

HOUSE BILL No. 5534

February 8, 2018, Introduced by Reps. Moss, Faris, Gay-Dagnogo, Lasinski, Durhal, Elder, Geiss, Pagan, Glenn, Zemke, Hammoud, Sowerby, Guerra, Wittenberg, Ellison, Sabo, Brinks and Greig and referred to the Committee on Elections and Ethics.

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 178, 632, 633, and 634 (MCL 168.178, 168.632, 168.633, and 168.634), section 178 as amended by 1980 PA 261 and section 634 as amended by 1996 PA 583.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 178. The governor ~~may~~ **SHALL** call a special election as
 2 provided in section 634 in any senatorial or representative
 3 district of ~~the~~ **THIS** state ~~when~~ **IF** the right of office of a person
 4 elected state senator or representative ~~shall cease~~ **CEASES** before
 5 the commencement of the term of service for which the state senator
 6 or representative was elected, or ~~whenever~~ **IF** a vacancy occurs in
 7 the office of state senator or representative after the term of

1 service has begun for which the state senator or representative was
2 elected.

3 Sec. 632. The governor shall call a special election in any
4 congressional district of ~~the~~**THIS** state in which there has been no
5 choice for a ~~representative~~**REPRESENTATIVE** in ~~congress~~**CONGRESS** at
6 the general November election. ~~, or he shall direct that in such~~
7 ~~case the office shall be filled at the next general election.~~**THE**
8 **SPECIAL ELECTION MUST BE HELD NO LATER THAN ON THE NEXT REGULAR**
9 **ELECTION DATE THAT IS MORE THAN 60 DAYS AFTER THE GENERAL NOVEMBER**
10 **ELECTION IN WHICH THERE WAS NO CHOICE FOR A REPRESENTATIVE IN**
11 **CONGRESS.**

12 Sec. 633. The governor shall call a special election in any
13 congressional district of ~~the~~**THIS** state ~~when~~**IF** the right of
14 office of a person elected ~~representative~~**REPRESENTATIVE** in
15 ~~congress shall cease~~**CONGRESS CEASES** before the commencement of the
16 term of service for which he ~~shall have~~**OR SHE HAS** been elected, or
17 ~~whenever~~**IF** a vacancy ~~shall occur~~**OCCURS** in the office of
18 ~~representative~~**REPRESENTATIVE** in ~~congress~~**CONGRESS** after the term
19 of service has begun for which such ~~representative~~**THE**
20 **REPRESENTATIVE IN CONGRESS** was elected. ~~, or the governor shall~~
21 ~~direct that such vacancy shall be filled at the next general~~
22 ~~election to be held at least 30 days after such vacancy shall~~
23 ~~occur.~~**THE SPECIAL ELECTION MUST BE HELD NO LATER THAN ON THE NEXT**
24 **REGULAR ELECTION DATE THAT IS MORE THAN 60 DAYS AFTER THE DATE THE**
25 **RIGHT OF OFFICE CEASES OR THE VACANCY OCCURS.**

26 Sec. 634. (1) Except as otherwise provided in this section,
27 ~~when~~**IF** a vacancy occurs in the office of senator or representative

1 in the state legislature, the governor ~~may~~ **SHALL** call a special
2 election in that senatorial or representative district. ~~or direct~~
3 ~~that the vacancy be filled at the next general election.~~ **THE SPECIAL**
4 **ELECTION MUST BE HELD NO LATER THAN ON THE NEXT REGULAR ELECTION**
5 **DATE THAT IS MORE THAN 60 DAYS AFTER THE DATE THE VACANCY OCCURS.**

6 (2) If the vacancy occurs after the primary election and
7 before the following general election the governor may direct that
8 the vacancy be filled at that election. If the governor directs
9 that the vacancy be filled at the following general election, the
10 executive committee of the county committee of each political
11 party, if the county comprises 1 or more representative districts,
12 or, if the district is comprised of more than 1 county, then the
13 executive committee of the county committee of the respective
14 political parties of each county in the district, may select, by a
15 majority vote, a candidate for that office, and shall certify the
16 name of the candidate to the county board of election commissioners
17 of the county or counties comprising that representative district
18 within 21 days after the vacancy occurs and at least 10 days before
19 the general election. Upon certification, the candidate certified
20 ~~shall be~~ **IS** the nominee of that party at that general election to
21 fill the vacancy for the unexpired term with the same force and
22 effect as if the person was nominated at a primary election as
23 otherwise provided in this act. If the ballots for that election
24 have already been printed before the certification, then the board
25 of election commissioners shall cause the names of the candidates
26 to be printed on a separate ballot, which ballot ~~shall~~ **MUST** be
27 counted, canvassed, and returned as other ballots cast at that

1 election.

2 ~~—— (3) If the governor directs that the vacancy be filled at the~~
3 ~~next general election, the secretary of state shall give notice of~~
4 ~~that decision similar to the notice provided for in section 651.~~