~shall~~**does** not take effect before the expiration of the current term of the affected offices.

(3) Before adopting a resolution to combine the offices of county clerk and register of deeds or separate the office of clerk register into the offices of county clerk and register of deeds, a county board of commissioners shall study the question of combining or separating the offices. The mandatory requirements of this subsection may be satisfied by conducting a public hearing ~~pursuant to~~**under** subsection (4).

(4) The county board of commissioners as a whole body shall

hold not less than 1 public hearing, held subject to the open meetings act, 1976 PA 267, MCL 15.261 to 15.275, on the question of combining or separating the offices of county clerk and register of deeds. The county board of commissioners may vote on the question as a regularly scheduled agenda item not less than 10 days or more than 30 days after the last public hearing held by the county board of commissioners on the question.

(5) Not later than the sixth Tuesday before the deadline for filing the nominating petitions for the office of county clerk, register of deeds, or clerk register, the county board of commissioners may by a vote of 2/3 of the commissioners elected and serving combine the offices of county clerk and register of deeds or separate the office of the clerk register. The resolution ~~shall become~~ **becomes** effective upon the commencement of the next term of office of the county clerk, register of deeds, or clerk register after the adoption of the resolution.

**Sec. 200a. (1) This section only applies if a county board of commissioners adopts a resolution as provided in section 192a.**

**(2) If there are fewer nominees for the office of county clerk, county treasurer, register of deeds, prosecuting attorney, sheriff, drain commissioner, surveyor, or coroner than there are individuals to be elected because of the death or disqualification of a nominee less than 66 days before the general November election, then an individual must not be elected at that general November election for that office for which there is no nominee.**

**Sec. 253. A-~~Except as otherwise provided in section 253a, a~~ general primary election of all political parties shall be held on the Tuesday ~~succeeding~~ **after** the first Monday in August ~~preceding~~ **before** every general November election in which county road**

1 commissioners are elected, at which time the qualified and  
2 registered electors of each political party may vote for party  
3 candidates for the office of county road commissioner.

4       Sec. 253a. (1) Beginning January 1 of the year of the federal  
5 decennial census and continuing until December 31 of the third year  
6 following that date, the county board of commissioners of a county  
7 with a population of less than 75,000 may adopt a resolution to  
8 conduct nonpartisan elections for the office of county road  
9 commissioner. If a county board of commissioners adopts a  
10 resolution as provided in this section, the resolution takes effect  
11 on December 31 of the year in which the resolution is adopted.

12       (2) If a county board of commissioners adopts a resolution as  
13 provided under subsection (1), a general nonpartisan primary  
14 election must be held in that county on the Tuesday after the first  
15 Monday in August before every general November election at which  
16 county road commissioners are to be elected, at which time the  
17 qualified and registered electors may vote for the nonpartisan  
18 candidates for the office of county road commissioner. If upon the  
19 expiration of the time for filing petitions or a filing fee for the  
20 primary election of the county road commissioners it appears that  
21 there are not to exceed twice the number of candidates as there are  
22 individuals to be elected, then the county clerk shall certify to  
23 the county board of election commissioners the names of the  
24 candidates for county road commissioner whose petitions have been  
25 properly filed and those candidates must be so certified. As to  
26 that office, there must not be a primary election and this office  
27 must be omitted from the primary ballot.

28       Sec. 254. (1) ~~To~~ Except as otherwise provided in section 254a,  
29 to obtain the printing of the name of an individual as a candidate



1 for nomination by a political party for the office of county road  
 2 commissioner under a particular party heading upon the official  
 3 primary ballots, there must be filed with the county clerk of the  
 4 county nominating petitions signed by a number of qualified and  
 5 registered electors residing within the county as determined under  
 6 section 544f. Nominating petitions must be in the form prescribed  
 7 in section 544c. The county clerk shall receive nominating  
 8 petitions up to 4 p.m. of the fifteenth Tuesday before the August  
 9 primary in which county road commissioners are to be elected.

