

# HOUSE BILL No. 4181

February 15, 1989, Introduced by Reps. Trim and Willis Bullard and referred to the Committee on Elections.

A bill to amend sections 198, 345, 348, 349, 355, 357, 534, 535, 561, 570a, 582, 686a, 694, 719, and 973 of Act No. 116 of the Public Acts of 1954, entitled

"Michigan election law,"

sections 534 and 686a as amended by Act No. 116 of the Public Acts of 1988 and section 582 as amended by Act No. 160 of the Public Acts of 1980, being sections 168.198, 168.345, 168.348, 168.349, 168.355, 168.357, 168.534, 168.535, 168.561, 168.570a, 168.582, 168.686a, 168.694, 168.719, and 168.973 of the Michigan Compiled Laws; and to repeal certain parts of the act.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Section 1. Sections 198, 345, 348, 349, 355, 357, 534, 535,  
2 561, 570a, 582, 686a, 694, 719, and 973 of Act No. 116 of the  
3 Public Acts of 1954, sections 534 and 686a as amended by Act  
4 No. 116 of the Public Acts of 1988 and section 582 as amended by

1 Act No. 160 of the Public Acts of 1980, being sections 168.198,  
2 168.345, 168.348, 168.349, 168.355, 168.357, 168.534, 168.535,  
3 168.561, 168.570a, 168.582, 168.686a, 168.694, 168.719, and  
4 168.973 of the Michigan Compiled Laws, are amended to read as  
5 follows:

6       Sec. 198. (1) ~~When~~ EXCEPT AS PROVIDED IN THIS SECTION, IF  
7 a candidate of a political party has filed a nominating petition  
8 or filing fee for an office and has been nominated for the office  
9 by a political party, the candidate shall not be permitted to  
10 withdraw unless ~~he~~ THE CANDIDATE has removed from the county or  
11 has become physically unfit.

12       (2) ~~When~~ IF a candidate of a political party has filed a  
13 nominating petition or filing fee for ~~township office or~~ the  
14 office of county commissioner and has been nominated for that  
15 office by a political party, the candidate shall not be permitted  
16 to withdraw unless ~~he~~ THE CANDIDATE has moved from the county  
17 or from the district from which ~~he~~ THE CANDIDATE was nominated,  
18 or has become physically unfit.

19       (3) If the person who has been nominated as the candidate of  
20 a political party for ~~township office or~~ the office of county  
21 commissioner dies before the date of the election for that  
22 office, the county political committee ~~, or in the case of a~~  
23 ~~township office, the township political committee,~~ of the party  
24 whose candidate has died shall select, by majority vote, a  
25 replacement for that person. The name of the replacement ~~so~~  
26 selected shall be transmitted to the election officials  
27 responsible for the preparation and distribution of ballots, and

1 the name of the replacement shall be affixed to each ballot or  
2 voting device in place of the name of the original candidate.

3 (4) A vacancy shall not be filled by the county committees  
4 except for the above causes and as ~~herein~~ specified IN THIS  
5 SECTION.

6 (5) This prohibition shall not be construed to prohibit the  
7 withdrawal of a candidate who was nominated without having filed  
8 a nominating petition or filing fee and whose name has been writ-  
9 ten or placed on the ballot of a political party.

10 Sec. 345. A NONPARTISAN primary ~~of all political parties~~  
11 shall be held in every organized township of this state on the  
12 Tuesday succeeding the first Monday in August preceding every  
13 general November election, at which time the qualified and regis-  
14 tered electors of each ~~political party~~ TOWNSHIP may vote for  
15 ~~party~~ candidates for township offices.

16 Sec. 348. The township board, not less than 40 days ~~prior~~  
17 ~~to the~~ BEFORE holding of the NONPARTISAN primary ~~herein~~ pro-  
18 vided for IN SECTION 345, shall issue a call for ~~such~~ THE pri-  
19 mary designating the time and place ~~thereof~~ and shall give  
20 notice of the ~~same~~ PRIMARY by publishing a copy of ~~such~~ THE  
21 call in ~~some~~ A newspaper of general circulation in the town-  
22 ship, and if ~~deemed~~ CONSIDERED advisable by the township board,  
23 by the posting IN CONSPICUOUS PLACES of ~~the~~ A number of notices  
24 ~~that~~ AS DETERMINED BY the board. ~~shall designate in conspicu-~~  
25 ~~ous places.~~ In townships having less than 200 registered voters,  
26 the township board may provide that, for elections at which ~~no~~  
27 A township question is NOT to be submitted, notices of the

