

HOUSE BILL No. 5840

August 15, 2012, Introduced by Rep. Hooker and referred to the Committee on Redistricting and Elections.

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 163, 164, 166, 193, 194, 196, 224, 225, 227, 254, 256, and 257 (MCL 168.163, 168.164, 168.166, 168.193, 168.194, 168.196, 168.224, 168.225, 168.227, 168.254, 168.256, and 168.257), sections 163, 166, 193, 196, 224, 227, 254, and 257 as amended by 2012 PA 276 and section 164 as amended by 1990 PA 7.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 163. (1) To obtain the printing of the name of a person
2 as a candidate for nomination by a political party for the office
3 of state senator or representative under a particular party heading
4 upon the official primary ballots in the various election precincts
5 of a district, there shall be filed nominating petitions signed by
6 a number of qualified and registered electors residing in the

1 district as determined under section 544f. If the district
2 comprises more than 1 county, the nominating petitions shall be
3 filed with the secretary of state. If the district comprises 1
4 county or less, the nominating petitions shall be filed with the
5 county clerk of that county. Nominating petitions shall be in the
6 form prescribed in section 544c. **UNTIL DECEMBER 31, 2013, IF**
7 **NOMINATING PETITIONS ARE FILED BY AN INCUMBENT STATE SENATOR OR**
8 **INCUMBENT STATE REPRESENTATIVE FOR THE OFFICE OF STATE SENATOR OR**
9 **STATE REPRESENTATIVE, THE SECRETARY OF STATE AND THE VARIOUS COUNTY**
10 **CLERKS SHALL RECEIVE NOMINATING PETITIONS FOR FILING IN ACCORDANCE**
11 **WITH THIS ACT UP TO 4 P.M. OF THE FOURTEENTH TUESDAY BEFORE THE**
12 **AUGUST PRIMARY. Until December 31, 2013, IF NOMINATING PETITIONS**
13 **ARE FILED BY A NONINCUMBENT CANDIDATE FOR THE OFFICE OF STATE**
14 **SENATOR OR STATE REPRESENTATIVE, the secretary of state and the**
15 various county clerks shall receive nominating petitions for filing
16 in accordance with this act up to 4 p.m. of the twelfth Tuesday
17 before the August primary. **BEGINNING JANUARY 1, 2014, IF NOMINATING**
18 **PETITIONS ARE FILED BY AN INCUMBENT STATE SENATOR OR INCUMBENT**
19 **STATE REPRESENTATIVE FOR THE OFFICE OF STATE SENATOR OR STATE**
20 **REPRESENTATIVE, THE SECRETARY OF STATE AND THE VARIOUS COUNTY**
21 **CLERKS SHALL RECEIVE NOMINATING PETITIONS FOR FILING IN ACCORDANCE**
22 **WITH THIS ACT UP TO 4 P.M. OF THE SEVENTEENTH TUESDAY BEFORE THE**
23 **AUGUST PRIMARY. Beginning January 1, 2014, IF NOMINATING PETITIONS**
24 **ARE FILED BY A NONINCUMBENT CANDIDATE FOR THE OFFICE OF STATE**
25 **SENATOR OR STATE REPRESENTATIVE, the secretary of state and the**
26 various county clerks shall receive nominating petitions for filing
27 in accordance with this act up to 4 p.m. of the fifteenth Tuesday

1 before the August primary.

2 (2) In lieu of filing a nominating petition, a filing fee of
3 \$100.00 may be paid to the county clerk or, for a candidate in a
4 district comprising more than 1 county, to the secretary of state.
5 Payment of the fee and certification of the name of the candidate
6 paying the fee shall be governed by the same provisions as in the
7 case of nominating petitions. The fee shall be deposited in the
8 general fund of the county and shall be refunded to candidates who
9 are nominated and to an equal number of candidates who receive the
10 next highest number of votes in the primary election. If 2 or more
11 candidates tie in having the lowest number of votes allowing a
12 refund, the sum of \$100.00 shall be divided among them. A refund of
13 a deposit shall not be made to a candidate who withdraws as a
14 candidate.

