

# HOUSE BILL NO. 4996

June 15, 2021, Introduced by Rep. Schroeder 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 634 (MCL 168.178 and 168.634), section 178 as amended by 1980 PA 261 and section 634 as amended by 1996 PA 583.

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

1           Sec. 178. ~~The~~ **If a vacancy occurs in the office of senator or**  
2 **representative in the state legislature, the** governor ~~may~~ **shall**  
3 call a special election ~~as provided in section 634 in any~~ **that**

1 senatorial or representative district of ~~the~~ **this** state ~~when the~~  
 2 ~~right of office of a person elected state senator or representative~~  
 3 ~~shall cease before the commencement of the term of service for~~  
 4 ~~which the state senator or representative was elected, or whenever~~  
 5 ~~a vacancy occurs in the office of state senator or representative~~  
 6 ~~after the term of service has begun for which the state senator or~~  
 7 ~~representative was elected.~~ **or direct that the vacancy be filled at**  
 8 **the next general election, as provided in section 634.**

9       Sec. 634. (1) Except as otherwise provided in this section,  
 10 ~~when~~ **if** a vacancy occurs in the office of senator or representative  
 11 in the state legislature, the governor ~~may~~ **shall** call a special  
 12 election in that senatorial or representative district or direct  
 13 that the vacancy be filled at the next general election. **Within 30**  
 14 **days after the vacancy occurs in the office of senator or**  
 15 **representative in the state legislature, the governor must do 1 of**  
 16 **the following:**

17       (a) **Announce the date of the special election at which the**  
 18 **vacancy in that senatorial or representative district will be**  
 19 **filled.**

20       (b) **Announce that the vacancy in that senatorial or**  
 21 **representative district will be filled at the next general**  
 22 **election.**

23       (2) If the vacancy occurs **in the office of senator or**  
 24 **representative in the state legislature** after the primary election  
 25 and before the following general election, the governor may direct  
 26 that the vacancy be filled at that election. If the governor  
 27 directs that the vacancy be filled at the following general  
 28 election, the executive committee of the county committee of each  
 29 political party, if the county comprises 1 or more representative

1 districts, or, if the district is comprised of more than 1 county,  
2 then the executive committee of the county committee of the  
3 respective political parties of each county in the district, may  
4 select, by a majority vote, a candidate for that office, and shall  
5 certify the name of the candidate to the county board of election  
6 commissioners of the county or counties comprising that  
7 representative district within 21 days after the vacancy occurs and  
8 at least 10 days before the general election. Upon certification,  
9 the candidate certified ~~shall be~~ **is** the nominee of that **political**  
10 party at that general election to fill the vacancy for the  
11 unexpired term with the same force and effect as if the ~~person~~  
12 **individual** was nominated at a primary election as otherwise  
13 provided in this act. If the ballots for that election have already  
14 been printed before the certification, then the board of election  
15 commissioners shall cause the names of the candidates to be printed  
16 on a separate ballot, which ballot ~~shall~~ **must** be counted,  
17 canvassed, and returned as other ballots cast at that election.

18 (3) If the governor directs that the vacancy be filled at the  
19 next general election, the secretary of state shall give notice of  
20 that decision similar to the notice provided for in section 651.