

# HOUSE BILL No. 5031

July 12, 2001, Introduced by Reps. Gosselin, Bradstreet and Drolet and referred to the Committee on Redistricting and Elections.

A bill to amend 1954 PA 116, entitled  
 "Michigan election law,"  
 by amending sections 2, 3, 322, 348, 382, 631, and 646a  
 (MCL 168.2, 168.3, 168.322, 168.348, 168.382, 168.631, and  
 168.646a), section 2 as amended by 1999 PA 216, section 322 as  
 amended by 1999 PA 218, and section 646a as amended by 1990 PA 7,  
 and by adding section 642; and to repeal acts and parts of acts.

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

1       Sec. 2. As used in this act, ~~—(a) "Business~~ "BUSINESS  
 2 day" or "secular day" means a day that is not a Saturday, Sunday,  
 3 or legal holiday.

4       ~~—(b) "Election" means any election or primary election, at~~  
 5 ~~which the electors of this state or of any subdivision of this~~  
 6 ~~state choose or nominate by ballot public officials or decide any~~  
 7 ~~public question lawfully submitted to them.~~

1           Sec. 3. ~~The term "general"~~ AS USED IN THIS ACT:

2           (A) "BIENNIAL SPRING ELECTION", "SPRING ELECTION", OR OTHER  
3 SIMILAR TERM, AS USED IN CITY OR VILLAGE CHARTERS UNLESS OTHER-  
4 WISE DEFINED IN THE CHARTER, MEANS THE LOCAL ELECTION TO BE HELD  
5 ON THE FIRST TUESDAY OF APRIL IN EACH ODD NUMBERED YEAR.

6           (B) "ELECTION" MEANS A GENERAL, SPECIAL, OR PRIMARY ELECTION  
7 AT WHICH THE ELECTORS OF THIS STATE OR OF A SUBDIVISION OF THIS  
8 STATE CHOOSE OR NOMINATE BY BALLOT PUBLIC OFFICIALS OR DECIDE A  
9 PUBLIC QUESTION LAWFULLY SUBMITTED TO THEM.

10          (C) "GENERAL ELECTION" MEANS THE GENERAL NOVEMBER ELECTION.

11          (D) "GENERAL November election" ~~, as used in this act,~~  
12 ~~shall mean~~ MEANS the election provided to be held in the state  
13 on the first Tuesday after the first Monday of November in  
14 ~~every~~ EACH even numbered year.

15          (E) "ODD YEAR GENERAL ELECTION" MEANS THE ELECTION HELD ON  
16 THE FIRST TUESDAY AFTER THE FIRST MONDAY OF NOVEMBER IN EACH ODD  
17 NUMBERED YEAR.

18          (F) "PRIMARY" OR "PRIMARY ELECTION" MEANS A PRIMARY ELECTION  
19 HELD FOR THE PURPOSE OF DECIDING BY BALLOT WHO SHALL BE THE NOMI-  
20 NEES FOR THE OFFICES NAMED IN THIS ACT OR FOR THE ELECTION BY  
21 BALLOT OF DELEGATES TO POLITICAL CONVENTIONS.

22          (G) "SPECIAL ELECTION" MEANS AN ELECTION, OTHER THAN A REGU-  
23 LAR ELECTION, CALLED BY COMPETENT AUTHORITY FOR THE PURPOSE OF  
24 CHOOSING OFFICIALS TO FILL VACANCIES IN PUBLIC OFFICE OR FOR SUB-  
25 MISSION TO THE ELECTORS OF A PUBLIC QUESTION.

1 (H) "SPECIAL PRIMARY" MEANS A PRIMARY CALLED BY COMPETENT  
2 AUTHORITY FOR THE NOMINATION OF CANDIDATES TO BE VOTED FOR AT A  
3 SPECIAL ELECTION.

4 Sec. 322. ~~To obtain the printing of~~ FOR the name of a  
5 candidate of a political party for a city office, including a  
6 ward office, TO APPEAR under the particular party heading on the  
7 official primary election ballots for use in the city, ~~there~~  
8 NOMINATING PETITIONS shall be filed with the city clerk ~~of the~~  
9 ~~city~~ not later than 4 p.m. on the twelfth Tuesday ~~preceding~~  
10 BEFORE the August primary ~~,~~ or not later than 4 p.m. on the  
11 seventh ~~Monday preceding~~ TUESDAY BEFORE the primary election  
12 provided to be held on the third ~~Monday~~ TUESDAY in February.  
13 ~~,~~ THE nominating petitions SHALL BE signed by a number of qual-  
14 ified and registered electors of the political party who reside  
15 in the city or ward as determined under section 544f. This sec-  
16 tion does not apply to a city ~~the~~ IF THE CITY charter ~~of~~  
17 ~~which~~ provides for a different method of nominating candidates  
18 for public office. The form of the petition shall be as provided  
19 in section 544c.

20 Sec. 348. The township board, not less than 40 days ~~prior~~  
21 ~~to the~~ BEFORE holding ~~of the~~ A TOWNSHIP primary, ~~herein pro-~~  
22 ~~vided for,~~ shall ~~issue a~~ call for ~~such~~ THE primary BY desig-  
23 nating the time and place ~~thereof and shall give~~ OF THE PRIMARY  
24 AND BY GIVING notice of the ~~same~~ PRIMARY by publishing ~~a copy~~  
25 ~~of such call in some~~ IT IN A newspaper of general circulation in  
26 the township. ~~,~~ and if deemed advisable by the ~~the~~ township  
27 board ~~by the posting of the number of~~ MAY ALSO POST notices

1 ~~that the board shall designate~~ in conspicuous places. In  
2 townships having ~~less~~ FEWER than 200 registered voters, the  
3 township board may provide that, for elections at which no town-  
4 ship question ~~is to~~ WILL be submitted, notices of the election  
5 shall be by posting ~~, as herein provided, in lieu~~ OF NOTICES  
6 INSTEAD of by publishing. The ~~time of holding such~~ primary in  
7 townships shall be HELD on the third ~~Monday~~ TUESDAY in February  
8 ~~preceding~~ BEFORE each biennial spring election.