10 (2) ~~To~~**Except as otherwise provided in section 254a, to** obtain  
 11 the printing of the name of a candidate of a political party under  
 12 the particular party's heading upon the primary election ballots in  
 13 the various voting precincts of the county, there may be filed by  
 14 each candidate, in lieu of filing nominating petitions, a  
 15 nonrefundable filing fee of \$100.00 to be paid to the county clerk.  
 16 Payment of the fee and certification of the name of the candidate  
 17 paying the fee are governed by the same provisions as in the case  
 18 of nominating petitions. The fee must be deposited in the general  
 19 fund of the county and must be used only for the purchase and  
 20 maintenance of voting equipment.

21 **Sec. 254a. (1) This section only applies if a county board of**  
 22 **commissioners adopts a resolution as provided in section 253a.**

23 (2) **Subject to subsection (3), to obtain the printing of the**  
 24 **name of an individual as a candidate for nomination for the office**  
 25 **of county road commissioner upon the official nonpartisan primary**  
 26 **ballots, there must be filed with the county clerk nominating**  
 27 **petitions signed by a number of qualified and registered electors**  
 28 **residing within the county as determined under section 544f.**  
 29 **Nominating petitions must be in the form prescribed in section**

1 544a. The county clerk shall receive nominating petitions up to 4  
2 p.m. of the fifteenth Tuesday before the August primary.

3 (3) Instead of filing nominating petitions, a candidate for  
4 county road commissioner may pay a nonrefundable filing fee of  
5 \$100.00 to the county clerk. Payment of the filing fee and  
6 certification of the candidate's name paying the filing fee are  
7 governed by the same provisions as in the case of nominating  
8 petitions. The fee must be deposited in the general fund of the  
9 county.

10 (4) The nominating petition signatures filed under this  
11 section are subject to challenge as provided in section 552.

12 Sec. 254b. (1) This section only applies if a county board of  
13 commissioners adopts a resolution as provided in section 253a.

14 (2) There must be printed upon the ballot under the name of  
15 each incumbent county road commissioner who is a candidate for  
16 nomination or election to the same office the designation of that  
17 office.

18 Sec. 258. ~~The~~ Except as otherwise provided in section 258a,  
19 the candidate of each political party for the office of county road  
20 commissioner receiving the greatest number of votes cast for  
21 candidates for ~~said~~ that office, as set forth in the report of the  
22 board of county canvassers, based on the returns from the various  
23 election precincts, or as determined by ~~said~~ the board as the  
24 result of a recount, ~~shall~~ must be declared the nominee of that  
25 political party for ~~said~~ the office of county road commissioner at  
26 the next ensuing November election, and the board of county  
27 canvassers shall forthwith certify ~~such~~ the nomination to the  
28 county election commission.

29 Sec. 258a. (1) This section only applies if a county board of

1 commissioners adopts a resolution as provided under section 253a.

2 (2) The candidates for the office of county road commissioner  
3 receiving the largest number of votes at a primary election, to a  
4 number equal to twice the number of places to be filled as set  
5 forth in the report of the board of county canvassers, based on the  
6 returns from the various election precincts or as determined by the  
7 board of county canvassers as a result of a recount, must be  
8 declared the nominees for the office of county road commissioner at  
9 the next November election. The board of county canvassers shall  
10 certify the nominations to the county election commission.

11 Sec. 261. A-~~Except as provided in section 261a, a~~ county road  
12 commissioner ~~shall~~**must** be elected at the general election to be  
13 held on the Tuesday ~~succeeding~~**after** the first Monday of November  
14 in every even numbered year.

15 Sec. 261a. (1) This section only applies if a county board of  
16 commissioners adopts a resolution as provided in section 253a.

17 (2) If there are fewer nominees for the office of county road  
18 commissioner than there are individuals to be elected because of  
19 the death or disqualification of a nominee less than 66 days before  
20 the general November election, then an individual must not be  
21 elected at that general November election for that office for which  
22 there is no nominee.

