

MICHIGAN ELECTION LAW (EXCERPT)
Act 116 of 1954

168.646a Election of local officer; nomination; certification of ballot wording; applicability of provisions.

Sec. 646a. (1) If a local officer is to be elected at a general November election, candidates for the local office must be nominated in the manner provided by law or charter, subject to sections 641 and 642. If candidates for the local office are to be nominated at caucuses, the caucuses must be held on a date before the date set for the primary election or on the Saturday before the day of the primary election as determined by the local legislative body at least 20 days before the date of the caucus. If candidates are nominated by filing petitions or affidavits, the candidate filing deadline is 4 p.m. on the fifteenth Tuesday before the general November election. Except as provided in section 642, the local primary election must be held on the same day as a state or county primary election. If a state or county primary is being held on the same day, the last day for local candidates to file nominating petitions is the same as the last date to file petitions for state and county offices. The names of all local candidates and titles of office must be certified to the county clerk by the local clerk within 5 days after the last day for filing petitions, and certification of nominees must be made to that clerk within 5 days after the date on which the primary or caucus was held.

(2) If a ballot question of a political subdivision of this state including, but not limited to, a county, city, village, township, school district, special use district, or other district is to be voted on at a regular election date or special election, the ballot wording of the ballot question must be certified to the proper local or county clerk not later than 4 p.m. on the twelfth Tuesday before the election. If the wording is certified to a clerk other than the county clerk, the clerk shall certify the ballot wording to the county clerk at least 82 days before the election. Petitions to place a county or local ballot question on the ballot at the election must be filed with the clerk at least 14 days before the date the ballot wording must be certified to the local clerk.

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

History: Add. 1958, Act 86, Eff. Sept. 13, 1958;—Am. 1961, Act 178, Eff. Sept. 8, 1961;—Am. 1962, Act 109, Eff. Mar. 28, 1963;—Am. 1963, 2nd Ex. Sess., Act 56, Eff. Mar. 24, 1964;—Am. 1964, Act 252, Imd. Eff. May 28, 1964;—Am. 1970, Act 23, Imd. Eff. May 27, 1970;—Am. 1990, Act 7, Imd. Eff. Feb. 12, 1990;—Am. 2002, Act 431, Imd. Eff. June 6, 2002;—Am. 2003, Act 302, Eff. Jan. 1, 2005;—Am. 2004, Act 295, Imd. Eff. July 23, 2004;—Am. 2006, Act 647, Eff. May 14, 2007;—Am. 2013, Act 253, Eff. Apr. 26, 2014;—Am. 2015, Act 197, Imd. Eff. Nov. 24, 2015;—Am. 2018, Act 627, Imd. Eff. Dec. 28, 2018.

Compiler's note: Enacting section 1 of Act 197 of 2015 provides:

"Enacting section 1. Section 646a of the Michigan election law, 1954 PA 116, MCL 168.646a, as amended by this amendatory act is curative and intended to correct any misinterpretation of legislative intent by the Michigan court of appeals in *Meridian Charter Township v Ingham County Clerk*, 285 Mich App 581 (2009). It is the intent of the legislature that section 646a of the Michigan election law, 1954 PA 116, MCL 168.646a, as amended by this amendatory act expresses the original intent of the legislature that MCL 168.646a(3) supersedes any and all conflicting provisions of law or charter prescribing the filing deadlines for candidates for local office to be elected at the general November election and for all ballot questions of a political subdivision of this state at any regular election, primary election, or special election."

Popular name: Election Code