15 Sec. 164. After the filing of a nominating petition or filing
16 fee by or ~~in~~ **ON** behalf of a proposed candidate for the office of
17 state senator or representative, ~~such~~ **THE** candidate shall not be
18 permitted to withdraw unless a written notice of withdrawal is
19 served on the official with whom his or her nominating petitions or
20 filing fee were filed, or his or her duly authorized agent, not
21 later than 4 ~~o'clock,~~ **P.M.**, eastern standard time, in the afternoon
22 of the third day after the last day for filing ~~such~~ **THE** petition **AS**
23 **PROVIDED IN SECTION 163. AFTER THE FILING OF A NOMINATING PETITION**
24 **OR FILING FEE BY OR ON BEHALF OF A PROPOSED CANDIDATE FOR THE**
25 **OFFICE OF STATE SENATOR OR REPRESENTATIVE DURING AN EXTENDED FILING**
26 **PERIOD UNDER SECTION 166(2), THE CANDIDATE SHALL NOT BE PERMITTED**
27 **TO WITHDRAW.**

1 Sec. 166. (1) ~~IF~~ EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION
2 (2), IF for any reason the number of candidates of a political
3 party for the office of state senator or representative is equal to
4 less than the total number to be nominated and elected, a
5 sufficient number of blank spaces shall be provided on the primary
6 ballots that affords every elector of the political party an
7 opportunity to vote for as many candidates as are to be nominated
8 and elected by writing in the name or names of his or her
9 selection.

10 (2) IF A NONINCUMBENT CANDIDATE FOR STATE SENATOR OR STATE
11 REPRESENTATIVE WITHDRAWS AS A CANDIDATE ON THE LAST DAY TO FILE AS
12 A CANDIDATE OR BEFORE THE WITHDRAWAL DEADLINE UNDER SECTION 164,
13 LEAVING THE NUMBER OF CANDIDATES OF A POLITICAL PARTY FOR THE
14 OFFICE OF STATE SENATOR OR REPRESENTATIVE LESS THAN THE TOTAL
15 NUMBER TO BE NOMINATED AND ELECTED, THE FILING DEADLINE SHALL BE
16 EXTENDED UNTIL 4 P.M., EASTERN STANDARD TIME, IN THE AFTERNOON OF
17 THE SECOND BUSINESS DAY AFTER THE WITHDRAWAL DEADLINE UNDER SECTION
18 164. THIS SUBSECTION APPLIES WHETHER OR NOT THE CANDIDATE REFILES
19 FOR THE SAME OR A DIFFERENT OFFICE.

20 Sec. 193. (1) To obtain the printing of the name of a person
21 as a candidate for nomination by a political party for an office
22 named in section 191 under a particular party heading upon the
23 official primary ballots, there shall be filed with the county
24 clerk nominating petitions signed by a number of qualified and
25 registered electors residing within the county as determined under
26 section 544f. Nominating petitions shall be in the form prescribed
27 in section 544c. UNTIL DECEMBER 31, 2013, IF NOMINATING PETITIONS

1 ARE FILED BY AN INCUMBENT CANDIDATE FOR AN OFFICE NAMED IN SECTION
2 191, THE COUNTY CLERK SHALL RECEIVE NOMINATING PETITIONS UP TO 4
3 P.M. OF THE FOURTEENTH TUESDAY BEFORE THE AUGUST PRIMARY. Until
4 December 31, 2013, IF NOMINATING PETITIONS ARE FILED BY A
5 NONINCUMBENT CANDIDATE FOR AN OFFICE NAMED IN SECTION 191, the
6 county clerk shall receive nominating petitions up to 4 p.m. of the
7 twelfth Tuesday before the August primary. BEGINNING JANUARY 1,
8 2014, IF NOMINATING PETITIONS ARE FILED BY AN INCUMBENT CANDIDATE
9 FOR AN OFFICE NAMED IN SECTION 191, THE COUNTY CLERK SHALL RECEIVE
10 NOMINATING PETITIONS UP TO 4 P.M. OF THE SEVENTEENTH TUESDAY BEFORE
11 THE AUGUST PRIMARY. Beginning January 1, 2014, IF NOMINATING
12 PETITIONS ARE FILED BY A NONINCUMBENT CANDIDATE FOR AN OFFICE NAMED
13 IN SECTION 191, the county clerk shall receive nominating petitions
14 up to 4 p.m. of the fifteenth Tuesday before the August primary.

