

REPRINT

SUBSTITUTE FOR

HOUSE BILL NO. 5054

(As passed the House, November 9, 1999)

(As amended December 7, 1999)

A bill to amend 1954 PA 116, entitled

"An act to reorganize, consolidate, and add to the election laws; to provide for election officials and prescribe their powers and duties; to prescribe the powers and duties of certain state departments, state agencies, and state and local officials and employees; to provide for the nomination and election of candidates for public office; to provide for the resignation, removal, and recall of certain public officers; to provide for the filling of vacancies in public office; to provide for and regulate primaries and elections; to provide for the purity of elections; to guard against the abuse of the elective franchise; to define violations of this act; to provide appropriations; to prescribe penalties and provide remedies; and to repeal certain acts and all other acts inconsistent with this act," by amending sections 2, 42, 73, 74, 283, 284, 393, 394, 509n, 544b, 662, 686, 686a, 759a, and 879 (MCL 168.2, 168.42, 168.73, 168.74, 168.283, 168.284, 168.393, 168.394, 168.509n, 168.544b, 168.662, 168.686, 168.686a, 168.759a, and 168.879), section 284 as amended by 1990 PA 7, section 509n as added by 1994 PA 441, sections 662 and 759a as amended by 1996 PA 207, section 686a as amended by 1988 PA 116, and section 879 as amended by 1995 PA 261, and by adding sections 30 and 613c; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 2. (1) ~~The term "election", as used in this act,~~
- 2 ~~shall mean and be held to include any election and~~ AS USED IN
- 3 THIS ACT:

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1 (A) "BUSINESS DAY" OR "SECULAR DAY" MEANS A DAY THAT IS NOT  
2 A SATURDAY, SUNDAY, OR LEGAL HOLIDAY.

3 (B) "ELECTION" MEANS ANY ELECTION OR primary election, at  
4 which the electors of ~~the~~ THIS state or of any subdivision  
5 ~~thereof~~ OF THIS STATE choose or nominate by ballot public offi-  
6 cials or decide any public question lawfully submitted to them.  
7 ~~The term "election" is not synonymous with the term "civil~~  
8 ~~appointment" as such term appears in section 9 of article 4 of~~  
9 ~~the state constitution.~~

10

CHAPTER II.

11 BOARDS OF ELECTION COMMISSIONERS, ~~AND~~ BOARDS OF CANVASSERS, AND  
12 CLERKS

13 SEC. 30. NOT LATER THAN 30 DAYS AFTER THE EFFECTIVE DATE OF  
14 THIS SECTION, EACH COUNTY, TOWNSHIP, CITY, OR VILLAGE SHALL PRO-  
15 VIDE ITS CLERK WITH A PERMANENT POSTAL MAILING ADDRESS AND EACH  
16 COUNTY SHALL PROVIDE ITS CLERK WITH AN ELECTRONIC MAILING  
17 ADDRESS. EACH CLERK SHALL NOTIFY THE SECRETARY OF STATE IN WRIT-  
18 ING OF ANY ADDRESS REQUIRED TO BE PROVIDED UNDER THIS SECTION.  
19 NOT LATER THAN 3 BUSINESS DAYS AFTER A CHANGE IN THE POSTAL MAIL-  
20 ING ADDRESS OF THE OFFICE OF A COUNTY, TOWNSHIP, CITY, OR VILLAGE  
21 CLERK, OR THE ELECTRONIC MAILING ADDRESS OF A COUNTY CLERK, THE  
22 CLERK SHALL NOTIFY THE SECRETARY OF STATE IN WRITING OF THE NEW  
23 ADDRESS.

24 Sec. 42. In the year in which presidential electors are to  
25 be elected ~~as provided in~~ UNDER section 43, ~~of this act,~~ each  
26 political party in this state shall choose at its fall state  
27 convention ~~as many~~ A NUMBER OF CANDIDATES FOR electors of

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1 president and vice-president of the United States ~~as this state~~  
2 ~~may be entitled to elect~~ EQUAL TO THE NUMBER of senators and  
3 representatives in congress ~~, and the chairman~~ THAT THIS STATE  
4 IS ENTITLED TO ELECT. THE CHAIRPERSON and the secretary of the  
5 state central committee of each political party shall, within ~~24~~  
6 ~~hours~~ 1 BUSINESS DAY after the conclusion of the state conven-  
7 tion, forward by registered or certified mail a certificate con-  
8 taining the names of ~~such electors so chosen~~ THE CANDIDATES FOR  
9 ELECTORS to the secretary of state. ~~Those~~ THE candidates for  
10 electors of president and vice-president ~~of this state shall be~~  
11 ~~deemed elected~~ WHO SHALL BE CONSIDERED ELECTED ARE THOSE whose  
12 names have been certified to the secretary of state by that  
13 political party receiving the greatest number of votes for ~~said~~  
14 ~~office~~ THOSE OFFICES at the ~~ensuing~~ NEXT November election.

