

HOUSE BILL No. 6356

September 24, 2002, Introduced by Reps. Durhal, Schermesser, Lipsey, Clark, Clarke, Kolb, Jacobs, Zelenko, Bogardus, Hansen, Wojno, Spade, Anderson, Sheltroun, Hale, Plakas, Phillips, Bernero, Dennis, Bovin, Rich Brown, Adamini, Daniels, Rivet, Murphy, Stallworth, Whitmer, McConico, Garza, Minore, Jamnick, Quarles, Gielegthem, Williams, Basham, O'Neil, Neumann, Pestka, Lockwood, Woodward, Waters, Reeves, Hardman and Lemmons and referred to the Committee on Redistricting and Elections.

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 governor ~~may~~ SHALL call a special election
2 as provided in section 634 in ~~any~~ A senatorial or representa-
3 tive district of ~~the~~ THIS state ~~when~~ IF the right of office
4 of a person elected state senator or representative ~~shall cease~~
5 CEASES before the commencement of the term of service for which
6 the state senator or representative was elected. ~~, or whenever~~
7 THE GOVERNOR SHALL CALL A SPECIAL ELECTION OR DIRECT THAT THE
8 VACANCY BE FILLED AT THE NEXT ELECTION AS PROVIDED IN SECTION 634
9 IN A SENATORIAL OR REPRESENTATIVE DISTRICT OF THIS STATE IF a

1 vacancy occurs in the office of state senator or representative
2 after the term of service has begun for which the state senator
3 or representative was elected.

4 Sec. 634. (1) ~~Except as otherwise provided in this sec-~~
5 ~~tion, when~~ IF a vacancy occurs in the office of senator or rep-
6 resentative in the state legislature 76 DAYS OR MORE BEFORE THE
7 NEXT AUGUST PRIMARY ELECTION IN WHICH NOMINEES OF POLITICAL PAR-
8 TIES FOR THAT OFFICE ARE SELECTED, the governor, ~~may~~ NO LATER
9 THAN 7 DAYS AFTER THE DATE THE VACANCY OCCURS, SHALL call a spe-
10 cial PRIMARY AND SPECIAL GENERAL election in that senatorial or
11 representative district. ~~or direct that the vacancy be filled at~~
12 ~~the next general election.~~ EXCEPT AS OTHERWISE PROVIDED IN THIS
13 SUBSECTION, THE SPECIAL PRIMARY SHALL BE HELD NO LATER THAN 52
14 DAYS AFTER THE DATE THE VACANCY OCCURS AND THE SPECIAL GENERAL
15 ELECTION SHALL BE HELD NO LATER THAN 95 DAYS AFTER THE DATE THE
16 VACANCY OCCURS. IF A DEADLINE ESTABLISHED IN THIS SUBSECTION
17 FALLS WITHIN 30 DAYS OF A PRIMARY, GENERAL, OR SPECIAL ELECTION
18 PREVIOUSLY SCHEDULED IN THE REPRESENTATIVE OR SENATORIAL DIS-
19 TRICT, THE SPECIAL PRIMARY OR SPECIAL GENERAL ELECTION CALLED
20 UNDER THIS SUBSECTION MAY BE HELD IN CONJUNCTION WITH THE PREVI-
21 OUSLY SCHEDULED PRIMARY, GENERAL, OR SPECIAL ELECTION. HOWEVER,
22 THE DEADLINE FOR A SPECIAL GENERAL ELECTION UNDER THIS SUBSECTION
23 SHALL NOT BE EXTENDED MORE THAN 30 DAYS.

24 (2) If ~~the~~ A vacancy occurs ~~after the primary election~~
25 ~~and~~ IN THE OFFICE OF SENATOR OR REPRESENTATIVE IN THE STATE LEG-
26 ISLATURE DURING THE PERIOD BEGINNING ON THE SEVENTY-FIFTH DAY
27 before AND ENDING ON THE FIFTEENTH DAY BEFORE the ~~following~~

1 ~~general~~ NEXT AUGUST PRIMARY election IN WHICH NOMINEES OF
 2 POLITICAL PARTIES FOR THAT OFFICE ARE SELECTED, the governor
 3 ~~may~~ SHALL direct that the vacancy be filled at that AUGUST
 4 PRIMARY election.

5 (3) IF A VACANCY OCCURS IN THE OFFICE OF SENATOR OR REPRE-
 6 SENTATIVE IN THE STATE LEGISLATURE DURING THE PERIOD BEGINNING ON
 7 THE FOURTEENTH DAY BEFORE THE NEXT AUGUST PRIMARY ELECTION IN
 8 WHICH NOMINEES OF POLITICAL PARTIES FOR THAT OFFICE ARE SELECTED
 9 AND ENDING ON THE FIFTEENTH DAY BEFORE THE NEXT GENERAL NOVEMBER
 10 ELECTION IN WHICH THE OFFICE IS FILLED, THE GOVERNOR SHALL DIRECT
 11 THAT THE VACANCY BE FILLED AT THAT GENERAL NOVEMBER ELECTION.

12 (4) If the governor directs that ~~the~~ A vacancy be filled
 13 ~~at the following general election~~ AS PRESCRIBED IN SUBSECTION
 14 (2) OR (3), THE GOVERNOR SHALL DIRECT the executive committee of
 15 the county committee of each political party, if the county com-
 16 prises 1 or more ~~representative~~ districts, or, if the district
 17 is comprised of more than 1 county, then the executive committee
 18 of the county committee of ~~the respective~~ EACH political
 19 ~~parties~~ PARTY of each county in the district, ~~may~~ TO select,
 20 by a majority vote, a candidate for that office. ~~—, and~~ THE
 21 EXECUTIVE COMMITTEE shall certify the name of the candidate, IF
 22 ANY, to the county board of election commissioners of the county
 23 or counties comprising ~~that representative~~ THE district ~~within~~
 24 ~~21 days after the vacancy occurs and at least 10 days before the~~
 25 ~~general election. Upon certification, the candidate certified~~
 26 ~~shall be the nominee of that party at that general election to~~
 27 ~~fill the vacancy for the unexpired term with the same force and~~

1 ~~effect as if the person was nominated at a primary election as~~
2 ~~otherwise provided in this act. If the ballots for that election~~
3 ~~have already been printed before the certification, then the~~
4 ~~board of election commissioners shall cause the names of the can-~~
5 ~~didates to be printed on a separate ballot, which ballot shall be~~
6 ~~counted, canvassed, and returned as other ballots cast at that~~
7 ~~election. (3) NOT LATER THAN THE FIFTH DAY BEFORE THE AUGUST~~
8 ~~PRIMARY OR GENERAL NOVEMBER ELECTION, AS APPLICABLE. If the gov-~~
9 ~~ernor directs that the vacancy be~~ IS filled at the next AUGUST
10 PRIMARY OR general NOVEMBER election AS PROVIDED IN SUBSECTION
11 (2) OR (3), the secretary of state shall give notice of that
12 ~~decision~~ FACT similar to the notice provided for in section
13 651.