

HOUSE BILL No. 4348

February 18, 1997, Introduced by Reps. Martinez, Gubow, Brater, Schroer, LaForge, Bogardus, Gagliardi, Hanley, Leland, Cherry, Dobronski, Emerson and Callahan and referred to the Committee on House Oversight and Ethics.

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 71, 72, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 643, and 697 (MCL 168.71, 168.72, 168.74, 168.75, 168.76, 168.77, 168.78, 168.79, 168.80, 168.81, 168.82, 168.83, 168.84, 168.85, 168.86, 168.643, and 168.697), section 71 as amended by 1982 PA 505.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 71. ~~A person shall not~~ TO be eligible ~~to the~~
2 ~~offices~~ FOR THE OFFICE of secretary of state, STATE HEALTH
3 COMMISSIONER, or attorney general, ~~if the person is not~~ A
4 PERSON SHALL BE a qualified elector of this state. A person ~~who~~
5 ~~has been~~ convicted of a violation of section 12a(1) of ~~Act~~
6 ~~No. 370 of the Public Acts of 1941, being section 38.412a of the~~
7 ~~Michigan Compiled Laws, shall not be eligible to the offices~~

1 1941 PA 370, MCL 38.412A, IS NOT ELIGIBLE FOR THE OFFICE of
2 secretary of state, STATE HEALTH COMMISSIONER, or attorney gen-
3 eral for a period of 20 years after conviction.

4 Sec. 72. At its fall state convention, each political party
5 may nominate a candidate for each of the offices of lieutenant
6 governor, secretary of state, STATE HEALTH COMMISSIONER, and
7 attorney general.

8 Sec. 74. ~~Any person who has been~~ A PERSON certified by
9 the state central committee of ~~any~~ A party as nominated for the
10 office of lieutenant governor, secretary of state, STATE HEALTH
11 COMMISSIONER, or attorney general may withdraw by filing a writ-
12 ten notice of withdrawal with the secretary of state or his OR
13 HER duly authorized agent and a copy with the ~~chairman~~
14 CHAIRPERSON and the secretary of the state central committee of
15 ~~said~~ THE party not later than 4 p.m., eastern standard time, of
16 the third day following ~~such~~ THE convention.

17 Sec. 75. ~~When~~ IF a candidate of a political party ~~,~~
18 ~~after having been~~ nominated to the office of lieutenant gover-
19 nor, secretary of state, STATE HEALTH COMMISSIONER, or attorney
20 general ~~,~~ ~~shall die, withdraw, remove~~ DIES, WITHDRAWS, REMOVES
21 HIMSELF OR HERSELF from ~~the~~ THIS state, or ~~become~~ BECOMES
22 disqualified, ~~for any reason,~~ the state central committee of
23 ~~such~~ THE party shall IMMEDIATELY meet ~~forthwith~~ and by a
24 majority vote of the members ~~thereof~~ shall select a candidate
25 to fill the vacancy. ~~thereby caused.~~ The name of the candidate
26 so selected shall be immediately certified by the ~~chairman~~
27 CHAIRPERSON and the secretary of ~~said~~ THE committee to the

1 secretary of state and to the board of election commissioners for
2 each county. ~~whose duty it is to prepare the official ballots~~
3 ~~and said~~ THE board shall cause to be printed or placed upon
4 ~~said~~ THE OFFICIAL ballots, in the proper place, the name of the
5 candidate so selected to fill the vacancy.

6 Sec. 76. A secretary of state, STATE HEALTH COMMISSIONER,
7 and attorney general shall be elected at the general election in
8 ~~1964, 1966,~~ 1998 and every fourth year thereafter.

9 Sec. 77. The board of state canvassers shall determine
10 which candidates for the offices of secretary of state, STATE
11 HEALTH COMMISSIONER, and attorney general ~~have~~ received the
12 greatest number of votes and shall declare ~~such~~ THOSE candi-
13 dates to be duly elected. The ~~said~~ board shall ~~forthwith~~
14 IMMEDIATELY make and subscribe on its statement of returns a cer-
15 tificate of ~~such~~ ITS determination and deliver the ~~same~~
16 STATEMENT AND CERTIFICATE to the secretary of state.

17 Sec. 78. The secretary of state shall file in his OR HER
18 office and preserve the original ~~statements and~~ STATEMENT OF
19 RETURNS AND CERTIFICATE OF THE determination of the board of
20 state canvassers of the results of the election and shall
21 ~~forthwith~~ IMMEDIATELY execute and cause to be delivered to the
22 persons ~~thereby~~ declared BY THE STATEMENT AND CERTIFICATE to be
23 elected to the offices of secretary of state, STATE HEALTH
24 COMMISSIONER, and attorney general certificates of election, cer-
25 tified by ~~him~~ THE SECRETARY OF STATE under the great seal of
26 ~~the~~ THIS state.