1 election shall be by posting, as ~~herein~~ provided ~~, in lieu of~~  
2 IN THIS SECTION, INSTEAD OF by publishing. ~~The time of holding~~  
3 ~~such primary in townships shall be on the third Monday in~~  
4 ~~February preceding each biennial spring election.~~

5       Sec. 349. (1) To obtain the printing of the name of a  
6 person as a candidate for nomination ~~by a political party~~ for a  
7 township office ~~under the particular party heading~~ upon the  
8 official NONPARTISAN primary ballots, ~~there~~ NOMINATING  
9 PETITIONS shall be filed with the township clerk ~~nominating~~  
10 ~~petitions~~ signed by a number of qualified and registered elec-  
11 tors residing within the township, equal to not less than 1% nor  
12 more than 4% of the TOTAL number of votes cast ~~by the party~~ in  
13 ~~the~~ THAT township for ~~secretary of state~~ THE OFFICE OF  
14 SUPERVISOR at the last general election in which a ~~secretary of~~  
15 ~~state~~ SUPERVISOR was elected, but in no case less than 5  
16 signatures.

17       (2) Nominating petitions shall be in the form prescribed in  
18 ~~section~~ SECTIONS 544A AND 544c. The township clerk shall  
19 receive nominating petitions up to 4 p.m. ~~of~~ of the ninth  
20 Tuesday preceding the August primary.

21       (3) Within 4 days after the last day for filing nominating  
22 petitions, the township clerk shall deliver to the county clerk a  
23 list setting forth the names, addresses, ~~and political~~  
24 ~~affiliation~~ and office sought of all candidates who have quali-  
25 fied for a position on the NONPARTISAN primary ballot.

26       Sec. 355. (1) ~~The candidate or~~ UNLESS A PRIMARY IS NOT  
27 HELD AS PROVIDED IN SECTION 540, THE candidates ~~of each~~

1 ~~political party to~~ FOR a township office receiving the greatest  
2 number of votes cast for candidates ~~of said~~ FOR THAT office, as  
3 set forth in the report of the township board of canvassers,  
4 based on the returns from the various election precincts, or as  
5 determined by the board of county canvassers as the result of a  
6 recount, shall be declared the ~~nominee or~~ nominees ~~of that~~  
7 ~~political party~~ for ~~said~~ THAT office at the next ~~ensuing~~  
8 November election. THE NUMBER OF CANDIDATES DECLARED TO BE THE  
9 NOMINEES FOR AN OFFICE SHALL BE EQUAL TO TWICE THE NUMBER OF PER-  
10 SONS TO BE ELECTED. The township board of canvassers shall cer-  
11 tify ~~such nomination or~~ THE nominations to the township clerk  
12 within 48 hours after the closing of the polls.

13 (2) Within 4 days following the primary, the township clerk  
14 shall deliver to the county clerk a list setting forth the names,  
15 addresses, ~~political affiliation~~ and office sought of all can-  
16 didates nominated at the primary.

17 Sec. 357. ~~When any~~ IF A candidate, ~~of a political~~  
18 ~~party,~~ after having been nominated for a township office, ~~shall~~  
19 ~~die, remove~~ DIES, REMOVES from the township, or ~~become~~ BECOMES  
20 disqualified for any reason, the township board of election com-  
21 missioners shall provide a blank space or spaces on the official  
22 ballots which will afford every elector of ~~said party~~ THE  
23 TOWNSHIP an opportunity to vote for a candidate to fill the  
24 vacancy, ~~thereby caused,~~ by writing in the name of his or her  
25 selection or by the use of a slip or paster.

26 Sec. 534. A general primary of all political parties except  
27 as provided in sections 532 and 685 shall be held in every

1 election precinct in this state on the Tuesday after the first  
2 Monday in August before every general November election, at which  
3 time the qualified and registered voters of each political party  
4 may vote for party candidates for the office of governor, United  
5 States senator, representative in congress, state senator, repre-  
6 sentative in the legislature, county executive, prosecuting  
7 attorney, sheriff, county clerk, county treasurer, register of  
8 deeds, county auditor, drain commissioner, public works commis-  
9 sioner, county road commissioner, county mine inspector, AND  
10 surveyor. ~~, and candidates for office in townships.~~ A nomina-  
11 tion for an office shall be made only if the official is to be  
12 elected at 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 the first Monday  
15 in August preceding every general November election, at which  
16 time the qualified and registered voters may vote for nonpartisan  
17 candidates for the office of judge of the court of appeals, judge  
18 of the circuit court, AND judge of probate, and for ~~circuit~~  
19 ~~court commissioner~~ TOWNSHIP OFFICES, in the years in which  
20 ~~such~~ THE officers are to be elected.