15       Sec. 73. Not more than 24 hours after the conclusion of the  
16 fall state convention, the state central committee of each polit-  
17 ical party shall ~~convene and~~ canvass the proceedings of the  
18 convention ~~immediately preceding~~ and determine the nominees of  
19 ~~said convention and, not~~ THE CONVENTION FOR THE OFFICES OF  
20 LIEUTENANT GOVERNOR, SECRETARY OF STATE, AND ATTORNEY GENERAL.  
21 NOT more than ~~24 hours after such~~ 1 BUSINESS DAY AFTER THE CON-  
22 CLUSION OF THE convention, the ~~chairman~~ CHAIRPERSON and secre-  
23 tary of ~~said~~ THE STATE CENTRAL committee shall ~~forthwith~~ for-  
24 ward to the secretary of state and to the board of election com-  
25 missioners of each county, in care of the county clerk ~~,~~ at the  
26 county seat, a typewritten or printed list of ~~names, together~~  
27 ~~with~~ THE NAMES AND residence, including the street address if

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1 known, of ~~such~~ candidates nominated at ~~such~~ THE state  
2 convention.

3       Sec. 74. ~~Any~~ A person who has been certified by the state  
4 central committee of any party as nominated for the office of  
5 lieutenant governor, secretary of state, or attorney general may  
6 withdraw by filing a written notice of withdrawal with the secre-  
7 tary of state or his ~~duly~~ OR HER authorized agent and a copy  
8 with the ~~chairman~~ CHAIRPERSON and the secretary of the state  
9 central committee of ~~said~~ THE party not later than 4 p.m.,  
10 eastern standard time, of the ~~third~~ FOURTH BUSINESS day follow-  
11 ing ~~such~~ THE CONCLUSION OF THE convention AT WHICH THE PERSON  
12 WAS NOMINATED.

13       Sec. 283. Not more than 24 hours after the conclusion of  
14 the fall state convention, the state central committee of each  
15 political party shall ~~convene and~~ canvass the proceedings of  
16 ~~said~~ THE convention and determine the nominees of ~~said~~ THE  
17 convention for membership on the state board of education, the  
18 board of regents of the ~~University~~ UNIVERSITY of Michigan, the  
19 board of trustees of Michigan ~~State University~~ STATE  
20 UNIVERSITY, and the board of governors of Wayne ~~State~~  
21 ~~University~~ STATE UNIVERSITY. ~~The chairman and secretary of~~  
22 ~~said committee shall, within 24 hours~~ NOT MORE THAN 1 BUSINESS  
23 DAY after the conclusion of the state convention, THE CHAIRPERSON  
24 AND SECRETARY OF THE STATE CENTRAL COMMITTEE SHALL forward by  
25 registered or certified mail to the secretary of state and to the  
26 board of election commissioners of each county, in care of the  
27 county clerk at the county seat, a copy of the vignette adopted

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1 by ~~said~~ THE state central committee and ~~the~~ A typewritten or  
2 printed ~~names, together with~~ LIST OF THE NAMES AND residence,  
3 including the street address if known, of the candidates nomi-  
4 nated at ~~said~~ THE convention for ~~said~~ THE offices SPECIFIED  
5 IN THIS SECTION.

6       Sec. 284. A person who is certified by the state central  
7 committee of a party as nominated for membership on the state  
8 board of education, the board of regents of the university of  
9 Michigan, the board of trustees of Michigan state university, or  
10 the board of governors of Wayne state university may withdraw by  
11 filing a written notice of withdrawal with the secretary of state  
12 or his or her duly authorized agent and a copy with the chair-  
13 person and the secretary of the state central committee of the  
14 party not later than 4 p.m., eastern standard time, of the  
15 ~~third~~ FOURTH BUSINESS day following the CONCLUSION OF THE con-  
16 vention at which the person was nominated.