23 Sec. 345. A-~~Except as otherwise provided in section 345a, a~~  
24 primary of all political parties ~~shall~~**must** be held in every  
25 organized township of this state on the Tuesday ~~succeeding~~**after**  
26 the first Monday in August ~~preceding~~**before** every general November  
27 election, at which time the qualified and registered electors of  
28 each political party may vote for party candidates for township  
29 offices.

1       Sec. 345a. (1) Beginning January 1 of the year of the federal  
2       decennial census and continuing until December 31 of the third year  
3       following that date, the board of trustees of a township with a  
4       population of less than 75,000 may adopt a resolution to conduct  
5       nonpartisan elections for the offices of supervisor, clerk,  
6       treasurer, or trustee. If a board of trustees of a township adopts  
7       a resolution as provided in this section, the resolution takes  
8       effect on December 31 of the year in which the resolution is  
9       adopted.

10       (2) If a board of trustees adopts a resolution as provided  
11       under subsection (1), a general nonpartisan primary must be held in  
12       that township on the Tuesday after the first Monday in August  
13       before every general November election at which a township  
14       supervisor, clerk, treasurer, and trustees are to be elected, at  
15       which time the qualified and registered electors may vote for  
16       nonpartisan candidates for the offices of township supervisor,  
17       clerk, treasurer, and trustee. If upon the expiration of the time  
18       for filing petitions for the nonpartisan primary election of a  
19       township office described in this section it appears that there are  
20       not to exceed twice the number of candidates as there are  
21       individuals to be elected, then the township clerk shall certify to  
22       the county clerk the names of the candidates for that township  
23       office whose petitions have been properly filed and those  
24       candidates are the nominees for that township office and must be so  
25       certified. As to that township office, there must not be a primary  
26       election and this township office must be omitted from the primary  
27       ballot.

28       Sec. 349. (1) ~~To~~ Except as otherwise provided in section 349b,  
29       to obtain the printing of the name of an individual as a candidate

1 for nomination by a political party for a township office under the  
 2 particular party heading upon the official primary ballots, there  
 3 must be filed with the township clerk nominating petitions signed  
 4 by a number of qualified and registered electors residing within  
 5 the township as determined under section 544f. Nominating petitions  
 6 must be in the form prescribed in section 544c. The township clerk  
 7 shall receive nominating petitions up to 4 p.m. of the fifteenth  
 8 Tuesday before the August primary.

9 (2) ~~To~~ **Except as otherwise provided in section 349b**, to obtain  
 10 the printing of the name of a candidate of a political party under  
 11 the particular party's heading upon the primary election ballots in  
 12 the various voting precincts of the township, there may be filed by  
 13 the candidate, in lieu of filing nominating petitions, a  
 14 nonrefundable filing fee of \$100.00 to be paid to the township  
 15 clerk. Payment of the fee and certification of the candidate's name  
 16 paying the fee are governed by the same provisions as in the case  
 17 of nominating petitions. The fee must be deposited in the general  
 18 fund of the township and must be used only for the purchase and  
 19 maintenance of voting equipment.

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

26 **Sec. 349b. (1) This section only applies if a board of**  
 27 **trustees of a township adopts a resolution as provided in section**  
 28 **345a.**

29 (2) **To obtain the printing of the name of an individual as a**

1 candidate for nomination for a township office described in section  
2 345a upon the official nonpartisan primary ballots, there must be  
3 filed with the township clerk nominating petitions signed by a  
4 number of qualified and registered electors residing within the  
5 township determined under section 544f. Nominating petitions must  
6 be in the form prescribed in section 544a. The township clerk shall  
7 receive nominating petitions up to 4 p.m. of the fifteenth Tuesday  
8 before the August primary.

9 (3) Instead of filing nominating petitions, a candidate for a  
10 township office described in section 345a may pay a nonrefundable  
11 filing fee of \$100.00 to the township clerk. Payment of the fee and  
12 certification of the candidate's name paying the fee are governed  
13 by the same provisions as in the case of nominating petitions. The  
14 fee must be deposited in the general fund of the township.