21       Sec. 561. (1) The ballots prepared by the board of election  
22 commissioners in each county for use by the electors of a politi-  
23 cal party at a primary election shall include the names of all  
24 candidates of the political party for the office of governor,  
25 United States senator, and district offices, and, in each county,  
26 the names of all candidates of the political party for county

1 offices. ~~, and in each township the names of all candidates of~~  
2 ~~the political party for township offices.~~

3 (2) If, in a district comprised of not more than 1 county, 2  
4 or more candidates, including candidates for nonpartisan offices,  
5 for the same office have the same or similar surnames, a candi-  
6 date may file a written request with the board of county election  
7 commissioners for a clarifying designation. The request shall be  
8 filed not later than 3 days after the last date for filing nomi-  
9 nating petitions. Not later than 3 days after the filing of the  
10 request, the board of county election commissioners shall deter-  
11 mine whether a similarity exists and whether a clarifying desig-  
12 nation should be granted. In a district comprised of more than 1  
13 county, the board of state canvassers shall make a like determi-  
14 nation for a clarifying designation upon the written request of a  
15 candidate who files nominating petitions with the secretary of  
16 state. The request shall be filed with the state board of can-  
17 vassers not later than 5 days after the last date for filing nom-  
18 inating petitions. The board of state canvassers shall make its  
19 determination at the same time it makes a declaration of the suf-  
20 ficiency or insufficiency of nominating petitions in compliance  
21 with section 552.

22 (3) In each instance the determining board shall notify the  
23 requester and the other candidate affected of its 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~~ FOR the county where the

1 board is located, and a candidate who is dissatisfied with the  
2 determination of the board of state canvassers may file an appeal  
3 in the circuit court ~~of~~ FOR Ingham county, within 7 days after  
4 the final date for determination by the board. ~~, and the~~ THE  
5 court shall hear the matter de novo. ~~In case of~~ IF THE CANDI-  
6 DATES HAVE the same surnames or IF THERE IS a final determination  
7 by the board, or by the court before the latest date on which the  
8 board can arrange for printing of the ballots, ~~of the existence~~  
9 ~~of similarity~~ THAT A SIMILARITY IN NAME EXISTS, the board shall  
10 print the occupation or residence of each of the candidates on  
11 the ballot or ballot labels under their respective names. The  
12 term "occupation" shall be construed to include political office,  
13 even though it is not the candidate's principal occupation, but  
14 shall not include reference to a previous position or  
15 occupation.

16 (4) The name of a candidate shall be printed showing the  
17 given name or abbreviation or initials of the given name of the  
18 candidate, and, in the case of a married woman, shall not be  
19 printed showing the husband's given name.

20 (5) The board of state canvassers shall prepare and issue  
21 guidelines to insure fairness and uniformity in the granting of  
22 designations, and may prepare and issue guidelines relating to  
23 what constitutes same or similar surnames. The board of state  
24 canvassers and the boards of county election commissioners shall  
25 follow the guidelines issued.

26 Sec. 570a. The official NONPARTISAN primary ballot shall  
27 include candidates for township offices. THE TOWNSHIP BALLOT MAY



1 BE SEPARATE FROM THE JUDICIAL BALLOT. ~~Township offices and~~  
2 ~~candidates shall follow state and county offices and candidates.~~  
3 ~~Parties qualified to appear on the primary ballot for state and~~  
4 ~~county offices and no others are qualified to appear and have the~~  
5 ~~names of their candidates printed on the township portion of the~~  
6 ~~primary ballot. Parties qualified to nominate candidates for~~  
7 ~~state and county offices under the provisions of section 685 and~~  
8 ~~no others are qualified to nominate candidates for township~~  
9 ~~offices at the county caucuses provided in section 686a.~~

10 ~~All references in the election law to a February primary~~  
11 ~~shall be deemed to be references to the primary provided by the~~  
12 ~~election law to be held in August prior to the general November~~  
13 ~~election and all references to an April election shall be deemed~~  
14 ~~to be references to the general November election.~~

