

# HOUSE BILL No. 5410

January 11, 2018, Introduced by Rep. Glenn and referred to the Committee on Elections and Ethics.

A bill to amend 1954 PA 116, entitled  
"Michigan election law,"  
by amending sections 178 and 641 (MCL 168.178 and 168.641), section 178 as amended by 1980 PA 261 and section 641 as amended by 2015 PA 197; and to repeal acts and parts of acts.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 178. ~~(1) The governor may call a special election as~~  
2 ~~provided in section 634 in any senatorial or representative~~  
3 ~~district of the state when~~ **IF** the right of office of a person ~~AN~~  
4 **INDIVIDUAL** elected state senator or representative shall cease  
5 **CEASES** before the commencement of the term of service for which the  
6 state senator or representative was elected, or ~~whenever~~ **IF** a  
7 vacancy occurs in the office of state senator or representative  
8 after the term of service has begun for which the state senator or  
9 representative was elected, **THE OFFICE OR VACANCY SHALL BE FILLED**

1 BY APPOINTMENT AS PROVIDED IN THIS SECTION.

2 (2) WITHIN 15 DAYS AFTER THE RIGHT OF OFFICE CEASES OR A  
3 VACANCY OCCURS AS DESCRIBED IN SUBSECTION (1), THE COUNTY EXECUTIVE  
4 COMMITTEE OF THE COUNTY COMMITTEE OF THAT ELECTED STATE SENATOR'S  
5 OR STATE REPRESENTATIVE'S POLITICAL PARTY, IF THE SENATORIAL OR  
6 REPRESENTATIVE DISTRICT IS WHOLLY LOCATED WITHIN 1 COUNTY, OR, IF  
7 THE SENATORIAL OR REPRESENTATIVE DISTRICT IS COMPRISED OF MORE THAN  
8 1 COUNTY, THEN THE COUNTY EXECUTIVE COMMITTEE OF THE COUNTY  
9 COMMITTEE OF THAT ELECTED STATE SENATOR'S OR STATE REPRESENTATIVE'S  
10 POLITICAL PARTY OF EACH COUNTY IN THE SENATORIAL OR REPRESENTATIVE  
11 DISTRICT, SHALL MEET AND SELECT, BY A MAJORITY VOTE, 3 CANDIDATES  
12 WHOSE NAMES SHALL BE SUBMITTED TO THE GOVERNOR. WITHIN 15 DAYS  
13 AFTER RECEIVING THE NAMES OF THE 3 CANDIDATES, THE GOVERNOR SHALL  
14 APPOINT TO THE OFFICE OF STATE SENATOR OR STATE REPRESENTATIVE 1 OF  
15 THE CANDIDATES TO FILL THE OFFICE OR VACANCY.

16 (3) IF THE NAMES OF 3 CANDIDATES ARE NOT SUBMITTED TO THE  
17 GOVERNOR WITHIN 15 DAYS AFTER THE RIGHT OF OFFICE CEASES OR A  
18 VACANCY OCCURS AS REQUIRED UNDER SUBSECTION (2), THE GOVERNOR  
19 SHALL, WITHIN 5 DAYS AFTER THE EXPIRATION OF THE 15-DAY PERIOD,  
20 APPOINT TO THE OFFICE OF STATE SENATOR OR STATE REPRESENTATIVE A  
21 PERSON TO FILL THE OFFICE OR VACANCY. THE PERSON APPOINTED BY THE  
22 GOVERNOR UNDER THIS SUBSECTION SHALL BE QUALIFIED FOR THAT OFFICE  
23 AND BE A MEMBER OF THE SAME POLITICAL PARTY AS THE ELECTED STATE  
24 SENATOR OR STATE REPRESENTATIVE WHO CAUSED THE RIGHT OF OFFICE TO  
25 CEASE OR WHO CAUSED THE VACANCY.