15 (2) To obtain the printing of the name of a candidate of a
16 political party under the particular party's heading upon the
17 primary election ballots in the various voting precincts of the
18 county, there may be filed by the candidate, in lieu of filing
19 ~~nominating~~ **NOMINATING** petitions, a filing fee of \$100.00 to be paid
20 to the county clerk. Payment of the fee and certification of the
21 candidate's name paying the fee shall be governed by the same
22 provisions as in the case of nominating petitions. The fee shall be
23 deposited in the general fund of the county and shall be refunded
24 to candidates who are nominated and to an equal number of
25 candidates who receive the next highest number of votes in the
26 primary election. If 2 or more candidates tie in having the lowest
27 number of votes allowing a refund, the sum of \$100.00 shall be

1 divided among them. The deposits of all other defeated candidates,
 2 as well as the deposits of candidates who withdraw or are
 3 disqualified, shall be forfeited and the candidates shall be
 4 notified of the forfeiture. Deposits forfeited under this section
 5 shall be paid into and credited to the general fund of the county.

6 Sec. 194. After the filing of a nominating petition or filing
 7 fee by or ~~in~~**ON** behalf of a proposed candidate for any of the
 8 offices named in section 191, ~~of this act, such~~**THE** candidate shall
 9 not be permitted to withdraw unless a written notice of withdrawal
 10 is served on the county clerk or his **OR HER** duly authorized agent
 11 not later than 4 ~~o'clock, P.M.,~~ eastern standard time, in the
 12 afternoon of the third day after the last day for filing ~~such~~**THE**
 13 petition or filing fee, as ~~in this act~~ provided **IN SECTION 193**,
 14 unless the third day falls on a Saturday, Sunday, or legal holiday,
 15 in which case the notice of withdrawal may be served on the clerk
 16 up to 4 ~~o'clock, P.M.,~~ eastern standard time, on the next secular
 17 day. **AFTER THE FILING OF A NOMINATING PETITION OR FILING FEE BY OR**
 18 **ON BEHALF OF A PROPOSED CANDIDATE FOR ANY OF THE OFFICES NAMED IN**
 19 **SECTION 191 DURING AN EXTENDED FILING PERIOD UNDER SECTION 196(2),**
 20 **THE CANDIDATE SHALL NOT BE PERMITTED TO WITHDRAW.**

21 Sec. 196. (1) ~~It~~**EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION**
 22 **(2), IF** for any reason the number of candidates of a political
 23 party for any 1 or more of the offices named in section 191 is
 24 equal to less than the total number to be nominated by the
 25 political party, a blank space or spaces shall be provided on each
 26 of the official primary ballots that affords every elector of the
 27 political party an opportunity to vote for as many candidates for

1 the office as are to be nominated by the political party by writing
2 in the name or names of his or her selection.

