

CANDIDATES FOR COUNTY COMMISSIONER OR COUNTY EXECUTIVE

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<http://www.house.mi.gov/hfa>

House Bill 4736 (proposed substitute H-1)

Sponsor: Rep. Rachelle Smit
Committee: Election Integrity
Complete to 9-8-25

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

House Bill 4736 would amend the Michigan Election Law to revise provisions related to the death or withdrawal of a partisan candidate for county commissioner or *county executive*.

County executive would mean the elected county executive in a county organized under 1966 PA 293 (charter counties)¹ or under 1973 PA 139 (counties adopting a unified form of county government).²

Death of nominated candidate

Currently, if a candidate nominated by a political party for a county office or county commissioner dies before the election, the county executive committee of that party must select a replacement candidate by majority vote. The replacement's name must be transmitted to the applicable election officials and must replace the original candidate's name on every ballot.

The bill would stipulate that a county executive is a county office to which the above provisions apply, and it would add that a replacement county commissioner candidate must be a resident and registered elector of the district where the vacancy occurred.

Death of qualified candidate

The bill would further provide that if the candidate of a political party for the office of county commissioner or county executive dies after the last day for qualifying (leaving that party without a candidate for that office), the party's county executive committee must select a replacement candidate and transmit their name to the appropriate election officials. The replacement county commissioner candidate would have to be a resident and registered elector of the district where the vacancy occurred.

Withdrawal of candidate

Currently, a candidate of a political party who has filed a nominating petition or filing fee for a county office or for county commissioner and has been nominated for that office by a political party cannot withdraw unless they become physically unfit or move from the county or district they were nominated from.

¹ Wayne and Macomb Counties are organized under this act.

² Oakland and Bay Counties are organized under this act.

The bill would retain the above provisions, but would amend them to stipulate that a county executive is a county office to which they apply.

The bill would also add new language providing that a candidate for county commissioner or county executive who has filed a nominating petition or filing fee is not allowed to withdraw unless a written notice of withdrawal is served on the county clerk or their authorized agent by 4 p.m. on the third day after the last day for filing the nominating petition or filing fee (or the next business day if the third day is a holiday or weekend day).

MCL 168.194, 168.195, and 168.198

FISCAL IMPACT:

The bill would have no fiscal impact on the state or local units of government.

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations and does not constitute an official statement of legislative intent.