26 (4) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, THE  
27 PERSON APPOINTED BY THE GOVERNOR TO THE OFFICE OF STATE SENATOR OR

1 STATE REPRESENTATIVE SHALL HOLD OFFICE FOR THE REMAINDER OF THE  
2 UNEXPIRED TERM AND UNTIL A SUCCESSOR IS ELECTED AND QUALIFIED. IF  
3 THE RIGHT OF OFFICE CEASES IN THE OFFICE OF STATE SENATOR, OR, IF A  
4 VACANCY OCCURS IN THE OFFICE OF STATE SENATOR MORE THAN 7 DAYS  
5 BEFORE THE NOMINATING PETITION FILING DEADLINE AS PROVIDED IN  
6 SECTION 163 FOR THE GENERAL NOVEMBER ELECTION THAT IS NOT THE  
7 GENERAL NOVEMBER ELECTION AT WHICH A SUCCESSOR IN OFFICE WOULD BE  
8 ELECTED IF THERE WERE NO VACANCY, THE PERSON APPOINTED TO THE  
9 OFFICE OF STATE SENATOR SHALL HOLD OFFICE ONLY UNTIL A SUCCESSOR IS  
10 ELECTED AT THE NEXT GENERAL NOVEMBER ELECTION IN THE MANNER  
11 PROVIDED BY LAW AND QUALIFIES FOR OFFICE. THE SUCCESSOR SHALL HOLD  
12 THE OFFICE FOR THE REMAINDER OF THE UNEXPIRED TERM.

13 Sec. 641. (1) Except as otherwise provided in this section, an  
14 election held under this act shall be held on 1 of the following  
15 regular election dates:

16 (a) The May regular election date, which is the first Tuesday  
17 after the first Monday in May.

18 (b) The August regular election date, which is the first  
19 Tuesday after the first Monday in August.

20 (c) The November regular election date, which is the first  
21 Tuesday after the first Monday in November.

22 (d) In each presidential election year when a statewide  
23 presidential primary election is held, the date of the statewide  
24 presidential primary election as provided in section 613a.

25 (2) If an elective office is listed by name in section 643,  
26 requiring the election for that office to be held at the general  
27 election, and if candidates for the office are nominated at a

1 primary election, the primary election shall be held on the August  
2 regular election date.

3 (3) Except as otherwise provided in this subsection and  
4 subsection (4), a special election shall be held on a regular  
5 election date. A special election called by the governor under  
6 section 145, ~~178, 632, OR 633, or 634~~ to fill a vacancy or called  
7 by the legislature to submit a proposed constitutional amendment as  
8 authorized in section 1 of article XII of the state constitution of  
9 1963 may, but is not required to be, held on a regular election  
10 date.

11 (4) A school district may call a special election to submit a  
12 ballot question to borrow money, increase a millage, or establish a  
13 bond if an initiative petition is filed with the county clerk. The  
14 petition shall be signed by a number of qualified and registered  
15 electors of the district equal to not less than 10% of the electors  
16 voting in the last gubernatorial election in that district or 3,000  
17 signatures, whichever number is lesser. Section 488 applies to a  
18 petition to call a special election for a school district under  
19 this section. In addition to the requirements set forth in section  
20 488, the proposed date of the special election shall appear beneath  
21 the petition heading, and the petition shall clearly state the  
22 amount of the millage increase or the amount of the loan or bond  
23 sought and the purpose for the millage increase or the purpose for  
24 the loan or bond. The petition shall be filed with the county clerk  
25 by 4 p.m. of the twelfth Tuesday before the proposed date of the  
26 special election. The petition signatures shall be obtained within  
27 60 days before the filing of the petition. Any signatures obtained

1 more than 60 days before the filing of the petition are not valid.  
2 If the special election called by the school district is not  
3 scheduled to be held on a regular election date as provided in  
4 subsection (1), the special election shall be held on a Tuesday. A  
5 special election called by a school district under this subsection  
6 shall not be held within 30 days before or 35 days after a regular  
7 election date as provided in subsection (1). A school district may  
8 only call 1 special election pursuant to this subsection in each  
9 calendar year.

10 (5) The secretary of state shall direct and supervise the  
11 consolidation of all elections held under this act.

12 (6) This section shall be known and may be cited as the  
13 "Hammerstrom election consolidation law".

14 Enacting section 1. Section 634 of the Michigan election law,  
15 1954 PA 116, MCL 168.634, is repealed.

16 Enacting section 2. This amendatory act does not take effect  
17 unless Senate Joint Resolution \_\_\_\_ or House Joint Resolution AA (request  
18 no. 00119'17) of the 99th Legislature becomes a part of  
19 the state constitution of 1963 as provided in section 1 of article  
20 XII of the state constitution of 1963.