1 Sec. 79. The terms of office of the secretary of state,
2 STATE HEALTH COMMISSIONER, and attorney general ~~shall~~ commence
3 at 12 noon on January 1 next following the election, and ~~shall~~
4 continue until a successor is elected and qualified. ~~The terms~~
5 ~~of office of the secretary of state and attorney general elected~~
6 ~~at the general election in 1964 shall be 2 years.~~ The terms of
7 office of the secretary of state and attorney general elected at
8 the general election in 1966 and every fourth year thereafter
9 shall be 4 years. THE TERM OF OFFICE OF THE STATE HEALTH COMMIS-
10 SIONER ELECTED AT THE GENERAL ELECTION IN 1998 AND EVERY FOURTH
11 YEAR THEREAFTER SHALL BE 4 YEARS.

12 Sec. 80. ~~Every~~ A person elected to the office of secre-
13 tary of state, STATE HEALTH COMMISSIONER, or attorney general,
14 before entering upon the duties of ~~his~~ office, shall take and
15 subscribe to the oath as provided in section 1 of article ~~11~~ XI
16 of the state constitution OF 1963, ~~and shall~~ give bond in the
17 amount and manner prescribed by law, and ~~shall~~ deposit ~~said~~
18 THE oath and bond with the secretary of state, except that ~~any~~
19 A person elected to the office of secretary of state shall
20 deposit ~~said~~ THE oath and bond with the attorney general.

21 Sec. 81. ~~Any~~ A person duly elected to the office of sec-
22 retary of state, STATE HEALTH COMMISSIONER, or attorney general
23 who desires to resign shall file a written notice, containing the
24 effective date of ~~such~~ THE resignation, with the governor and a
25 copy with the office of the secretary of state.

26 Sec. 82. The office of secretary of state, STATE HEALTH
27 COMMISSIONER, or attorney general ~~shall become~~ BECOMES vacant

1 upon the ~~happening of any of the following events:~~ Death of the
 2 ~~incumbent;~~ his INCUMBENT'S DEATH, resignation, ~~;~~ his removal
 3 from office for cause, ~~;~~ his ceasing to be a resident of the
 4 state, ~~;~~ his OR conviction of an infamous crime or an offense
 5 involving the violation of his OR HER oath of office; UPON the
 6 decision of a competent tribunal declaring his OR HER election or
 7 appointment void; or UPON his OR HER neglect or refusal to take
 8 and subscribe to the constitutional oath of office and deposit
 9 the ~~same~~ OATH in the manner and within the time prescribed by
 10 law. ~~When a vacancy shall occur~~ WITHIN 10 DAYS AFTER A VACANCY
 11 OCCURS in any of ~~the said~~ THESE offices, a notice of ~~such~~ THE
 12 vacancy and the reason why the ~~same~~ VACANCY exists shall ~~,~~
 13 ~~within 10 days after such vacancy occurs,~~ be given in writing to
 14 the governor. ~~Such~~ THE notice shall be given by the secretary
 15 of state unless ~~such~~ THE vacancy occurs in the office of the
 16 secretary of state, ~~then~~ IN WHICH CASE THE NOTICE SHALL BE
 17 GIVEN by the attorney general.

18 Sec. 83. ~~Any~~ A person holding the office of secretary of
 19 state, STATE HEALTH COMMISSIONER, or attorney general may be
 20 removed from office upon conviction in impeachment proceedings
 21 for the reasons and in the manner set forth in section 7 of arti-
 22 cle ~~11~~ XI of the state constitution OF 1963. ~~The governor~~
 23 ~~shall have the power and it shall be his duty, except at such~~
 24 ~~times as~~ EXCEPT WHEN the legislature ~~may be~~ IS in session,
 25 ~~to~~ THE GOVERNOR SHALL examine ~~into~~ the condition and adminis-
 26 tration of ~~the public~~ THESE offices and the acts of ~~the~~
 27 ~~public~~ THESE officers, ~~enumerated herein, and to~~ AND SHALL

1 remove THE OFFICERS from office for gross neglect of duty or for
2 corrupt conduct in office, or any other misfeasance or malfea-
3 sance ~~therein~~ IN OFFICE, and report the causes of ~~such~~ THE
4 removal to the legislature at its next session as provided in
5 section 10 of article ~~5~~ V of the state constitution OF 1963.
6 ~~Such~~ THE person shall be served with a written notice of the
7 charges against him OR HER and be afforded an opportunity for a
8 public hearing conducted personally by the governor.

9 Sec. 84. ~~Whenever~~ IF a vacancy ~~shall occur~~ OCCURS in
10 the office of secretary of state, STATE HEALTH COMMISSIONER, or
11 attorney general, the governor shall appoint a successor to fill
12 ~~such~~ THE vacancy and the person so appointed shall take the
13 oath of office, give bond in the manner required by law, and
14 ~~shall~~ hold such office until ~~his~~ A successor is elected and
15 qualified. The candidate receiving the highest number of votes
16 ~~for either of said offices~~ who has subscribed to the constitu-
17 tional oath and filed the requisite bond ~~shall be deemed~~ IS
18 CONSIDERED to be elected and qualified even though a vacancy
19 occurs ~~prior to the time he shall have entered~~ BEFORE HE OR SHE
20 ENTERS upon the duties of ~~his~~ office.