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

20 Sec. 349c. (1) This section only applies if a board of  
21 trustees of a township adopts a resolution as provided in section  
22 345a.

23 (2) There must be printed upon the ballot under the name of  
24 each incumbent township supervisor, clerk, treasurer, or trustee  
25 who is a candidate for nomination or election to the same office  
26 the designation of that office.

27 Sec. 355. (1) ~~The~~ Except as otherwise provided in section  
28 356a, the candidate or candidates of each political party to a  
29 township office receiving the greatest number of votes cast for

1 candidates of that office, as set forth in the report of the board  
2 of county canvassers, based on the returns from the various  
3 election precincts, or as determined by the board of county  
4 canvassers as the result of a recount, ~~shall~~**must** be declared the  
5 nominee or nominees of that political party for that office at the  
6 next ensuing November election. The board of county canvassers  
7 shall certify the nomination or nominations to the township clerk  
8 within 48 hours after the polls close.

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

13 **Sec. 356a. (1) This section only applies if a board of**  
14 **trustees of a township adopts a resolution as provided in section**  
15 **345a.**

16 (2) The candidates for each township office described in  
17 section 345a receiving the largest number of votes at a nonpartisan  
18 primary election, to a number equal to twice the number of places  
19 to be filled as set forth in the report of the board of township  
20 canvassers, based on the returns from the various election  
21 precincts or as determined by the board of county canvassers as the  
22 result of a recount, must be declared the nominees for those  
23 township offices at the next November election. The board of county  
24 canvassers shall certify the nominations to the township clerk  
25 within 48 hours after the closing of the polls.

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

1       Sec. 357a. (1) This section only applies if a board of  
2 trustees of a township adopts a resolution as provided in section  
3 345a.

4       (2) If there are fewer nominees for the office of supervisor,  
5 clerk, treasurer, or trustee than there are individuals to be  
6 elected because of the death or disqualification of a nominee less  
7 than 66 days before the general November election, then an  
8 individual must not be elected at that general November election  
9 for that office for which there is no nominee.

10       Sec. 370. (1) Except as provided in section 370a or subsection  
11 (2), if a vacancy occurs in an elective or appointive township  
12 office, the vacancy ~~shall~~**must** be filled by appointment by the  
13 township board, and the ~~person~~**individual** appointed shall hold the  
14 office for the remainder of the unexpired term.

15       (2) If 1 or more vacancies occur in an elective township  
16 office that cause the number of members serving on the township  
17 board to be less than the minimum number of board members that is  
18 required to constitute a quorum for the transaction of business by  
19 the board, the board of county election commissioners shall make  
20 temporary appointment of the number of members required to  
21 constitute a quorum for the transaction of business by the township  
22 board. An official appointed under this subsection shall hold the  
23 office only until the official's successor is elected or appointed  
24 and qualified. An official who is temporarily appointed under this  
25 subsection shall not vote on the appointment of himself or herself  
26 to an elective or appointive township office.

27       (3) If a township official submits a written resignation from  
28 an elective township office, for circumstances other than a  
29 resignation related to a recall election, that specifies a date and



1 time when the resignation is effective, the township board, within  
2 30 days before that effective date and time, may appoint ~~a person~~  
3 **an individual** to fill the vacancy at the effective date and time of  
4 the resignation. The resigning official shall not vote on the  
5 appointment.