17       Sec. 393. Not more than 24 hours after the conclusion of  
18 the fall state convention, the state central committee of each  
19 political party shall convene and canvass the proceedings of  
20 ~~said~~ THE convention and determine the nominee or nominees of  
21 ~~said~~ THE convention for the office or offices of ~~justices~~  
22 JUSTICE of the supreme court. ~~The chairman and secretary of~~  
23 ~~said committee shall, within 24 hours~~ NOT MORE THAN 1 BUSINESS  
24 DAY after the conclusion of the state convention, THE CHAIRPERSON  
25 AND SECRETARY OF THE STATE CENTRAL COMMITTEE SHALL forward by  
26 registered or certified mail to the secretary of state and to the  
27 board of election commissioners of each county, in care of the

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1 county clerk at the county seat, ~~the~~ A typewritten or printed  
2 ~~names, together with~~ LIST OF THE NAMES AND residence, including  
3 the street address if known, of the candidate or candidates nomi-  
4 nated at ~~said~~ THE convention for ~~said~~ THE office or offices  
5 OF JUSTICE OF THE SUPREME COURT. The names of the persons so  
6 certified shall be printed upon a nonpartisan judicial ballot  
7 containing no party designation together with the names of any  
8 incumbent justices filing an affidavit pursuant to section 392a.  
9 ~~of this act.~~

10 Sec. 394. Any person who has been certified by the state  
11 central committee of any party as nominated for the office of  
12 justice of the supreme court or who filed an affidavit according  
13 to section 392a may withdraw by filing a written notice of with-  
14 drawal with the secretary of state or his OR HER duly authorized  
15 agent and a copy with the ~~chairman~~ CHAIRPERSON and secretary of  
16 the state central committee of ~~said~~ THE party not later than 4  
17 p.m., eastern standard time, of the ~~third~~ FOURTH BUSINESS day  
18 following THE CONCLUSION OF the convention.

Sec. 509n. The secretary of state is responsible for the coordination of the requirements imposed under this chapter and the national voter registration act of 1993. The secretary of state shall do all of the following:

(a) Develop a mail registration form and make the form available for distribution through governmental and private entities, with special emphasis on making the form available to voter registration programs established for the purpose of registering citizens of this state to vote.

(b) Instruct designated voter registration agencies; county, city, township, and village clerks; and school officials regarding the voter registration procedures and requirements imposed by law.

(c) BY JUNE 15 OF EACH ODD NUMBERED YEAR, SUBMIT TO EACH MEMBER OF THE COMMITTEES OF THE SENATE AND HOUSE OF REPRESENTATIVES WITH PRIMARY RESPONSIBILITY FOR ELECTION MATTERS A REPORT ON THE QUALIFIED VOTER FILE. THE REPORT SHALL INCLUDE, BUT NEED NOT BE LIMITED TO, BOTH OF THE FOLLOWING:

(i) INFORMATION ON THE EFFICIENCY AND EFFECTIVENESS OF THE QUALIFIED VOTER FILE AS A VOTER REGISTRATION SYSTEM.

(ii) ANY RECOMMENDATIONS OF THE SECRETARY OF STATE FOR AMENDMENTS TO THIS ACT TO INCREASE THE EFFICIENCY AND EFFECTIVENESS OF THE QUALIFIED VOTER FILE AS A VOTER REGISTRATION SYSTEM.

19 Sec. 544b. (1) Except as provided in subsection (2), ~~no~~ A  
20 person shall ~~be~~ NOT QUALIFY AS a candidate for any judicial  
21 office of this state ~~without filing~~ UNLESS THE PERSON FILES an  
22 affidavit with his OR HER nominating petitions on a form pre-  
23 scribed by the secretary of state stating that he OR SHE pos-  
24 sesses the constitutional qualifications set forth in section 19  
25 of article ~~6~~ VI of the state constitution.

26 (2) In cases where candidates for judicial office are  
27 nominated at political party conventions, the ~~chairman~~

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1 CHAIRPERSON and secretary of the party shall file the affidavit  
2 with the secretary of state ~~within 48 hours after the close~~ NOT  
3 MORE THAN 1 BUSINESS DAY AFTER THE CONCLUSION of the convention.