15 Sec. 582. A person who is voted for on a party ballot for a  
16 state, district, ~~township,~~ county, city, or ward office, or for  
17 the office of United States senator or representative in  
18 ~~Congress~~ CONGRESS, whose name is not printed on the ballot and  
19 who has not filed a nominating petition for the office voted for,  
20 shall not be considered nominated as the candidate of the party  
21 for the office, nor be certified as a nominee, unless the person  
22 receives a total vote equal to not less than .15 of 1% of the  
23 total population, as reflected by the last official federal  
24 census, of the district for which nomination is sought, but not  
25 less than 10 votes for the office, or a total vote equal to 5% of  
26 the greatest number of votes cast by the party for any office at  
27 the primary in the state, congressional, or other district,

1 ~~township,~~ county, city, or ward, for a candidate or for all  
2 candidates for nomination for an office for which only 1 person  
3 is to be nominated, whichever is greater. However, for an office  
4 to which more than 1 candidate is to be elected, the 5% limita-  
5 tion shall be based upon the greatest number of votes cast at the  
6 primary for any candidate for the same office.

7       Sec. 686a. (1) The nomination of candidates for political  
8 parties entitled to a position on the ballot which failed to have  
9 at least 1 candidate who polled at least 5% of the total vote  
10 cast for all candidates for secretary of state at the last pre-  
11 ceding election at which a secretary of state was elected shall  
12 be made as provided in section 532. County caucuses and state  
13 conventions shall be held not later than the August primary.

14       (2) County caucuses may nominate candidates for the office  
15 of representative in congress, state senator, and state represen-  
16 tative if the offices represent districts contained wholly within  
17 the county, and for all county ~~and township~~ offices. The  
18 names, mailing addresses, and office to which nominated of all  
19 candidates so nominated shall be certified by the ~~chairman~~  
20 CHAIRPERSON and secretary of the caucus to the county clerk  
21 within 24 hours after the conclusion of the caucus. Accompanying  
22 the certification shall be an affidavit of identity for each can-  
23 didate named in the certificate as provided in section 558 and a  
24 separate written notice of acceptance of nomination signed by  
25 each candidate named on the certificate. The form of the certifi-  
26 cate of acceptance shall be prescribed by the secretary of  
27 state. The names of candidates so certified shall be printed on

1 the ballot for that election. The name of a candidate shall not  
2 be printed on the ballot unless the notice of acceptance and the  
3 affidavit of identity accompanies the certificate. Candidates  
4 nominated and certified shall not be permitted to withdraw.

5 (3) The county caucus may also select the number of dele-  
6 gates to the state convention to which the county is entitled and  
7 shall select its own officers and name its own county committee.

8 (4) The state convention shall be held at the time and place  
9 indicated in the call. The convention shall consist of delegates  
10 selected by the county caucuses. The convention may fill vacan-  
11 cies in a delegation from qualified electors of that county  
12 present at the convention. The convention may nominate candi-  
13 dates for all state offices. District candidates may be nomi-  
14 nated at district caucuses held in conjunction with the state  
15 convention attended by qualified delegates of the district. If  
16 delegates of a district are not present, a district caucus shall  
17 not be held for that district and candidates shall not be nomi-  
18 nated for that district. The names, mailing addresses, and  
19 offices to which nominated of the candidates nominated for state  
20 or district offices, within 24 hours after the conclusion of the  
21 convention, shall be certified by the ~~chairman~~ CHAIRPERSON and  
22 secretary of the state convention to the secretary of state.  
23 Accompanying the certification shall be an affidavit of identity  
24 for each candidate named in the certificate as provided in sec-  
25 tion 558 and a separate written notice of acceptance of nomina-  
26 tion signed by each candidate named on the certificate. The form  
27 of the certificate of acceptance shall be prescribed by the

1 secretary of state. The names of candidates certified shall be  
2 printed on the ballot for the forthcoming election. The name of  
3 a candidate shall not be printed on the ballot unless the notice  
4 of acceptance and the affidavit of identity accompanies the  
5 certificate. Candidates so nominated and certified shall not be  
6 permitted to withdraw.