6 (4) Except as provided in subsection (5), if the township  
7 board does not make an appointment under subsection (3), or if a  
8 vacancy occurs in an elective township office and the vacancy is  
9 not filled by the township board or the board of county election  
10 commissioners within 45 days after the beginning of the vacancy,  
11 the county clerk of the county in which the township is located  
12 shall call a special election within 5 calendar days to fill the  
13 vacancy. ~~Not~~ **Except as otherwise provided in this subsection, not**  
14 **later than 4 p.m. on the fifteenth calendar day after the county**  
15 **clerk calls a special election under this section, the township**  
16 **party committee for each political party in the township shall**  
17 **submit a nominee to fill the vacancy. If a board of trustees of a**  
18 **township adopts a resolution as provided in section 345a, to obtain**  
19 **the printing upon the special election ballot of the name of an**  
20 **individual as a candidate for a vacant township office, there must**  
21 **be filed with the township clerk nominating petitions, in the form**  
22 **prescribed in section 544a, signed by a number of qualified and**  
23 **registered electors residing within the township determined under**  
24 **section 544f. If a board of trustees of a township adopts a**  
25 **resolution as provided in section 345a, the township clerk shall**  
26 **receive nominating petitions for a vacant township office up to 4**  
27 **p.m. on the fifteenth calendar day after the county clerk calls a**  
28 **special election under this section, and within 4 days after the**  
29 **last day for filing nominating petitions, the township clerk shall**

1 deliver to the county clerk a list setting forth the name and  
 2 address of each candidate who has qualified to be placed on the  
 3 special election ballot for that vacant township office. The  
 4 special election ~~shall~~**must** be held on the next regular election  
 5 date that is not less than 60 days after the deadline for  
 6 submitting nominees under this section or 70 days after the  
 7 deadline for submitting nominees under this section if the next  
 8 regular election date is the even year August primary or the  
 9 general November election. Notice of the special election ~~shall~~  
 10 **must** be given in the same manner required by section 653a. A  
 11 special election called under this section does not affect the  
 12 rights of a qualified elector to register for any other election. A  
 13 ~~person~~**An individual** elected to fill a vacancy shall serve for the  
 14 remainder of the unexpired term.

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

22 Sec. 370a. Notwithstanding the provisions of section 370, if a  
 23 vacancy occurs in an elective or appointive township office, which  
 24 vacancy is filled by appointment by the township board or the board  
 25 of county election commissioners and the vacancy occurs more than 7  
 26 days before the nominating petition filing deadline as provided in  
 27 section 349 **or 349b** for the general November election that is not  
 28 the general November election at which a successor in office would  
 29 be elected if no vacancy, then the ~~person~~**individual** appointed

1 shall hold office only until a successor is elected at the next  
2 general November election in the manner provided by law and  
3 qualifies for office. The successor shall hold the office for the  
4 remainder of the unexpired term.

5       Sec. 561. (1) The ballots prepared by the board of election  
6 commissioners in each county for use by the electors of a political  
7 party at a primary election ~~shall~~**must** include the name of each  
8 candidate of the political party for the office of governor, United  
9 States ~~senator~~, **Senator**, and district offices; for the county, the  
10 name of each candidate of the political party for county offices;  
11 and for each township, the name of each candidate of the political  
12 party for township offices.

13       (2) If, in a district that is a county or entirely within 1  
14 county, 2 or more candidates, including candidates for nonpartisan  
15 offices, for the same office have the same or similar surnames, a  
16 candidate may file a written request with the board of county  
17 election commissioners for a clarifying designation. The request  
18 ~~shall~~**must** be filed not later than 3 days after the last date for  
19 filing nominating petitions. Not later than 3 days after the filing  
20 of the request, the board of county election commissioners shall  
21 determine whether a similarity exists and whether a clarifying  
22 designation should be granted. In a district located in more than 1  
23 county, the board of state canvassers shall make a determination  
24 whether to grant a clarifying designation upon the written request  
25 of a candidate who files nominating petitions with the secretary of  
26 state. The request ~~shall~~**must** be filed with the state board of  
27 canvassers not later than 5 days after the last date for filing  
28 nominating petitions. The board of state canvassers shall make its  
29 determination at the same time it makes a declaration of the

1 sufficiency or insufficiency of nominating petitions in compliance  
2 with section 552.

