

# HOUSE BILL NO. 5791

June 06, 2024, Introduced by Reps. Maddock, Friske, DeSana and Carra and referred to the Committee on Government Operations.

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 93, 94, 98, 133, 134, and 138 (MCL 168.93, 168.94, 168.98, 168.133, 168.134, and 168.138), sections 93 and 133 as amended by 2012 PA 276.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1           Sec. 93. **(1)** In order for the name of ~~a person~~**an individual**  
2 as a candidate for nomination by a political party for the office  
3 of United States ~~senator~~**Senator** to appear under a particular party

1 heading on the official primary ballot, ~~a nominating petition shall~~  
 2 **petitions must** be filed with the secretary of state. The nominating  
 3 ~~petition shall have been~~ **petitions must be** signed by a number of  
 4 qualified and registered electors residing ~~within~~ **in** this state as  
 5 determined under section 544f. The nominating ~~petition shall~~  
 6 **petitions must** be signed by at least 100 qualified and registered  
 7 electors in each of at least 1/2 of the congressional districts of  
 8 this state. Nominating petitions ~~shall~~ **must** be in the form as  
 9 prescribed in section 544c. ~~Until December 31, 2013, the nominating~~  
 10 ~~petition shall be filed with the secretary of state no later than 4~~  
 11 ~~p.m. of the twelfth Tuesday before the August primary. Beginning~~  
 12 ~~January 1, 2014, the~~ **The** nominating ~~petition shall~~ **petitions must**  
 13 be filed with the secretary of state no later than 4 p.m. of the  
 14 fifteenth Tuesday before the August primary.

15 (2) **In lieu of filing nominating petitions, a candidate for**  
 16 **the office of United States Senator may pay a nonrefundable filing**  
 17 **fee of \$5,000.00 to the secretary of state. Payment of the filing**  
 18 **fee and certification of the name of the candidate paying the**  
 19 **filing fee are governed by the same provisions as in the case of**  
 20 **nominating petitions. The filing fee must be deposited in the**  
 21 **general fund of this state.**

22 Sec. 94. After the filing of ~~a nominating petition~~ **petitions**  
 23 **or a filing fee** by or ~~in~~ **on** behalf of a proposed candidate for  
 24 United States ~~senator, such~~ **Senator, the** candidate ~~shall~~ **is** not be  
 25 permitted to withdraw unless a written notice of withdrawal is  
 26 served on the secretary of state or ~~his~~ **a** duly authorized agent **of**  
 27 **the secretary of state** not later than 4 o'clock, ~~eastern standard~~  
 28 ~~time, in the afternoon~~ **p.m.** of the third day after the last day for  
 29 filing ~~such~~ **nominating** petitions **or a filing fee.**

1           Sec. 98. ~~When~~**If** a candidate of any political party ~~has filed~~  
 2 ~~a~~**files** nominating ~~petition~~**petitions or a filing fee** for such  
 3 ~~office~~**United States Senator** and ~~has been~~**is** nominated for said ~~the~~  
 4 office by said ~~a~~**political party**, he ~~shall~~**that candidate is** not be  
 5 permitted to withdraw unless ~~he has removed~~**the candidate moves**  
 6 from ~~the~~**this** state ~~,~~ or ~~has become~~**becomes** physically unfit. ~~No~~**A**  
 7 vacancy ~~shall~~**must not** be filled by the state central committees  
 8 except for the causes and ~~as herein specified~~ **:** ~~Provided, That this~~  
 9 **in this section. However, this** prohibition ~~shall~~**does** not be  
 10 ~~construed to~~ prohibit the withdrawal of any candidate who has been  
 11 nominated without having filed ~~a~~ ~~nominating petition~~**petitions or a**  
 12 **filing fee** and whose name has been written or placed on the ballot  
 13 of any political party.

