



**House
Legislative
Analysis
Section**

House Office Building, 9 South
Lansing, Michigan 48909
Phone: 517/373-6466

LEGISLATIVE VACANCIES

**House Bill 6356 as introduced
Sponsor: Rep. Fred Durhal, Jr.
Committee: Redistricting and Elections
(Discharged)**

Complete to 12-5-02

**A SUMMARY OF HOUSE BILL 6356 AS DISCHARGED FROM THE COMMITTEE
ON REDISTRICTING AND ELECTIONS 12-4-02**

The bill would amend the Michigan Election Law to require the governor to call a special election to fill a vacancy in the office of State Senator or State Representative and to provide a schedule for setting an election date. Currently the law says the governor may call a special election or direct that the vacancy be filled at the next general election.

Under the bill, if a vacancy occurred 76 days or more before the next August primary election in which nominees for the office were to be selected, the governor within 7 days after the date the vacancy occurred would have to call a special primary and general election in the senatorial or representative district. The primary would have to be held no later than 52 days and the general special election not later than 95 days after the date the vacancy occurred. If a deadline fell within 30 days of a primary, general, or special election previously scheduled in the district, the special primary or special general election called by the governor could be held in conjunction with the previously scheduled election. However, the deadline for a special general election could not be extended more than 30 days.

If the vacancy occurred during the period beginning on the 75th day before and ending on the 15th day before the next August primary in which nominees for the office in question were to be selected, the governor would have to direct that the vacancy be filled at that August primary.

If the vacancy occurred during the period beginning on the 14th day before the next August primary and ending on the 15th day before the next general November election at which the office in question was to be filled, the governor would have to direct that the vacancy be filled at that general November election.

When the governor directed a vacancy to be filled in the circumstances described in the two paragraphs above, he or she would also direct the executive committee of the relevant county committee or county committees of each political party to select by majority vote a candidate for the office. The executive committee would have to certify the name of the candidate to the county board of election commissioners in the district not later than the fifth day before the August primary or general November election, whichever was applicable.

MCL 168.178 and 168.634

Analyst: C. Couch

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