3 (3) In each instance, the determining board shall immediately  
4 notify each candidate for the same office as the requester that a  
5 request for a clarifying designation has been made and of the date,  
6 time, and place of the hearing. The requester and each candidate  
7 for the same office ~~shall~~**must** be notified of the board's  
8 determination by first-class mail sent within 24 hours after the  
9 final date for the determination. A candidate who is dissatisfied  
10 with the determination of the board of county election  
11 commissioners may file an appeal in the circuit court of the county  
12 where the board is located. A candidate who is dissatisfied with  
13 the determination of the board of state canvassers may file an  
14 appeal in the Ingham ~~county~~**County** circuit court. The appeal ~~shall~~  
15 **must** be filed within 14 days after the final date for determination  
16 by the board. The court shall hear the matter de novo. Except as  
17 provided in subsection (4), in the case of the same surname or of a  
18 final determination by the board or by the court before the latest  
19 date that the board can arrange the ballot printing of the  
20 existence of similarity, the board shall print the occupation, date  
21 of birth, or residence of each of the candidates on the ballot or  
22 ballot labels under their respective names. The term "occupation"  
23 includes a currently held political office, even though it is not  
24 the candidate's principal occupation, but does not include  
25 reference to a previous position or occupation.

26 (4) If there are 2 candidates with the same or similar  
27 surnames and 1 of the candidates is entitled to an incumbency  
28 designation by section 24 of article VI of the state constitution  
29 of 1963 **or section 193b, 254b, or 349c**, no other designation shall

1 be provided for the other candidate with the same or similar  
 2 surname. If there are more than 2 candidates with the same or  
 3 similar surname and 1 of the candidates is entitled to an  
 4 incumbency designation by section 24 of article VI of the state  
 5 constitution of 1963 **or section 193b, 254b, or 349c**, a clarifying  
 6 designation may be given to the other candidates with the same or  
 7 similar surname. Except for an incumbency designation under section  
 8 24 of article VI of the state constitution of 1963 **or section 193b,**  
 9 **254b, or 349c**, if 2 or more candidates with the same or similar  
 10 surnames are related, the board shall only print the residence or  
 11 date of birth of each of the candidates as a clarifying  
 12 designation. As used in this subsection, "related" means that the  
 13 candidates with the same or similar surnames are related within the  
 14 third degree of consanguinity.

15 (5) The board of state canvassers shall issue guidelines to  
 16 ensure fairness and uniformity in the granting of designations and  
 17 may issue guidelines relating to what constitutes the same or  
 18 similar surnames. The board of state canvassers and the boards of  
 19 county election commissioners ~~shall~~**must** follow the guidelines.

20 Sec. 696. (1) The board of election commissioners in each  
 21 county shall have the name of each candidate for federal, state,  
 22 district, county, and township offices at an election printed on 1  
 23 ballot, separate from any other ballot. The name of each candidate  
 24 of each political party must be placed under the name of the office  
 25 for which the candidate was certified to have been nominated along  
 26 with the political party name under the candidate's name.

27 (2) If, in a district that is a county or entirely within 1  
 28 county, 2 or more candidates nominated by the same political party  
 29 or by different political parties for the same office, or

1 nonpartisan candidates for the same office, have the same or  
2 similar surnames, a candidate may file a written request with the  
3 board of county election commissioners for a clarifying  
4 designation. The request must be filed not later than 3 days after  
5 the certification of the relevant candidates. Not later than 3 days  
6 after the filing of the request, the board of county election  
7 commissioners shall determine whether a similarity exists and  
8 whether a clarifying designation should be granted. In a district  
9 located in more than 1 county, the board of state canvassers shall  
10 make a determination whether to grant a clarifying designation upon  
11 the written request of a candidate who is certified by the  
12 secretary of state. The request must be filed with the board of  
13 state canvassers not later than 3 days after the board of state  
14 canvassers completes the canvass of the primary election in  
15 compliance with section 581 and the certification of nominees in  
16 compliance with section 687. The board of state canvassers shall  
17 make its determination not later than 3 days after the request is  
18 filed.

