

**SUBSTITUTE FOR
HOUSE BILL NO. 4736**

A bill to amend 1954 PA 116, entitled
"Michigan election law,"
by amending sections 194, 195, and 198 (MCL 168.194, 168.195, and
168.198), sections 195 and 198 as amended by 2012 PA 276, and by
adding section 5.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 **Sec. 5. As used in this act, "county executive" means the**
2 **electd county executive in a county organized under 1966 PA 293,**
3 **MCL 45.501 to 45.521, or 1973 PA 139, MCL 45.551 to 45.573.**

4 Sec. 194. After the filing of a nominating petition or filing
5 fee by or ~~in~~**on** behalf of a proposed candidate for any of the
6 offices named in section 191, ~~of this act, such~~**for the office of**
7 **county executive, or for the office of county commissioner, the**

1 candidate ~~shall~~**is** not ~~be~~ permitted to withdraw unless a written
 2 notice of withdrawal is served on the county clerk or ~~his~~**the**
 3 **county clerk's** duly authorized agent not later than 4 ~~o'clock,~~
 4 ~~eastern standard time, in the afternoon~~**p.m.** of the third day after
 5 the last day for filing ~~such~~**the nominating** petition or filing fee
 6 ~~, as in this act provided,~~ unless the third day falls on a
 7 Saturday, Sunday, or legal holiday, in which case the notice of
 8 withdrawal may be served on the clerk up to 4 ~~o'clock, eastern~~
 9 ~~standard time,~~**p.m.** on the next secular day.

10 Sec. 195. ~~If~~**Subject to this section, if** a candidate of a
 11 political party for prosecuting attorney, sheriff, county clerk,
 12 county treasurer, register of deeds, drain commissioner, ~~coroner,~~
 13 **county executive, county commissioner,** or surveyor, after having
 14 qualified as a candidate, dies after the last day for qualifying,
 15 leaving the political party without a candidate for that office, a
 16 **replacement** candidate to fill the vacancy may be selected by the
 17 members of the county **executive** committee of the candidate's
 18 political party, and the name of the **replacement** candidate selected
 19 ~~shall~~**must** be transmitted to the county officials required by law
 20 to print and distribute ballots. **An individual selected as the**
 21 **replacement candidate for the office of county commissioner must be**
 22 **a resident and registered elector of the county commissioner**
 23 **district from which the vacancy occurs.** The name of the **replacement**
 24 candidate ~~shall~~**must** be printed on the ballots, but if the ballots
 25 have been printed, the county officials ~~shall~~**must** have the ballots
 26 reprinted with the **replacement** candidate's name on the ballots and
 27 the reprinted ballots ~~shall~~**must** be distributed to the various
 28 voting precincts within ~~their~~**the** respective counties.

29 Sec. 198. (1) If a candidate of a political party files a

1 nominating petition or filing fee for a county office, **including**
 2 **county executive**, and has been nominated for the office by a
 3 political party, the candidate is not permitted to withdraw unless
 4 ~~he or she has moved~~ **the candidate moves** from the county or has
 5 ~~become~~ **becomes** physically unfit.

6 (2) If a candidate of a political party files a nominating
 7 petition or filing fee for the office of county commissioner and
 8 has been nominated for that office by a political party, the
 9 candidate is not permitted to withdraw unless ~~he or she has moved~~
 10 **the candidate moves** from the county or from the district from which
 11 ~~he or she~~ **the candidate** was nominated or ~~has become~~ **becomes**
 12 physically unfit.

13 (3) ~~If the person~~ **Subject to this subsection, if an individual**
 14 who has been nominated as the candidate of a political party for a
 15 county office, **including county executive**, or the office of county
 16 commissioner dies before the date of the election for that office,
 17 the county executive committee of the **political** party whose
 18 candidate has died shall select, by majority vote, a replacement
 19 **candidate** for that ~~person~~ **individual**. **An individual selected as**
 20 **the replacement candidate for the office of county commissioner**
 21 **must be a resident and registered elector of the county**
 22 **commissioner district from which the vacancy occurs**. The name of
 23 the replacement **candidate** selected ~~shall~~ **must** be transmitted to the
 24 election officials responsible for the preparation and distribution
 25 of ballots, and the name of the replacement ~~shall~~ **candidate must** be
 26 affixed to each ballot in place of the name of the original
 27 candidate.

28 (4) A vacancy ~~shall~~ **must** not be filled by a county executive
 29 committee except as provided in this section.

1 (5) This prohibition ~~shall~~**must** not be construed to prohibit
2 the withdrawal of a candidate who was nominated without having
3 filed a nominating petition or filing fee and whose name has been
4 written or placed on the ballot of a political party.