SEC. 613C. (1) NOTWITHSTANDING ANY LAW OR CHARTER PROVISION TO THE CONTRARY, IF A NEW CITY OR VILLAGE IS ESTABLISHED DUE TO THE CONSOLIDATION OF EXISTING CITIES OR VILLAGES AND IF AN EXISTING CITY OR VILLAGE IS SCHEDULED TO CONDUCT A CITY OR VILLAGE ELECTION WITHIN 31 DAYS OF A SCHEDULED STATEWIDE PRESIDENTIAL PRIMARY ELECTION, THE LEGISLATIVE BODY OF EACH EXISTING CITY OR VILLAGE MAY BY RESOLUTION CHANGE THE DATE OF THE CITY OR VILLAGE ELECTION TO THE DATE OF THE SCHEDULED STATEWIDE PRESIDENTIAL PRIMARY ELECTION OR MAY CANCEL A SCHEDULED CITY OR VILLAGE ELECTION. IN THE YEAR 2000 ONLY, THE RESOLUTION SHALL BE ADOPTED NOT LESS THAN 40 DAYS BEFORE THE PRESIDENTIAL PRIMARY OR CITY OR VILLAGE ELECTION, WHICHEVER IS EARLIER. A RESOLUTION THAT WAS ADOPTED BEFORE THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SECTION AND THAT SUBSTANTIALLY COMPLIES WITH THIS SUBSECTION IS VALIDATED. IN THE YEAR 2004 AND THEREAFTER, IF A CITY OR VILLAGE IS SCHEDULED TO CONDUCT A CITY OR VILLAGE ELECTION WITHIN 31 DAYS OF A SCHEDULED STATEWIDE PRESIDENTIAL PRIMARY ELECTION, THE LEGISLATIVE BODY OF THE CITY OR VILLAGE MAY BY RESOLUTION CHANGE THE DATE OF THE CITY OR VILLAGE ELECTION TO THE DATE OF THE SCHEDULED STATEWIDE PRESIDENTIAL PRIMARY ELECTION OR MAY CANCEL A SCHEDULED CITY OR VILLAGE ELECTION. THE RESOLUTION SHALL BE ADOPTED SUFFICIENTLY IN ADVANCE OF THE SCHEDULED PRESIDENTIAL PRIMARY ELECTION TO ALLOW TIMELY CERTIFICATION OF BALLOT WORDING AND CANDIDATES UNDER SECTION 646A.

(2) IF A RESOLUTION DESCRIBED IN SUBSECTION (10) IS ADOPTED, ALL OF THE FOLLOWING APPLY:

(A) THE LEGISLATIVE BODY OF THE CITY OR VILLAGE SHALL IMMEDIATELY FILE THE RESOLUTION WITH THE CITY OR VILLAGE CLERK. THE CITY OR VILLAGE CLERK SHALL IMMEDIATELY NOTIFY THE CLERK OF THE COUNTY IN WHICH THE CITY OR VILLAGE IS LOCATED OF THE ADOPTION OF THE RESOLUTION.

(B) IF THE DATE OF THE CONSOLIDATION OF EXISTING CITIES AND VILLAGES TO ESTABLISH A NEW CITY OR VILLAGE IS AFTER THE DATE OF THE SCHEDULED PRESIDENTIAL PRIMARY, THE TERMS OF CURRENTLY SERVING ELECTIVE CITY OR VILLAGE OFFICES IN EACH EXISTING CITY OR VILLAGE MAY CONTINUE UNTIL THE EFFECTIVE DATE OF THE CONSOLIDATION.

4 Sec. 662. (1) The legislative body in each city, village,  
5 and township shall designate and prescribe the place or places of  
6 holding an election in the city, village, or township, and shall  
7 provide a suitable polling place in or for each precinct located  
8 in the city, village, or township for use at each election.  
9 Except as otherwise provided in this section, school buildings,  
10 fire stations, police stations, and other publicly owned or con-  
11 trolled buildings shall be used as polling places. If IT IS NOT  
12 POSSIBLE OR CONVENIENT TO USE a publicly owned or controlled  
13 building ~~is not possible and convenient for use~~ as a polling  
14 place, the legislative body of the city, township, or village may  
15 use as a polling place a building owned or controlled by an  
16 organization that is exempt from federal income tax pursuant to  
17 section 501(c) other than 501(c)(4), (5), or (6) of the internal



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18 revenue code of 1986, ~~26 U.S.C. 501,~~ or any successor statute.  
19 The legislative body of a city, township, or village shall not  
20 designate as a polling place a building that is owned by a person  
21 who is a sponsor of a political committee or independent  
22 committee. A city, township, or village shall not use as a poll-  
23 ing place a building that does not meet the requirements of this  
24 section. As used in this subsection, "sponsor of a political  
25 committee or independent committee" means a person who is  
26 described as being a sponsor under section 24(3) of the Michigan  
27 campaign finance act, ~~Act No. 388 of the Public Acts of 1976,~~

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1 ~~being section 169.224 of the Michigan Compiled Laws~~ 1976 PA 388,  
2 MCL 169.224, and includes a subsidiary of a corporation or a  
3 local of a labor organization, which corporation or labor organi-  
4 zation is considered a sponsor under section 24(3) of ~~Act~~  
5 ~~No. 388 of the Public Acts of 1976~~ THE MICHIGAN CAMPAIGN FINANCE  
6 ACT, 1976 PA 388, MCL 169.224.