21 Sec. 85. The votes cast for ~~any~~ A candidate for the
22 office of secretary of state, STATE HEALTH COMMISSIONER, or
23 attorney general ~~at any election shall be~~ ARE subject to
24 recount as provided in chapter ~~33 of this act~~ XXXIII.

25 Sec. 86. ~~Any~~ A person elected to the office of secretary
26 of state, STATE HEALTH COMMISSIONER, or attorney general ~~shall~~
27 ~~be~~ IS subject to recall as provided in chapter ~~36 of this act~~

1 XXXVI and in section 8 of article ~~2~~ II of the state
2 constitution OF 1963.

3 Sec. 643. At ~~the~~ A general November ~~elections~~ ELECTION,
4 ~~there~~ THE FOLLOWING OFFICERS shall be elected when required by
5 law: ~~the following officers:~~

6 (A) ~~1.~~ Presidential electors. ~~;~~

7 (B) ~~2.~~ ~~In the state at large,~~ a A governor and a lieuten-
8 ant governor, a secretary of state, A STATE HEALTH COMMISSIONER,
9 and an attorney general. ~~;~~

10 (C) ~~3.~~ A United States senator. ~~;~~

11 (D) ~~4.~~ In each congressional district, a representative in
12 congress. ~~;~~

13 (E) ~~5.~~ In each state senatorial district, a state
14 senator. ~~;~~

15 (F) ~~6.~~ In each state representative district, a represen-
16 tative in the state legislature. ~~;~~

17 (G) ~~7.~~ Justices of the supreme court. ~~;~~

18 (H) ~~8.~~ Two members of the state board of education; except
19 as provided in section 282a. ~~;~~

20 (I) ~~9.~~ Two regents of the ~~University~~ UNIVERSITY of
21 Michigan. ~~;~~

22 (J) ~~10.~~ Two trustees of Michigan ~~State University;~~ STATE
23 UNIVERSITY.

24 (K) ~~11.~~ Two governors of Wayne ~~State University;~~ STATE
25 UNIVERSITY.

26 (l) ~~12.~~ In each county, ~~or~~ district, OR MUNICIPALITY,
27 judges of the court of appeals, a judge or judges of the circuit

1 court, a judge or judges of probate, ~~a circuit court~~
 2 ~~commissioner or circuit court commissioners~~ A JUDGE OR JUDGES OF
 3 THE DISTRICT OR MUNICIPAL COURT, a prosecuting attorney, a sher-
 4 iff, a clerk, a treasurer, a register of deeds, an auditor, a
 5 mine inspector, a county road commissioner, a drain commissioner,
 6 ~~2 coroners~~ and a surveyor. The board of ~~supervisors~~ COUNTY
 7 COMMISSIONERS in ~~any~~ A county may unite OR SEPARATE the offices
 8 of county clerk and register of deeds. ~~in 1 office or separate~~
 9 ~~the same at pleasure;~~

10 (M) ~~13.~~ Township officers. ~~;~~

11 (N) ~~14.~~ ~~Such other~~ OTHER officers ~~as by this act or oth-~~
 12 ~~erwise by law are now or hereafter may be~~ required BY LAW to be
 13 elected at ~~such~~ THE GENERAL NOVEMBER election.

14 Sec. 697. At the general November election, the names of
 15 the ~~several~~ offices to be voted for shall be placed on the
 16 ballot substantially in the following order in the years in which
 17 elections for ~~such~~ THE offices are held: ~~Electors~~ ELECTORS
 18 of president and vice-president of the United States, ~~;~~ gover-
 19 nor and lieutenant governor, ~~;~~ secretary of state, ~~;~~ STATE
 20 HEALTH COMMISSIONER, attorney general, ~~;~~ United States senator,
 21 ~~;~~ representative in congress, ~~;~~ senator and representative in
 22 the state legislature, ~~;~~ members of the state board of
 23 education, ~~;~~ regents of the university of Michigan, ~~;~~ trust-
 24 ees of Michigan state university, ~~;~~ governors of Wayne state
 25 university, ~~;~~ county executive ~~;~~ IN COUNTIES ELECTING A
 26 COUNTY EXECUTIVE, prosecuting attorney, ~~;~~ sheriff, ~~;~~ clerk,
 27 ~~;~~ treasurer, ~~;~~ register of deeds, ~~;~~ auditor in counties

1 electing an auditor, ~~+~~ mine inspector in counties electing a
2 mine inspector, ~~+~~ county road commissioners, ~~+~~ drain
3 ~~commissioners~~ COMMISSIONER, ~~+~~ ~~coroners~~ and surveyor IN COUN-
4 TIES ELECTING A SURVEYOR. The following township officers shall
5 be placed on ~~the same~~ THAT ballot ~~as above described~~ in sub-
6 stantially the following order in the year in which elections for
7 such offices are held: supervisor, clerk, treasurer, trustees,
8 and constables.

9 Enacting section 1. This amendatory act does not take
10 effect unless Senate Bill No. _____ or House Bill No. _____
11 (request no. 00825'97) of the 89th Legislature is enacted into
12 law.