3 (2) IF A NONINCUMBENT CANDIDATE FOR ANY 1 OR MORE OF THE
4 OFFICES NAMED IN SECTION 191 WITHDRAWS AS A CANDIDATE ON THE LAST
5 DAY TO FILE AS A CANDIDATE OR BEFORE THE WITHDRAWAL DEADLINE UNDER
6 SECTION 194, LEAVING THE NUMBER OF CANDIDATES OF A POLITICAL PARTY
7 FOR ANY OF THE OFFICES NAMED IN SECTION 191 LESS THAN THE TOTAL
8 NUMBER TO BE NOMINATED AND ELECTED, THE FILING DEADLINE FOR THAT
9 OFFICE WITH INSUFFICIENT CANDIDATES SHALL BE EXTENDED UNTIL 4 P.M.,
10 EASTERN STANDARD TIME, IN THE AFTERNOON OF THE SECOND BUSINESS DAY
11 AFTER THE WITHDRAWAL DEADLINE UNDER SECTION 194. THIS SUBSECTION
12 APPLIES WHETHER OR NOT THE CANDIDATE REFILES FOR THE SAME OR A
13 DIFFERENT OFFICE.

14 Sec. 224. (1) To obtain the printing of the name of a person
15 as candidate for nomination by a political party for the office of
16 county auditor under a particular party heading upon the official
17 primary ballots, there shall be filed with the county clerk
18 nominating petitions signed by a number of qualified and registered
19 electors residing within the county as determined under section
20 544f. Nominating petitions shall be in the form prescribed in
21 section 544c. UNTIL DECEMBER 31, 2013, IF NOMINATING PETITIONS ARE
22 FILED BY AN INCUMBENT CANDIDATE FOR THE OFFICE OF COUNTY AUDITOR,
23 THE COUNTY CLERK SHALL RECEIVE NOMINATING PETITIONS UP TO 4 P.M. OF
24 THE FOURTEENTH TUESDAY BEFORE THE AUGUST PRIMARY. Until December
25 31, 2013, IF NOMINATING PETITIONS ARE FILED BY A NONINCUMBENT
26 CANDIDATE FOR THE OFFICE OF COUNTY AUDITOR, the county clerk shall
27 receive nominating petitions up to 4 p.m. of the twelfth Tuesday

1 before the August primary. **BEGINNING JANUARY 1, 2014, IF NOMINATING**
2 **PETITIONS ARE FILED BY AN INCUMBENT CANDIDATE FOR THE OFFICE OF**
3 **COUNTY AUDITOR, THE COUNTY CLERK SHALL RECEIVE NOMINATING PETITIONS**
4 **UP TO 4 P.M. OF THE SEVENTEENTH TUESDAY BEFORE THE AUGUST PRIMARY.**

5 Beginning January 1, 2014, **IF NOMINATING PETITIONS ARE FILED BY A**
6 **NONINCUMBENT CANDIDATE FOR THE OFFICE OF COUNTY AUDITOR,** the county
7 clerk shall receive nominating petitions up to 4 p.m. of the
8 fifteenth Tuesday before the August primary.

9 (2) To obtain the printing of the name of the candidate of a
10 political party under the particular party's heading upon the
11 primary election ballots in the various voting precincts of the
12 county, there may be filed by the candidate, in lieu of filing
13 nominating petitions, a filing fee of \$100.00 to be paid to the
14 county clerk. Payment of the fee and certification of the name of
15 the candidate paying the fee shall be governed by the same
16 provisions as in the case of nominating petitions. The fee shall be
17 deposited in the general fund of the county and shall be refunded
18 to candidates who are nominated and to an equal number of
19 candidates who received the next highest number of votes in the
20 primary election. If 2 or more candidates tie in having the lowest
21 number of votes allowing a refund, the sum of \$100.00 shall be
22 divided among them. The deposits of all other defeated candidates
23 and of candidates who withdraw or are disqualified shall be
24 forfeited and the candidates shall be notified of the forfeitures.
25 Deposits forfeited under this section shall be paid into and
26 credited to the general fund of the county.