7       (2) The legislative body in each city, village, and township  
8 shall make arrangements for the rental or erection of suitable  
9 buildings for use as polling places if publicly owned or con-  
10 trolled buildings are not available, and shall cause the polling  
11 places to be equipped with the necessary facilities for lighting  
12 and with adequate facilities for heat and ventilation. The leg-  
13 islative body may establish a central polling place or places for  
14 6 precincts or less ~~to each central polling place~~ if IT IS pos-  
15 sible and convenient for the electors to vote at the central  
16 polling place. The legislative body may abolish other polling  
17 places not required as a result of the establishment of a central  
18 polling place.

19       (3) The legislative body of a city, village, or township may  
20 establish a polling place at a for profit or nonprofit residence  
21 or facility in which 150 persons or more aged 62 or older reside  
22 or at an apartment building or complex in which 150 persons or  
23 more reside. A township board may provide polling places located  
24 within the limits of a city that has been incorporated from ter-  
25 ritory formerly a part of the township, and the electors of the  
26 township may cast their ballots at those polling places.

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1 (4) THE LEGISLATIVE BODY OF A CITY, VILLAGE, OR TOWNSHIP  
2 SHALL NOT ESTABLISH, MOVE, OR ABOLISH A POLLING PLACE LESS THAN  
3 60 DAYS BEFORE AN ELECTION UNLESS NECESSARY BECAUSE A POLLING  
4 PLACE HAS BEEN DAMAGED, DESTROYED, OR RENDERED INACCESSIBLE OR  
5 UNUSABLE AS A POLLING PLACE.

6 (5) ~~(4)~~ The legislative body of a city, village, or town-  
7 ship shall ensure that a polling place established under this  
8 section complies with the voting accessibility for the elderly  
9 and handicapped act, Public Law 98-435, 42 U.S.C. 1973ee to  
10 1973ee-6.

11 Sec. 686. Within 24 hours after the conclusion of the state  
12 convention prior to any general election, the state central com-  
13 mittee of each political party shall ~~convene and~~ canvass the  
14 proceedings of the convention and determine the nominees of the  
15 convention. ~~, and within 24 hours after the conclusion of~~ NOT  
16 MORE THAN 1 BUSINESS DAY AFTER the state convention, the  
17 ~~chairman~~ CHAIRPERSON and secretary of the STATE CENTRAL commit-  
18 tee shall forward to the board of election commissioners of each  
19 county, in care of the county clerk at the county seat, and to  
20 the secretary of state, ~~the~~ A typewritten or printed ~~names,~~  
21 ~~together with~~ LIST OF THE NAMES AND residence, including the  
22 street address if known, of all candidates nominated at ~~any reg-~~  
23 ~~ularly called~~ THE state convention. ~~at which candidates for any~~  
24 ~~of the offices to be filled at such election shall be nominated.~~  
25 In each presidential ELECTION year, the state central committee  
26 of each political party shall, at the same time, forward to the  
27 board of election commissioners of each county and to the

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1 secretary of state the typewritten or printed names of the  
2 candidates of such party at the forthcoming election for the  
3 offices of president of the United States and vice-president of  
4 the United States certified to by the chairman and secretary of  
5 the committees. ~~It shall not be necessary for any party~~  
6 ~~committee~~ A PARTY IS NOT REQUIRED to certify nominations made at  
7 an official primary election.

8       Sec. 686a. (1) ~~The nomination of candidates for political~~  
9 ~~parties~~ IF A POLITICAL PARTY entitled to a position on the  
10 ballot ~~which~~ failed to have at least 1 candidate who polled at  
11 least 5% of the total vote cast for all candidates for secretary  
12 of state at the last preceding election at which a secretary of  
13 state was elected, ~~shall be made~~ CANDIDATES FOR THAT POLITICAL  
14 PARTY SHALL BE NOMINATED as provided in section 532. County cau-  
15 cuses and state conventions FOR SUCH POLITICAL PARTIES shall be  
16 held not later than the August primary.

