

# SENATE BILL No. 37

January 25, 2005, Introduced by Senator THOMAS and referred to the Committee on Government Operations.

A bill to amend 1954 PA 116, entitled  
"Michigan election law,"  
by amending sections 71, 72, 74, 75, 76, 77, 78, 79, 80, 81, 82,  
83, 84, 85, 86, 643, and 697 (MCL 168.71, 168.72, 168.74, 168.75,  
168.76, 168.77, 168.78, 168.79, 168.80, 168.81, 168.82, 168.83,  
168.84, 168.85, 168.86, 168.643, and 168.697), section 71 as  
amended by 1999 PA 218, section 74 as amended by 1999 PA 216, and  
section 643 as amended by 2003 PA 302.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 71. (1) A person ~~shall~~ **IS** not ~~be~~ eligible ~~to~~ **FOR**  
2       the offices of secretary of state, **INSURANCE COMMISSIONER**, or  
3       attorney general ~~if~~ **UNLESS** the person is ~~not~~ a registered and  
4       qualified elector of this state by the date the person is nominated

1 for the office.

2 (2) A person ~~who has been~~ convicted of a violation of  
3 section 12a(1) of 1941 PA 370, MCL 38.412a, ~~shall~~ **IS** not ~~be~~  
4 eligible to the offices of secretary of state, **INSURANCE**  
5 **COMMISSIONER**, or attorney general for a period of 20 years after  
6 conviction.

7 Sec. 72. At its fall state convention, each political party  
8 may nominate a candidate for each of the offices of lieutenant  
9 governor, secretary of state, **INSURANCE COMMISSIONER**, and attorney  
10 general.

11 Sec. 74. A person ~~who has been~~ certified by the state  
12 central committee of any party as nominated for the office of  
13 lieutenant governor, secretary of state, **INSURANCE COMMISSIONER**, or  
14 attorney general may withdraw by filing a written notice of  
15 withdrawal with the secretary of state or his or her authorized  
16 agent and a copy with the chairperson and the secretary of the  
17 state central committee of the party not later than 4 p.m., eastern  
18 standard time, of the fourth business day following the conclusion  
19 of the convention at which the person was nominated.

20 Sec. 75. ~~When~~ **IF** a candidate of a political party ~~—after~~  
21 ~~having been~~ nominated to the office of lieutenant governor,  
22 secretary of state, **INSURANCE COMMISSIONER**, or attorney general ~~—~~  
23 ~~shall die, withdraw, remove~~ **DIES, WITHDRAWS, REMOVES HIMSELF OR**  
24 **HERSELF** from ~~the~~ **THIS** state, or ~~become~~ **BECOMES** disqualified,  
25 ~~for any reason,~~ the state central committee of ~~such~~ **THE** party  
26 shall **IMMEDIATELY** meet ~~forthwith~~ and by a majority vote of the  
27 members ~~thereof~~ shall select a candidate to fill the vacancy.

1 ~~thereby caused.~~ The name of the candidate so selected shall be  
2 immediately certified by the ~~chairman~~ **CHAIRPERSON** and the  
3 secretary of ~~said~~ **THE** committee to the secretary of state and to  
4 the board of election commissioners for each county. ~~whose duty it~~  
5 ~~is to prepare the official ballots and said~~ **THE** board shall cause  
6 to be printed or placed upon ~~said~~ **THE OFFICIAL** ballots, in the  
7 proper place, the name of the candidate so selected to fill the  
8 vacancy.

9       Sec. 76. A secretary of state, **INSURANCE COMMISSIONER**, and  
10 attorney general shall be elected at the general election in ~~1964,~~  
11 ~~1966,~~ **2006** and every fourth year thereafter.

12       Sec. 77. The board of state canvassers shall determine which  
13 candidates for the offices of secretary of state, **INSURANCE**  
14 **COMMISSIONER**, and attorney general ~~have~~ received the greatest  
15 number of votes and shall declare ~~such~~ **THOSE** candidates to be  
16 duly elected. The ~~said~~ board shall ~~forthwith~~ **IMMEDIATELY** make  
17 and subscribe on its statement of returns a certificate of ~~such~~  
18 **ITS** determination and deliver the ~~same~~ **STATEMENT AND CERTIFICATE**  
19 to the secretary of state.

20       Sec. 78. The secretary of state shall file in his **OR HER**  
21 office and preserve the original ~~statements and~~ **STATEMENT OF**  
22 **RETURNS AND CERTIFICATE OF THE** determination of the board of state  
23 canvassers of the results of the election and shall ~~forthwith~~  
24 **IMMEDIATELY** execute and cause to be delivered to the persons  
25 ~~thereby~~ declared **BY THE STATEMENT AND CERTIFICATE** to be elected to  
26 the offices of secretary of state, **INSURANCE COMMISSIONER**, and  
27 attorney general certificates of election, certified by ~~him~~ **THE**

1 **SECRETARY OF STATE** under the great seal of ~~the~~ **THIS** state.

