

# SENATE BILL No. 1095

September 5, 2018, Introduced by Senator SCHMIDT and referred to the Committee on Elections and Government Reform.

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 321 and 646a (MCL 168.321 and 168.646a), section 321 as amended by 2003 PA 302 and section 646a as amended by 2015 PA 197.

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

1           Sec. 321. (1) Except as provided in subsection (3) and  
2 sections **322**, 327, 641, 642, ~~and 644E, 644F~~, 644g, **AND 646A**, the  
3 qualifications, nomination, election, appointment, term of office,  
4 and removal from office of a city officer ~~shall~~**MUST** be in  
5 accordance with the charter provisions governing the city.

6           (2) Within 3 days after the last day on which a candidate for  
7 a city office may withdraw, the city clerk shall deliver to the  
8 county clerk of the county in which the city is located a list

1 setting forth the name and address of each candidate for a city  
2 office.

3 (3) If the membership of the legislative body of a city  
4 governed by the home rule city act, 1909 PA 279, MCL 117.1 to  
5 117.38, is reduced to less than a quorum, unless another method of  
6 appointing members of the legislative body is provided by the city  
7 charter, members of the legislative body are appointed as provided  
8 in this subsection. The board of county election commissioners of  
9 the county in which the largest portion of the population of the  
10 city resides shall appoint the number of members of the legislative  
11 body required to constitute a quorum for the transaction of  
12 business by the legislative body. A member of the legislative body  
13 appointed under this subsection shall hold the office only until  
14 the member's successor is elected and qualified. The successor  
15 shall be elected at a special or regular election on the next  
16 regular election date that is not less than 60 days after the  
17 appointment is made. The successor shall serve for the balance of  
18 the unexpired term. A member who is appointed under this subsection  
19 shall not vote on the appointment of himself or herself to an  
20 elective or appointive city office.

21 (4) Notwithstanding another provision of law or charter to the  
22 contrary, an appointment to an elective or appointive city office  
23 made by a quorum constituted by appointments under this section  
24 expires upon the election and qualification of a sufficient number  
25 of members of the legislative body so that the elected members  
26 constitute a quorum.

27 Sec. 646a. (1) If a local officer is to be elected at a

1 general November election, candidates for the local office ~~shall~~  
2 **MUST** be nominated in the manner provided by law or charter, subject  
3 to sections 641 and 642. If candidates for the local office are to  
4 be nominated at caucuses, the caucuses ~~shall~~**MUST** be held on a date  
5 before the date set for the primary election or on the Saturday  
6 before the day of the primary election as determined by the local  
7 legislative body at least 20 days before the date of the caucus. If  
8 candidates are nominated by filing petitions or affidavits, ~~they~~  
9 ~~shall be filed at a time provided by charter, but not later than~~  
10 ~~the date of the primary.~~ **THE CANDIDATE FILING DEADLINE IS 4 P.M. ON**  
11 **THE FIFTEENTH TUESDAY BEFORE THE PRIMARY.** Except as provided in  
12 section 642, the local primary election ~~shall~~**MUST** be held on the  
13 same day as a state or county primary election. If a state or  
14 county primary is being held on the same day, the last day for  
15 local candidates to file nominating petitions is the same as the  
16 last date to file petitions for state and county offices. The names  
17 of all local candidates and titles of office ~~shall~~**MUST** be  
18 certified to the county clerk by the local clerk within 5 days  
19 after the last day for filing petitions, and certification of  
20 nominees ~~shall~~**MUST** be made to that clerk within 5 days after the  
21 date on which the primary or caucus was held.

22 (2) If a ballot question of a political subdivision of this  
23 state including, but not limited to, a county, city, village,  
24 township, school district, special use district, or other district  
25 is to be voted on at a regular election date or special election,  
26 the ballot wording of the ballot question ~~shall~~**MUST** be certified  
27 to the proper local or county clerk not later than 4 p.m. on the

1 twelfth Tuesday before the election. If the wording is certified to  
2 a clerk other than the county clerk, the clerk shall certify the  
3 ballot wording to the county clerk at least 82 days before the  
4 election. Petitions to place a county or local ballot question on  
5 the ballot at the election ~~shall~~**MUST** be filed with the clerk at  
6 least 14 days before the date the ballot wording must be certified  
7 to the local clerk.

8 (3) The provisions of this section apply to and control the  
9 filing deadlines for candidates for local office to be elected at  
10 the general November election and for all ballot questions of a  
11 political subdivision of this state at any regular election,  
12 primary election, or special election notwithstanding any  
13 provisions of law or charter to the contrary.

14 Enacting section 1. This amendatory act takes effect 90 days  
15 after the date it is enacted into law.