17       (2) County caucuses may nominate candidates for the office  
18 of representative in congress, state senator, and state represen-  
19 tative if the offices represent districts contained wholly within  
20 the county, and for all county and township offices. ~~The~~  
21 ~~names,~~ NOT MORE THAN 1 BUSINESS DAY AFTER THE CONCLUSION OF THE  
22 CAUCUS, THE NAMES AND mailing addresses ~~, and office to which~~  
23 ~~nominated~~ of all candidates so nominated AND THE OFFICES FOR  
24 WHICH THEY WERE NOMINATED shall be certified by the ~~chairman~~  
25 CHAIRPERSON and secretary of the caucus to the county clerk.  
26 ~~within 24 hours after the conclusion of the caucus.~~  
27 ~~Accompanying the~~ THE certification shall be ACCOMPANIED BY an

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1 affidavit of identity for each candidate named in the certificate  
2 as provided in section 558 and a separate written ~~notice~~  
3 CERTIFICATE of acceptance of nomination signed by each candidate  
4 named on the certificate. The form of the certificate of accep-  
5 tance shall be prescribed by the secretary of state. ~~The names~~  
6 ~~of candidates so certified~~ IF A CANDIDATE IS SO CERTIFIED WITH  
7 THE ACCOMPANYING AFFIDAVIT OF IDENTITY AND CERTIFICATE OF ACCEP-  
8 TANCE, THE NAME OF THE CANDIDATE shall be printed on the ballot  
9 for that election. ~~The name of a candidate shall not be printed~~  
10 ~~on the ballot unless the notice of acceptance and the affidavit~~  
11 ~~of identity accompanies the certificate.~~ Candidates nominated  
12 and certified shall not be permitted to withdraw.

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

16 (4) The state convention shall be held at the time and place  
17 indicated in the call. The convention shall consist of delegates  
18 selected by the county caucuses. The convention may fill vacan-  
19 cies in a delegation from qualified electors of that county  
20 present at the convention. The convention may nominate candi-  
21 dates for all state offices. District candidates may be nomi-  
22 nated at district caucuses held in conjunction with the state  
23 convention attended by qualified delegates of the district. If  
24 delegates of a district are not present, a district caucus shall  
25 not be held for that district and candidates shall not be nomi-  
26 nated for that district. ~~The names, mailing addresses, and~~  
27 ~~offices to which nominated~~ NOT MORE THAN 1 BUSINESS DAY AFTER

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1 THE CONCLUSION OF THE CONVENTION, THE NAMES AND MAILING ADDRESSES  
2 of the candidates nominated for state or district offices ~~—~~  
3 ~~within 24 hours after the conclusion of the convention,~~ shall be  
4 certified by the ~~chairman~~ CHAIRPERSON and secretary of the  
5 state convention to the secretary of state. ~~Accompanying the~~  
6 THE certification shall be ACCOMPANIED BY an affidavit of iden-  
7 tity for each candidate named in the certificate as provided in  
8 section 558 and a separate written ~~notice~~ CERTIFICATE of accep-  
9 tance of nomination signed by each candidate named on the  
10 certificate. The form of the certificate of acceptance shall be  
11 prescribed by the secretary of state. The names of candidates SO  
12 certified WITH ACCOMPANYING AFFIDAVIT OF IDENTITY AND CERTIFICATE  
13 OF ACCEPTANCE shall be printed on the ballot for the forthcoming  
14 election. ~~The name of a candidate shall not be printed on the~~  
15 ~~ballot unless the notice of acceptance and the affidavit of iden-~~  
16 ~~tity accompanies the certificate.~~ Candidates so nominated and  
17 certified shall not be permitted to withdraw.

18       Sec. 759a. (1) Except as provided in subsection (5), each  
19 of the following persons who is a qualified elector of a city or  
20 township in this state and who is not a registered voter may  
21 apply for an absent voter ballot pursuant to section 504:

22       (a) A civilian employee of the armed services outside of the  
23 United States.

24       (b) A member of the armed services outside of the United  
25 States.

26       (c) A citizen of the United States temporarily residing  
27 outside the territorial limits of the United States.

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1 (d) A citizen of the United States residing in the District  
2 of Columbia.