19 (3) In each instance, the determining board shall immediately  
20 notify each candidate for the same office as the requester that a  
21 request for a clarifying designation has been made and of the date,  
22 time, and place of the hearing. The requester and each candidate  
23 for the same office must be notified of the board's determination  
24 by first-class mail sent within 24 hours after the final date for  
25 the determination. A candidate who is dissatisfied with the  
26 determination of the board of county election commissioners may  
27 file an appeal in the circuit court of the county where the board  
28 is located. A candidate who is dissatisfied with the determination  
29 of the board of state canvassers may file an appeal in the Ingham

1 County circuit court. The appeal must be filed within 14 days after  
2 the final date for determination by the board. The court shall hear  
3 the matter de novo. Except as provided in subsection (4), in the  
4 case of the same surname or of a final determination by the board  
5 or by the court before the latest date that the board can arrange  
6 for the ballot printing of the existence of similarity, the board  
7 shall print the occupation, date of birth, or residence of each of  
8 the candidates having the same or similar surnames on the ballot or  
9 ballot labels or slips to be placed on the voting machine, when  
10 used, under their respective names. The request may not be made by  
11 a candidate of a political party whose candidate for secretary of  
12 state received less than 10% of the total vote cast in the state  
13 for all candidates for secretary of state in the most recent  
14 November election in which a secretary of state was elected. As  
15 used in this subsection, "occupation" includes a currently held  
16 political office, even though it is not the candidate's principal  
17 occupation, but does not include reference to a previous position  
18 or occupation.

19 (4) If there are 2 candidates with the same or similar  
20 surnames and 1 of the candidates is entitled to an incumbency  
21 designation by section 24 of article VI of the state constitution  
22 of 1963 **or section 193b, 254b, or 349c**, no other designation shall  
23 be provided for the other candidate with the same or similar  
24 surname. If there are more than 2 candidates with the same or  
25 similar surname and 1 of the candidates is entitled to an  
26 incumbency designation by section 24 of article VI of the state  
27 constitution of 1963 **or section 193b, 254b, or 349c**, a clarifying  
28 designation may be given to the other candidates with the same or  
29 similar surname. Except for an incumbency designation under section

24 of article VI of the state constitution of 1963 **or section 193b, 254b, or 349c**, if 2 or more candidates with the same or similar surnames are related, the board shall only print the residence or date of birth of each of the candidates as a clarifying designation. As used in this subsection, "related" means that the candidates with the same or similar surnames are related within the third degree of consanguinity.

(5) The board of state canvassers shall issue guidelines to ensure fairness and uniformity in the granting of designations and may issue guidelines relating to what constitutes the same or similar surnames. The board of state canvassers and the boards of county election commissioners ~~shall~~**must** follow the guidelines.

Sec. 697. ~~At~~**Except as otherwise provided under section 699(2), 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(3), 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



1 for those offices are held: supervisor, clerk, treasurer, trustees,  
2 and constables.

3       Sec. 699. **(1) ~~At~~ Subject to subsections (2) and (3), at** any  
4 regular election, the names of the several nonpartisan offices to  
5 be voted for shall be placed on a separate portion of the ballot  
6 containing no party designation in the following order: justices of  
7 the supreme court, judges of the court of appeals, judges of the  
8 circuit court, judges of the probate court, judges of the district  
9 court, community college board of trustees member, intermediate  
10 school district board member, city officers, the following village  
11 officers in substantially the following order in the year in which  
12 elections for the offices are held: president, clerk, treasurer,  
13 and trustees, and in a year in which an election for the office is  
14 held, local school district board member, metropolitan district  
15 officer, and district library board member.

16       **(2) If a county board of commissioners adopts a resolution as**  
17 **provided in section 192a or 253a, the names of the nonpartisan**  
18 **county offices to be voted for must be placed on a separate portion**  
19 **of the ballot containing no party designation as provided in**  
20 **subsection (1) and must appear after intermediate school district**  
21 **board members and before city officers.**

22       **(3) If a board of trustees of a township adopts a resolution**  
23 **as provided in section 345a, the names of the nonpartisan township**  
24 **offices to be voted for must be placed on a separate portion of the**  
25 **ballot containing no party designation as provided in subsection**  
26 **(1) and must appear after city officers and before village**  
27 **officers.**

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