27 Sec. 225. After the filing of nominating petitions or filing

1 fee by or ~~in~~ **ON** behalf of a proposed candidate for the office of
 2 county auditor, ~~such~~ **THE** candidate shall not be permitted to
 3 withdraw unless a written notice of withdrawal is served on the
 4 county clerk or his **OR HER** duly authorized agent not later than 4
 5 ~~o'clock, P.M.~~, eastern standard time, in the afternoon of the third
 6 day after the last day for filing ~~such~~ **THE** petitions, as ~~in this~~
 7 ~~act~~ provided **IN SECTION 224**, unless the third day falls on a
 8 Saturday, Sunday, or legal holiday, in which case the notice of
 9 withdrawal may be served on the clerk up to 4 ~~o'clock, P.M.~~,
 10 eastern standard time, on the next secular day. **AFTER THE FILING OF**
 11 **A NOMINATING PETITION OR FILING FEE BY OR ON BEHALF OF A PROPOSED**
 12 **CANDIDATE FOR THE OFFICE OF COUNTY AUDITOR DURING AN EXTENDED**
 13 **FILING PERIOD UNDER SECTION 227(2), THE CANDIDATE SHALL NOT BE**
 14 **PERMITTED TO WITHDRAW.**

15 Sec. 227. (1) ~~if~~ **EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION**
 16 **(2), IF** for any reason there is no candidate of a political party
 17 for county auditor, a blank space shall be provided on each of the
 18 official primary ballots that affords every elector of the
 19 political party an opportunity to vote for a candidate for the
 20 office by writing in the name of his or her selection.

21 **(2) IF A NONINCUMBENT CANDIDATE FOR COUNTY AUDITOR WITHDRAWS**
 22 **AS A CANDIDATE ON THE LAST DAY TO FILE AS A CANDIDATE OR BEFORE THE**
 23 **WITHDRAWAL DEADLINE UNDER SECTION 225, LEAVING THE NUMBER OF**
 24 **CANDIDATES OF A POLITICAL PARTY FOR THE OFFICE OF COUNTY AUDITOR**
 25 **LESS THAN THE TOTAL NUMBER TO BE NOMINATED AND ELECTED, THE FILING**
 26 **DEADLINE SHALL BE EXTENDED UNTIL 4 P.M., EASTERN STANDARD TIME, IN**
 27 **THE AFTERNOON OF THE SECOND BUSINESS DAY AFTER THE WITHDRAWAL**

1 **DEADLINE UNDER SECTION 225. THIS SUBSECTION APPLIES WHETHER OR NOT**
2 **THE CANDIDATE REFILES FOR THE SAME OR A DIFFERENT OFFICE.**

3 Sec. 254. (1) To obtain the printing of the name of a person
4 as a candidate for nomination by a political party for the office
5 of county road commissioner under a particular party heading upon
6 the official primary ballots, there shall be filed with the county
7 clerk of the county nominating petitions signed by a number of
8 qualified and registered electors residing within the county as
9 determined under section 544f. Nominating petitions shall be in the
10 form prescribed in section 544c. **UNTIL DECEMBER 31, 2013, IF**
11 **NOMINATING PETITIONS ARE FILED BY AN INCUMBENT CANDIDATE FOR THE**
12 **OFFICE OF COUNTY ROAD COMMISSIONER, THE COUNTY CLERK SHALL RECEIVE**
13 **NOMINATING PETITIONS UP TO 4 P.M. OF THE FOURTEENTH TUESDAY BEFORE**
14 **THE AUGUST PRIMARY IN WHICH COUNTY ROAD COMMISSIONERS ARE TO BE**
15 **ELECTED. Until December 31, 2013, IF NOMINATING PETITIONS ARE FILED**
16 **BY A NONINCUMBENT CANDIDATE FOR THE OFFICE OF COUNTY ROAD**
17 **COMMISSIONER,** the county clerk shall receive nominating petitions
18 up to 4 p.m. of the twelfth Tuesday before the August primary in
19 which county road commissioners are to be elected. **BEGINNING**
20 **JANUARY 1, 2014, IF NOMINATING PETITIONS ARE FILED BY AN INCUMBENT**
21 **CANDIDATE FOR THE OFFICE OF COUNTY ROAD COMMISSIONER, THE COUNTY**
22 **CLERK SHALL RECEIVE NOMINATING PETITIONS UP TO 4 P.M. OF THE**
23 **SEVENTEENTH TUESDAY BEFORE THE AUGUST PRIMARY IN WHICH COUNTY ROAD**
24 **COMMISSIONERS ARE TO BE ELECTED. Beginning January 1, 2014, IF**
25 **NOMINATING PETITIONS ARE FILED BY A NONINCUMBENT CANDIDATE FOR THE**
26 **OFFICE OF COUNTY ROAD COMMISSIONER,** the county clerk shall receive
27 nominating petitions up to 4 p.m. of the fifteenth Tuesday before

1 the August primary in which county road commissioners are to be
2 elected.