3 (e) A spouse or dependent of a person described in  
4 subdivisions (a) through (d) who is a citizen of the United  
5 States and who is accompanying that person, notwithstanding that  
6 the spouse or dependent is not a qualified elector of a city or  
7 township of this state, as long as that spouse or dependent is  
8 not a qualified and registered elector anywhere else in the  
9 United States.

10 (2) A citizen described in subsection (1) ~~who is temporar-~~  
11 ~~ily residing outside the territorial limits of the United States~~  
12 ~~or residing in the District of Columbia~~ OTHER THAN A PERSON  
13 DESCRIBED IN SUBSECTION (1)(B) OR A SPOUSE OR DEPENDENT OF SUCH A  
14 PERSON DESCRIBED IN SUBSECTION (1)(B) shall include, with an  
15 application for an absent voter ballot or registration, an affi-  
16 davit in a form and manner approved by the state director of  
17 elections stating either of the following:

18 (a) His or her qualifications as an elector at the time he  
19 or she departed from the United States or began residing in the  
20 District of Columbia and affirming that he or she has not relin-  
21 quished his or her citizenship or established residence for  
22 voting in any other place.

23 (b) That he or she is a spouse or dependent of a person  
24 described in subsection (1)(a), ~~to~~ (C), OR (d), that he or she  
25 meets the qualifications as an elector other than residency in  
26 this state, and that he or she has not established a residence  
27 for voting in any other place.

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1           (3) Upon receipt of an application under this section that  
2 complies with this act, a city or township clerk shall forward to  
3 the applicant the absent voter ballots requested, the forms nec-  
4 essary for registration, and instructions for completing the  
5 forms. If the ballots are not yet available at the time of  
6 receipt of the application, the clerk shall immediately forward  
7 to the applicant the registration forms and instructions, and  
8 forward the ballots as soon as they are available. If the bal-  
9 lots and registration forms are received before the close of the  
10 polls on election day and if the registration complies with the  
11 requirements of this act, the absent voter ballots shall be  
12 delivered to the proper election board to be voted. If the reg-  
13 istration does not comply with the requirements of this act, the  
14 clerk shall retain the absent voter ballots until the expiration  
15 of the time that the voted ballots must be kept and shall then  
16 destroy the ballots without opening the envelope. The clerk may  
17 retain registration forms completed under this section in a sepa-  
18 rate file. The address in this state shown on a registration  
19 form is the residence of the registrant.

20           (4) The size of a precinct shall not be determined by regis-  
21 tration forms completed under this section.

22           (5) A person described in subsection (1)(a) and (b) and a  
23 spouse or dependent of that person who is accompanying that  
24 person is registered to vote in a special primary or special gen-  
25 eral election if he or she was registered to vote under this sec-  
26 tion in the primary or general election immediately preceding the  
27 special primary or special general election. The city or



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1 township clerk who received that person's completed registration  
2 forms in the primary or general election shall forward to that  
3 person at his or her last known address an absent voter ballot  
4 for the special primary or special general election immediately  
5 upon the clerk's receipt of the absent voter ballots for the spe-  
6 cial primary or special general election.

7 (6) Pursuant to the uniformed and overseas citizens absentee  
8 voting act, Public Law 99-410, 100 Stat. 924, the state director  
9 of elections shall approve a ballot form and registration proce-  
10 dures for electors in the armed services and electors outside the  
11 United States, including the spouses and dependents accompanying  
12 those electors.

13 (7) As used in this section, "armed services" means any of  
14 the following:

15 (a) The United States army, navy, air force, marine corps,  
16 or coast guard.

17 (b) The United States merchant marines.

18 (c) A reserve component of an armed service listed in  
19 subdivision (a) or (b).

20 (d) The Michigan national guard as defined in section 105 of  
21 the Michigan military act, ~~Act No. 150 of the Public Acts of~~  
22 ~~1967, being section 32.505 of the Michigan Compiled Laws~~ 1967 PA  
23 150, MCL 32.505.

24 Sec. 879. (1) A candidate voted for at a primary or elec-  
25 tion for an office may petition for a recount of the votes  
26 ~~pursuant to~~ IF ALL OF the following requirements ARE MET:

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1 (a) The office ~~shall be~~ IS an office for which the votes  
2 are canvassed by the board of state canvassers UNDER SECTION 841  
3 OR IS THE OFFICE OF REPRESENTATIVE IN CONGRESS, STATE REPRESENTA-  
4 TIVE, OR STATE SENATOR FOR A DISTRICT LOCATED WHOLLY WITHIN 1  
5 COUNTY.