2       Sec. 79. The terms of office of the secretary of state,  
 3 **INSURANCE COMMISSIONER**, and attorney general ~~shall~~ commence at 12  
 4 noon on January 1 next following the election ~~—~~ and ~~shall~~  
 5 continue until a successor is elected and qualified. ~~The terms of~~  
 6 ~~office of the secretary of state and attorney general elected at~~  
 7 ~~the general election in 1964 shall be 2 years.~~ The ~~terms~~ **TERM** of  
 8 office of the secretary of state and attorney general elected at  
 9 the general election in 1966 and every fourth year thereafter  
 10 ~~shall be~~ **IS** 4 years. **THE TERM OF OFFICE OF THE INSURANCE**  
 11 **COMMISSIONER ELECTED AT THE GENERAL ELECTION IN 2006 AND EVERY**  
 12 **FOURTH YEAR THEREAFTER IS 4 YEARS.**

13       Sec. 80. ~~Every~~ **A** person elected to the office of secretary  
 14 of state, **INSURANCE COMMISSIONER**, or attorney general, before  
 15 entering upon the duties of ~~his~~ office, shall take and subscribe  
 16 to the oath as provided in section 1 of article ~~11~~ **XI** of the  
 17 state constitution **OF 1963**, ~~and shall~~ give bond in the amount and  
 18 manner prescribed by law, and ~~shall~~ deposit ~~said~~ **THE** oath and  
 19 bond with the secretary of state, except that ~~any~~ **A** person  
 20 elected to the office of secretary of state shall deposit ~~said~~  
 21 **THE** oath and bond with the attorney general.

22       Sec. 81. ~~Any~~ **A** person duly elected to the office of  
 23 secretary of state, **INSURANCE COMMISSIONER**, or attorney general who  
 24 desires to resign shall file a written notice, containing the  
 25 effective date of ~~such~~ **THE** resignation, with the governor and a  
 26 copy with the office of the secretary of state.

27       Sec. 82. The office of secretary of state, **INSURANCE**

1 **COMMISSIONER**, or attorney general ~~shall become~~ **BECOMES** vacant  
 2 upon the ~~happening of any of the following events: Death of the~~  
 3 ~~incumbent, his~~ **INCUMBENT'S DEATH**, resignation, ~~, his~~ removal  
 4 from office for cause, ~~, his~~ ceasing to be a resident of the  
 5 state, ~~, his~~ **OR** conviction of an infamous crime or an offense  
 6 involving the violation of his **OR HER** oath of office; **UPON** the  
 7 decision of a competent tribunal declaring his **OR HER** election or  
 8 appointment void; or **UPON** his **OR HER** neglect or refusal to take and  
 9 subscribe to the constitutional oath of office and deposit the  
 10 ~~same~~ **OATH** in the manner and within the time prescribed by law.  
 11 ~~When a vacancy shall occur~~ **WITHIN 10 DAYS AFTER A VACANCY OCCURS**  
 12 in any of ~~the said~~ **THESE** offices, a notice of ~~such~~ **THE** vacancy  
 13 and the reason why the ~~same~~ **VACANCY** exists shall ~~, within 10~~  
 14 ~~days after such vacancy occurs,~~ be given in writing to the  
 15 governor. ~~Such~~ **THE** notice shall be given by the secretary of  
 16 state unless ~~such~~ **THE** vacancy occurs in the office of the  
 17 secretary of state, ~~then~~ **IN WHICH CASE THE NOTICE SHALL BE GIVEN**  
 18 by the attorney general.

19       Sec. 83. ~~Any~~ **A** person holding the office of secretary of  
 20 state, **INSURANCE COMMISSIONER**, or attorney general may be removed  
 21 from office upon conviction in impeachment proceedings for the  
 22 reasons and in the manner set forth in section 7 of article ~~11~~ **XI**  
 23 of the state constitution **OF 1963**. ~~The governor shall have the~~  
 24 ~~power and it shall be his duty, except at such times as~~ **EXCEPT**  
 25 **WHEN** the legislature ~~may be~~ **IS** in session, ~~to~~ **THE GOVERNOR**  
 26 **SHALL** examine ~~into~~ the condition and administration of ~~the~~  
 27 ~~public~~ **THESE** offices and the acts of ~~the public~~ **THESE** officers,

1 ~~enumerated herein, and to~~ **SHALL** remove **THE OFFICERS** from office  
 2 for gross neglect of duty, ~~or~~ for corrupt conduct in office, or  
 3 **FOR** any other misfeasance or malfeasance ~~therein~~ **IN OFFICE**, and  
 4 **SHALL** report the causes of ~~such~~ **THE** removal to the legislature at  
 5 its next session as provided in section 10 of article ~~5~~ **V** of the  
 6 state constitution **OF 1963**. ~~Such~~ **THE** person shall be served with  
 7 a written notice of the charges against him **OR HER** and be afforded  
 8 an opportunity for a public hearing conducted personally by the  
 9 governor.