9       Sec. 382. If the charter of a village does not specify the  
10 time, manner, and means of nominating and electing its public  
11 officers, the village shall nominate and elect its officers in  
12 accordance with the provisions governing the selection of town-  
13 ship officers, as provided in chapter ~~16~~ XVI of this act,  
14 except that nomination by caucus or primary shall occur on the  
15 third ~~Monday~~ TUESDAY in February and village elections shall be  
16 held on the second ~~Monday~~ TUESDAY in March biennially in even  
17 numbered years or annually as provided in section 5 of chapter ~~2~~  
18 of Act No. 3 of the Public Acts of 1895, being section 62.5 of  
19 the Michigan Compiled Laws II OF THE GENERAL LAW VILLAGE ACT,  
20 1895 PA 3, MCL 62.5.

21       Sec. 631. ~~Whenever~~ IF a special election ~~shall be~~ IS  
22 called to fill a vacancy in ~~any~~ AN office ~~,~~ FOR WHICH the  
23 candidates ~~for which~~ are regularly nominated ~~in accordance~~  
24 ~~with the provisions of this act relating to primary nominations,~~  
25 AT A PRIMARY ELECTION, a special primary for all political par-  
26 ties shall be held in the county, district, or city in which the  
27 vacancy occurs. ~~on such day as may be fixed by the~~ THE official

1 or legislative body calling the special election ~~, but~~ SHALL  
2 SCHEDULE A SPECIAL PRIMARY ELECTION FOR A TUESDAY not less than  
3 20 days ~~prior to~~ BEFORE the date of ~~such~~ THE special  
4 election. ~~, and the authorities calling any such~~ THE OFFICIAL  
5 OR LEGISLATIVE BODY CALLING THE special primary shall ~~, in the~~  
6 ~~call therefor, fix~~ SET the time within which candidates may file  
7 nominating petitions.

8 SEC. 642. AN ELECTION HELD UNDER THIS ACT SHALL BE HELD ON  
9 A TUESDAY.

10 Sec. 646a. (1) If a local officer is to be elected at a  
11 general November election or on the first ~~Monday~~ TUESDAY of  
12 April in an odd numbered year, candidates for the local office  
13 shall be nominated in the manner provided by law or charter. If  
14 the candidates are to be nominated at a fall primary election,  
15 the primary shall be held on the same day as ~~is provided by law~~  
16 ~~for holding~~ the county or state primary election. ~~prior to such~~  
17 ~~election, except as provided in section 646b.~~ If the candidates  
18 are to be elected in April, the primary shall be held on the  
19 third ~~Monday~~ TUESDAY in February. If candidates for the local  
20 office are to be nominated at caucuses, the caucuses shall be  
21 held on a date ~~prior to~~ BEFORE the date set for the ~~above~~  
22 ~~mentioned~~ primary election or on the Saturday ~~preceding~~ BEFORE  
23 the day of the primary election as determined by the local legis-  
24 lative body at least 20 days ~~preceding~~ BEFORE the date of the  
25 caucus. If candidates are nominated by filing NOMINATING peti-  
26 tions or affidavits, they shall be filed at a time provided by  
27 charter but not later than the date of the primary. If a local

1 primary election is to be held on the same day as ~~any~~ A state  
2 or county primary election, the last day for local candidates to  
3 file nominating petitions shall be the same as the last date to  
4 file NOMINATING petitions for state and county offices. The  
5 names of all local candidates and titles of office shall be cer-  
6 tified to the county clerk by the local clerk within 5 days after  
7 the last day for filing petitions, and certification of nominees  
8 shall be made to ~~such~~ THE COUNTY clerk within 5 days after the  
9 date on which the primary or caucus was held.

10 (2) If ~~any~~ local or county BALLOT questions are to be  
11 voted on at ~~any~~ A primary, special, or general election at  
12 which state officers are to be voted for, the ballot wording of  
13 the BALLOT question shall be certified to the local or county  
14 clerk at least 70 days ~~prior to such~~ BEFORE THE PRIMARY, SPE-  
15 CIAL, OR GENERAL election. If the wording is certified to a  
16 clerk other than the county clerk, the clerk shall certify the  
17 ballot wording to the county clerk at least 68 days ~~prior to~~  
18 BEFORE the election. Petitions to place ~~any~~ A county or local  
19 ~~questions~~ BALLOT QUESTION on the ballot at the election shall  
20 be filed with the clerk at least 14 days before the date the  
21 ballot wording must be certified to the local clerk.

22 (3) The provisions of this section apply notwithstanding  
23 ~~any~~ OTHER provisions of law or charter to the contrary, unless  
24 an earlier date for the filing of affidavits or petitions,  
25 including nominating petitions, is provided in ~~any~~ ANOTHER law  
26 or charter, in which case the earlier filing date is  
27 controlling.

1 Enacting section 1. Sections 4, 5, 6, 7, 8, and 646b of the  
2 Michigan election law, 1954 PA 116, MCL 168.4, 168.5, 168.6,  
3 168.7, 168.8, and 168.646b, are repealed.