HOUSE BILL NO. 5646

December 14, 2021, Introduced by Reps. Aiyash, Weiss, Young, Cavanagh, Hood, Thanedar, Scott, Cynthia Johnson, Brabec, Camilleri, Puri and Jones and referred to the Committee on Elections and Ethics.

A bill to amend 1954 PA 116, entitled

"Michigan election law,"

by amending sections 321, 576a, and 580 (MCL 168.321, 168.576a, and 168.580), section 321 as amended by 2018 PA 627 and section 580 as amended by 1985 PA 160, and by adding section 640.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1   Sec. 321. (1) Except as provided in subsection (3) and
2   sections 322, 327, **640**, 641, 642, 644e, 644f, 644g, and 646a, the
3   qualifications, nomination, election, appointment, term of office,
4   and removal from office of a city officer must be in accordance

1 with the charter provisions governing the city.

2   (2) Within 3 days after the last day on which a candidate for

3 a city office may withdraw, the city clerk shall deliver to the

4 county clerk of the county in which the city is located a list

5 setting forth the name and address of each candidate for a city

6 office.

7   (3) If the membership of the legislative body of a city

8 governed by the home rule city act, 1909 PA 279, MCL 117.1 to

9 117.38, is reduced to less than a quorum, unless another method of

10 appointing members of the legislative body is provided by the city

11 charter, members of the legislative body are appointed as provided

12 in this subsection. The board of county election commissioners of

13 the county in which the largest portion of the population of the

14 city resides shall appoint the number of members of the legislative

15 body required to constitute a quorum for the transaction of

16 business by the legislative body. A member of the legislative body

17 appointed under this subsection shall hold the office only until

18 the member's successor is elected and qualified. The successor

19 ~~shall~~ **must** be elected at a special or regular election on the next

20 regular election date that is not less than 60 days after the

21 appointment is made. The successor shall serve for the balance of

22 the unexpired term. A member who is appointed under this subsection

23 shall not vote on the appointment of himself or herself to an

24 elective or appointive city office.

25   (4) Notwithstanding another provision of law or charter to the

26 contrary, an appointment to an elective or appointive city office

27 made by a quorum constituted by appointments under this section

28 expires upon the election and qualification of a sufficient number

29 of members of the legislative body so that the elected members

1   constitute a quorum.

2   Sec. 576a. ~~In~~ **Except as otherwise provided in section 640 for**

3   **ranked choice voting, in** all partisan and nonpartisan primary

4   elections, the voter ~~shall be~~ **is** entitled to vote for a number of

5   candidates for each office equal to the number of ~~persons~~

6   **individuals** to be elected for that office.

7   Sec. 580. ~~In~~ **Except as otherwise provided in section 640 for**

8   **ranked choice voting, in** counting the ballots after the closing of

9   the polls, only those candidates having ~~crosses or check marks~~

10 ~~marked in the squares~~ **the oval or box completely darkened next** to

11 ~~the left of~~ their names ~~shall be~~ **are** considered to have received

12 votes, and any ballot upon which more votes have been recorded for

13 candidates for any office than may, by law, be elected to that

14 office ~~shall~~ **must** be rejected as to all names appearing on the

15 ballot for that office only.

16   **Sec. 640. (1) If a city authorizes in its charter the use of**

17 **ranked choice voting for the election of city officers, the ranked**

18 **choice voting must be conducted in accordance with the city charter**

19 **as provided in this section.**

20   **(2) The ballot used at an election with ranked choice voting**

21 **must allow an elector to rank a number of choices in order of**

22 **preference equal to the total number of candidates for each office.**

23 **However, if the voting system used by a city at the election cannot**

24 **accommodate choices equal to the total number of candidates running**

25 **for each office, the city clerk shall follow the procedures**

26 **governing ranked choice voting that are provided for in the city**

27 **charter. In addition, the ballot used must allow an elector to cast**

28 **a vote for a write-in candidate.**

29   **(3) If a candidate receives a majority of the first choices,**

1 that candidate must be declared elected. Subject to subsections (4)

2 and (5), if no candidate receives a majority of the votes, the

3 candidate who received the fewest number of first choices must be

4 eliminated and each vote cast for that candidate must be

5 transferred to the next ranked candidate on the elector's ballot.

6 If after this transfer of votes any candidate has a majority of the

7 votes from the continuing ballots, that candidate must be declared

8 elected. Subject to subsection (4), if no candidate receives a

9 majority of the votes from the continuing ballots after a candidate

10 has been eliminated and his or her votes have been transferred to

11 the next ranked candidate, the continuing candidate with the fewest

12 votes from the continuing ballots must be eliminated. Subject to

13 subsection (5), all votes for that candidate must be transferred to

14 the next ranked continuing candidate on each elector's ballot. This

15 process of eliminating candidates and transferring their votes to

16 the next ranked continuing candidates must be repeated until,

17 except as otherwise provided in subsection (6), a candidate

18 receives a majority of the votes from the continuing ballots. The

19 ranked choice voting process is complete if no additional choices

20 can be eliminated or there are no further choices indicated on the

21 ballot.

22   (4) If the total number of votes of the 2 or more candidates

23 credited with the lowest number of votes is less than the number of

24 votes credited to the candidate with the next highest number of

25 votes, those candidates with the lowest number of votes must be

26 eliminated simultaneously and their votes transferred to the next

27 ranked continuing candidate of each ballot in a single counting

28 operation.

29   (5) If an elector skips a rank, the elector's vote must be

1 **transferred to the elector's next ranked choice.**

2 **(6) If after the ranked choice voting process described in**
3 **subsection (3) is complete and the ranked choice ballot gives equal**
4 **rank to 2 or more candidates, the tie must be resolved as provided**
5 **in section 851.**

6 **(7) If a city authorizes in its charter the use of ranked**
7 **choice voting for the election of city officers, the city clerk**
8 **shall conduct a voter education campaign to familiarize electors in**
9 **that city with the ranked choice voting method.**

10 **(8) If a city authorizes in its charter the use of ranked**
11 **choice voting for the election of city officers, the city is**
12 **responsible for any costs associated with the certification and**
13 **testing of the voting system used by that city for ranked choice**
14 **voting.**

15 **(9) Any voting system used by a city for ranked choice voting**
16 **must be able to tally and tabulate the results and must not require**
17 **anyone to perform any calculations or distribute any votes among**
18 **the candidates.**

19 Enacting section 1. This amendatory act does not take effect
20 unless all of the following bills of the 101st Legislature are
21 enacted into law:

22 (a) Senate Bill No.____ or House Bill No. 5645 (request no.
23 01745'21 *).

24 (b) Senate Bill No.____ or House Bill No. 5644 (request no.
25 04454'21).