14           Sec. 133. **(1)** In order for the name of ~~a person~~**an individual**  
 15 as a candidate for nomination by a political party for the office  
 16 of ~~representative~~**Representative** in ~~congress~~**Congress** to appear  
 17 under a particular party heading on the official primary ballot in  
 18 the election precincts of a congressional district, ~~a~~ ~~nominating~~  
 19 ~~petition shall have been~~**petitions must be** signed by a number of  
 20 qualified and registered electors residing in the district as  
 21 determined under section 544f. ~~Until December 31, 2013, if the~~  
 22 ~~congressional district comprises more than 1 county, the nominating~~  
 23 ~~petition shall be filed with the secretary of state no later than 4~~  
 24 ~~p.m. of the twelfth Tuesday before the August primary. Beginning~~  
 25 ~~January 1, 2014, if~~**If** the congressional district comprises more  
 26 than 1 county, the nominating ~~petition shall~~**petitions must** be  
 27 filed with the secretary of state no later than 4 p.m. of the  
 28 fifteenth Tuesday before the August primary. ~~Until December 31,~~  
 29 ~~2013, if the congressional district is within 1 county, the~~

1 ~~nominating petition shall be filed with the county clerk of that~~  
 2 ~~county no later than 4 p.m. of the twelfth Tuesday before the~~  
 3 ~~August primary. Beginning January 1, 2014, if~~ **If** the congressional  
 4 district is within 1 county, the nominating ~~petition shall~~  
 5 **petitions must** be filed with the county clerk of that county no  
 6 later than 4 p.m. of the fifteenth Tuesday before the August  
 7 primary. Nominating petitions ~~shall~~ **must** be in the form as  
 8 prescribed in section 544c.

9       **(2) If the congressional district comprises more than 1**  
 10 **county, in lieu of filing nominating petitions, a candidate for the**  
 11 **office of Representative in Congress may pay a nonrefundable filing**  
 12 **fee of \$1,000.00 to the secretary of state. If the congressional**  
 13 **district is within 1 county, a candidate for the office of**  
 14 **Representative in Congress may pay a nonrefundable filing fee of**  
 15 **\$1,000.00 to the county clerk of that county. Payment of the filing**  
 16 **fee and certification of the name of the candidate paying the**  
 17 **filing fee are governed by the same provisions as in the case of**  
 18 **nominating petitions. The filing fee filed with the secretary of**  
 19 **state must be deposited in the general fund of this state and the**  
 20 **filing fee deposited with a county clerk must be deposited in the**  
 21 **general fund of that county.**

22       Sec. 134. After the filing of ~~a nominating petition~~ **petitions**  
 23 **or a filing fee** by or ~~in~~ **on** behalf of a proposed candidate for  
 24 ~~representative~~ **Representative** in ~~congress,~~ **such Congress, the**  
 25 candidate ~~shall~~ **is** not be permitted to withdraw unless a written  
 26 notice of withdrawal is served on the official with whom the  
 27 ~~petition~~ **nominating petitions or filing fee** was filed or ~~his~~ **the**  
 28 **official's** duly authorized agent not later than 4 ~~o'clock,~~ eastern  
 29 standard time, ~~in the afternoon~~ **p.m.** of the third day after the

1 last day for filing ~~such-nominating~~ petitions **or a filing fee.**  
2       Sec. 138. ~~When-If~~ a candidate of any political party ~~has-filed~~  
3 ~~a-files~~ nominating ~~petition-petitions~~ **or a filing fee** for such  
4 office ~~Representative in Congress~~ and ~~has-been-is~~ nominated for  
5 ~~said-the~~ office by ~~said-a~~ political party, ~~he-shall-the~~ candidate  
6 **is** not ~~be~~ permitted to withdraw unless ~~he-has-removed-the~~ candidate  
7 **moves** from ~~the-this~~ state or ~~has-become-becomes~~ physically unfit. ÷  
8 ~~no-A~~ vacancy shall ~~must not~~ be filled by the district or county  
9 committees except for the causes ~~and-as~~ herein specified ÷  
10 ~~Provided, That this~~ **in this section. However, this** prohibition  
11 shall ~~does~~ not ~~be construed to~~ prohibit the withdrawal of any  
12 candidate who has been nominated without having filed ~~a-nominating~~  
13 ~~petition-petitions~~ **or a filing fee** and whose name has been written  
14 or placed on the ballot of any political party.