7 Sec. 694. ~~All the provisions of sections~~ SECTIONS 691,  
8 692, 693, and 695 ~~of this act shall also~~ apply to ~~all~~ city  
9 ~~,~~ AND village ~~and township~~ elections held in this state under  
10 ~~the provisions of~~ this act, except that the notice ~~herein~~  
11 required to be given by a candidate shall, in THE case of a city  
12 ~~,~~ OR village ~~or township~~ office, be given by ~~him~~ THE  
13 CANDIDATE to the proper city ~~,~~ OR village ~~or township~~ board  
14 of election commissioners within 2 days after ~~his~~ THE  
15 CANDIDATE'S name has been ~~so~~ certified as nominated by 2 or  
16 more political parties for the same office.

17 Sec. 719. (1) The election commission of each city, town-  
18 ship, and village shall perform ~~such~~ THE SAME duties relative  
19 to the preparation, printing, and delivery of ballots as are  
20 required by law of the boards of election commissioners of  
21 counties. ~~Like duties and privileges as are enjoined and~~  
22 ~~granted by this act upon and to the various committees of the~~  
23 ~~different political organizations are hereby prescribed for~~  
24 ~~city,~~

25 (2) CITY OR village ~~or township~~ committees in matters per-  
26 taining to ~~any~~ A city ~~,~~ OR village ~~or township~~ election,  
27 ~~except that~~ SHALL PERFORM THE SAME DUTIES AND HAVE THE SAME

1 PRIVILEGES AS THE VARIOUS COMMITTEES OF THE DIFFERENT POLITICAL  
2 ORGANIZATIONS PERFORM UNDER THIS ACT. HOWEVER, it shall not be  
3 necessary for a city ~~, township~~ or village committee of a  
4 political party or organization to furnish a vignette or heading  
5 for the ballots other than to designate the name of the party or  
6 political organization which they represent.

7 (3) In cities ~~, AND~~ villages ~~and townships~~ the names of  
8 candidates for city ~~, township~~ or village offices ~~, as the~~  
9 ~~case may be,~~ shall be given by the committees of the various  
10 political organizations to the board of election commissioners of  
11 ~~such~~ THE city ~~, OR~~ village ~~or township~~ not less than 18  
12 days before each election, but it shall not be necessary for  
13 ~~any~~ A party committee to give to the board of election commis-  
14 sioners the name of ~~any~~ A candidate nominated at an official  
15 primary election.

16 (4) The proof of the ballot shall be open to public inspec-  
17 tion at the office of the township, city, or village clerk ~~,~~  
18 not less than 15 days before ~~such~~ AN election.

19 Sec. 973. (1) Party candidates FOR AN ELECTION UNDER  
20 SECTION 971 shall be nominated as follows: ~~In case~~

21 (A) IF the vacancy to be filled ~~be~~ IS in a state office or  
22 that of United States senator, the state central committee of  
23 each political party shall nominate a candidate. ~~therefor, in~~  
24 ~~case such~~

25 (B) IF THE vacancy ~~be~~ IS in a county office or in a dis-  
26 trict office within an electoral district of 1 county, the county

1 committee of each political party shall nominate a candidate.

2 ~~therefor, in case such~~

3 (C) IF THE vacancy ~~be~~ IS in a district office within an  
4 electoral district THAT IS less than 1 county, the members of the  
5 county committee of each political party residing in ~~such~~ THAT  
6 electoral district shall nominate ~~the~~ A candidate. ~~therefor,~~  
7 ~~if~~

8 (D) IF the office to be filled ~~be~~ IS a district office  
9 having an electoral district in more than 1 county, the members  
10 of the several county committees of each political party residing  
11 in those parts of ~~such~~ THE counties ~~which~~ THAT are in ~~such~~  
12 THAT district shall nominate a candidate for the office. ~~, and~~  
13 ~~if such~~

14 (E) IF THE vacancy ~~be~~ IS in a ward ~~or township~~ office,  
15 the committee of each political party ~~thereof~~ OF THAT WARD  
16 shall nominate a candidate for ~~such~~ THAT office. ~~All nomina~~  
17 ~~tions by such~~

18 (2) A NOMINATION BY A committee shall be certified to the  
19 officer with whom the recall petitions were filed within 15 days  
20 after the calling of the special election.

21 Section 2. Sections 352 and 354 of Act No. 116 of the  
22 Public Acts of 1954, being sections 168.352 and 168.354 of the  
23 Michigan Compiled Laws, are repealed.

24 Section 3. This amendatory act shall not take effect unless  
25 Senate Bill No. \_\_\_\_\_ or House Bill No. 4180 (request  
26 no. 00807'89) of the 85th Legislature is enacted into law.