6 ~~(b) The office shall be the office of representative in~~  
7 ~~Congress, state representative, or state senator.~~

8 (B) ~~(c)~~ The petition ~~shall allege~~ ALLEGES that the can-  
9 didate is aggrieved on account of fraud or mistake in the canvass  
10 of the votes by the inspectors of election or the returns made by  
11 the inspectors, or by a board of county canvassers or the board  
12 of state canvassers. The petition shall contain specific allega-  
13 tions of wrongdoing only if evidence of that wrongdoing is avail-  
14 able to the petitioner. If evidence of wrongdoing is not avail-  
15 able, the petitioner is only required to allege fraud or a mis-  
16 take in the petition without further specification.

17 (C) ~~(d)~~ Except as otherwise provided in this subdivision,  
18 the petition for a recount ~~shall be~~ IS filed not later than 48  
19 hours following the completion of the canvass of votes cast at an  
20 election. If the recount petition relates to a state senatorial  
21 or representative district located ~~solely~~ WHOLLY within 1  
22 county OR TO THE DISTRICT OF A REPRESENTATIVE IN CONGRESS LOCATED  
23 WHOLLY WITHIN 1 COUNTY, the petition for a recount shall be filed  
24 not later than 48 hours following the adjournment of the meeting  
25 of the board of state canvassers at which the certificate of  
26 determination for that office was recorded pursuant to section  
27 841. HOWEVER, FOR A SPECIAL ELECTION FOR REPRESENTATIVE IN

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1 CONGRESS, STATE SENATOR, OR STATE REPRESENTATIVE FOR A DISTRICT  
2 LOCATED WHOLLY WITHIN 1 COUNTY, THE PETITION FOR RECOUNT SHALL BE  
3 FILED NOT LATER THAN 48 HOURS AFTER THE CERTIFICATE OF DETERMINA-  
4 TION IS FILED WITH THE SECRETARY OF THE BOARD OF STATE  
5 CANVASSERS.

6 (D) ~~(e)~~ The petition ~~shall be~~ IS presented to and filed  
7 with the secretary of state.

8 (E) ~~(f)~~ The petition ~~shall be~~ IS written or printed and  
9 ~~shall be~~ IS signed and sworn to by the candidate.

10 (F) ~~(g)~~ The petition ~~shall set~~ SETS forth as nearly as  
11 possible the nature and character of the fraud or mistakes  
12 alleged and the counties, cities, or townships and the precincts  
13 in which they exist.

14 (G) ~~(h)~~ The petition ~~shall specify~~ SPECIFIES the coun-  
15 ties, cities, townships, and precincts in which the recount is  
16 requested.

17 (H) ~~(i)~~ If the office is the office of state representa-  
18 tive, a copy of the petition ~~shall be~~ IS filed with the clerk  
19 of the house of representatives. If the office is the office of  
20 state senator, a copy of the petition shall be filed with the  
21 secretary of the senate.

22 (2) If a state senatorial race is determined by a vote dif-  
23 ferential of 500 votes or less or a state representative race is  
24 determined by a vote differential of 200 votes or less, the  
25 chairperson of a state political party may petition for a recount  
26 of the votes on behalf of a candidate in that race in the manner  
27 prescribed in subsection (1). Notwithstanding subsection (1)(b)

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1 and (f), the petition filed under this subsection need not allege  
2 fraud or mistake. Notwithstanding subsection (1)(e), the peti-  
3 tion shall be signed by the chairperson of the state political  
4 party filing the petition under this subsection.

5 (3) The ballots in a precinct petitioned for recount in a  
6 legislative contest shall be recounted for that office by the  
7 board of state canvassers and shall be preserved until the con-  
8 test is disposed of under the rules of the legislative body that  
9 takes office beginning in January following the contested general  
10 election. In legislative recounts of a special general election,  
11 ballots in a precinct petitioned for recount shall be preserved  
12 until the contest is disposed of under the rules of the legisla-  
13 tive body serving at the time the report in subsection (4) is  
14 filed.

15 (4) Upon the completion of a recount for a legislative  
16 office, the board of state canvassers, in addition to the certi-  
17 fication required by section 892, shall forward to the appropri-  
18 ate legislative body a report of the results of the recount.

19 (5) This section does not limit the authority of the legis-  
20 lature under section 16 of article IV of the state constitution  
21 of 1963.

22 Enacting section 1. Section 530 of the Michigan election  
23 law, 1954 PA 116, MCL 168.530, is repealed.