

**STATE OF MICHIGAN
101ST LEGISLATURE
REGULAR SESSION OF 2022**

Introduced by Rep. Schroeder

ENROLLED HOUSE BILL No. 4996

AN ACT to amend 1954 PA 116, entitled “An act to reorganize, consolidate, and add to the election laws; to provide for election officials and prescribe their powers and duties; to prescribe the powers and duties of certain state departments, state agencies, and state and local officials and employees; to provide for the nomination and election of candidates for public office; to provide for the resignation, removal, and recall of certain public officers; to provide for the filling of vacancies in public office; to provide for and regulate primaries and elections; to provide for the purity of elections; to guard against the abuse of the elective franchise; to define violations of this act; to provide appropriations; to prescribe penalties and provide remedies; and to repeal certain acts and all other acts inconsistent with this act,” 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:

Sec. 178. If a vacancy occurs in the office of senator or representative in the state legislature, the governor shall call a special election in that senatorial or representative district of this state or direct that the vacancy be filled at the next general election, as provided in section 634.

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

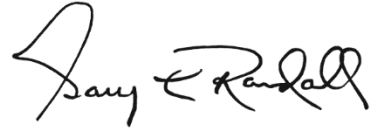
(a) Announce the date of the special election at which the vacancy in that senatorial or representative district will be filled.

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

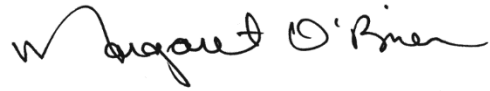
(2) If the vacancy occurs in the office of senator or representative in the state legislature after the primary election and before the following general election, the governor may direct that the vacancy be filled at that election. If the governor directs that the vacancy be filled at the following general election, the executive committee of the county committee of each political party, if the county comprises 1 or more representative districts, or, if the district is comprised of more than 1 county, then the executive committee of the county committee of the respective political parties of each county in the district, may select, by a majority vote, a candidate for that office, and shall certify the name of the candidate to the county board of election commissioners of the county or counties comprising that representative district within 21 days after the vacancy occurs and at least 10 days before the general election. Upon certification, the candidate certified is the nominee of that political party at that general

election to fill the vacancy for the unexpired term with the same force and effect as if the individual was nominated at a primary election as otherwise provided in this act. If the ballots for that election have already been printed before the certification, then the board of election commissioners shall cause the names of the candidates to be printed on a separate ballot, which ballot must be counted, canvassed, and returned as other ballots cast at that election.

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



Clerk of the House of Representatives



Secretary of the Senate

Approved _____

Governor