3 (2) To obtain the printing of the name of a candidate of a
4 political party under the particular party's heading upon the
5 primary election ballots in the various voting precincts of the
6 county, there may be filed by each candidate, in lieu of filing
7 nominating petitions, a filing fee of \$100.00 to be paid to the
8 county clerk. Payment of the fee and certification of the name of
9 the candidate paying the fee shall be governed by the same
10 provisions as in the case of nominating petitions. The fee shall be
11 deposited in the general fund of the county and shall be returned
12 to all candidates who are nominated and to an equal number of
13 candidates who received the next highest number of votes in the
14 primary election. If 2 or more candidates tie in having the lowest
15 number of votes allowing a refund, the sum of \$100.00 shall be
16 divided among them. The deposits of all other defeated candidates,
17 as well as the deposits of candidates who withdraw or are
18 disqualified, shall be forfeited and the candidates shall be
19 notified of the forfeitures. Deposits forfeited under this section
20 shall be paid into and credited to the general fund of the county.

21 Sec. 256. After the filing of nominating petitions or filing
22 fee by or ~~in~~**ON** behalf of a proposed candidate for the office of
23 county road commissioner, ~~such~~**THE** candidate shall not be permitted
24 to withdraw unless a written notice of withdrawal is served on the
25 county clerk or his **OR HER** duly authorized agent not later than 4
26 ~~o'clock,~~**P.M.**, eastern standard time, in the afternoon of the third
27 day after the last day for filing ~~such~~**THE** petition, as ~~in this act~~

1 ~~provided.~~ PROVIDED IN SECTION 254. AFTER THE FILING OF A NOMINATING
2 PETITION OR FILING FEE BY OR ON BEHALF OF A PROPOSED CANDIDATE FOR
3 THE OFFICE OF COUNTY ROAD COMMISSIONER DURING AN EXTENDED FILING
4 PERIOD UNDER SECTION 257(2), THE CANDIDATE SHALL NOT BE PERMITTED
5 TO WITHDRAW.

6 Sec. 257. (1) ~~If~~ EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION
7 (2), IF for any reason there is no candidate of a political party
8 for county road commissioner, a blank space shall be provided on
9 each of the official primary ballots that affords every elector of
10 the political party an opportunity to vote for a candidate for that
11 office by writing in the name of his or her selection.

12 (2) IF A NONINCUMBENT CANDIDATE FOR COUNTY ROAD COMMISSIONER
13 WITHDRAWS AS A CANDIDATE ON THE LAST DAY TO FILE AS A CANDIDATE OR
14 BEFORE THE WITHDRAWAL DEADLINE UNDER SECTION 256, LEAVING THE
15 NUMBER OF CANDIDATES OF A POLITICAL PARTY FOR THE OFFICE OF COUNTY
16 ROAD COMMISSIONER LESS THAN THE TOTAL NUMBER TO BE NOMINATED AND
17 ELECTED, THE FILING DEADLINE SHALL BE EXTENDED UNTIL 4 P.M.,
18 EASTERN STANDARD TIME, IN THE AFTERNOON OF THE SECOND BUSINESS DAY
19 AFTER THE WITHDRAWAL DEADLINE UNDER SECTION 256. THIS SUBSECTION
20 APPLIES WHETHER OR NOT THE CANDIDATE REFILES FOR THE SAME OR A
21 DIFFERENT OFFICE.