10       Sec. 84. ~~Whenever~~ **IF** a vacancy ~~shall occur~~ **OCCURS** in the  
 11 office of secretary of state, **INSURANCE COMMISSIONER**, or attorney  
 12 general, the governor shall appoint a successor to fill ~~such~~ **THE**  
 13 vacancy and the person so appointed shall take the oath of office,  
 14 give bond in the manner required by law, and ~~shall~~ hold such  
 15 office until ~~his~~ **A** successor is elected and qualified. The  
 16 candidate receiving the highest number of votes ~~for either of said~~  
 17 ~~offices~~ who has subscribed to the constitutional oath and filed  
 18 the requisite bond ~~shall be deemed~~ **IS CONSIDERED** to be elected  
 19 and qualified even though a vacancy occurs ~~prior to the time he~~  
 20 ~~shall have entered~~ **BEFORE HE OR SHE ENTERS** upon the duties of ~~his~~  
 21 office.

22       Sec. 85. The votes cast for ~~any~~ **A** candidate for the office  
 23 of secretary of state, **INSURANCE COMMISSIONER**, or attorney general  
 24 ~~at any election shall be~~ **ARE** subject to recount as provided in  
 25 chapter ~~33 of this act~~ **XXXIII**.

26       Sec. 86. ~~Any~~ **A** person elected to the office of secretary of  
 27 state, **INSURANCE COMMISSIONER**, or attorney general ~~shall be~~ **IS**

1 subject to recall as provided in chapter ~~36 of this act~~ **XXXVI** and  
2 in section 8 of article ~~2~~ **II** of the state constitution **OF 1963**.

3 Sec. 643. At the general election, the following officers  
4 shall be elected when required by law:

5 (a) Presidential electors.

6 (b) In the state at large, a governor and a lieutenant  
7 governor, a secretary of state, **AN INSURANCE COMMISSIONER**, and an  
8 attorney general.

9 (c) A United States senator.

10 (d) In each congressional district, a representative in  
11 congress.

12 (e) In each state senatorial district, a state senator.

13 (f) In each state representative district, a representative in  
14 the state legislature.

15 (g) Justices of the supreme court.

16 (h) Two members of the state board of education.

17 (i) Two regents of the University of Michigan.

18 (j) Two trustees of Michigan State University.

19 (k) Two governors of Wayne State University.

20 (l) In each county or district, judges of the court of appeals,  
21 a judge or judges of the circuit court, a judge or judges of  
22 probate, a judge or judges of the district court, a prosecuting  
23 attorney, a sheriff, a treasurer, an auditor, a mine inspector, a  
24 county road commissioner, a drain commissioner, a surveyor, and,  
25 subject to section 200, a clerk and a register of deeds or a clerk  
26 register.

27 (m) Township officers.

(n) Any other officers required by law to be elected at that election.

Sec. 697. At the general November election, the names of the ~~several~~ offices to be voted for shall be placed on the ballot substantially in the following order in the years in which elections for ~~such~~ **THE** offices are held: ~~Electors~~ **ELECTORS** of president and vice-president of the United States, ~~+~~ governor and lieutenant governor, ~~+~~ secretary of state, ~~+~~ **INSURANCE COMMISSIONER**, attorney general, ~~+~~ United States senator, ~~+~~ representative in congress, ~~+~~ senator and representative in the state legislature, ~~+~~ members of the state board of education, ~~+~~ regents of the university of Michigan, ~~+~~ trustees of Michigan state university, ~~+~~ governors of Wayne state university, ~~+~~ county executive ~~+~~ **IN COUNTIES ELECTING A COUNTY EXECUTIVE**, prosecuting attorney, ~~+~~ sheriff, ~~+~~ clerk, ~~+~~ treasurer, ~~+~~ register of deeds, ~~+~~ auditor in counties electing an auditor, ~~+~~ mine inspector in counties electing a mine inspector, ~~+~~ county road commissioners, ~~+~~ drain ~~commissioners~~, ~~coroners~~, **COMMISSIONER**, and surveyor **IN COUNTIES ELECTING A SURVEYOR**. The following township officers shall be placed on ~~the same~~ **THAT** ballot ~~as above described~~ in substantially the following order in the year in which elections for such offices are held: supervisor, clerk, treasurer, trustees, and constables.

Enacting section 1. This amendatory act does not take effect unless Senate Joint Resolution A

of the 93rd Legislature becomes a part of the state constitution of 1963 as provided in section 1 of article



1 XII of the state constitution of 1963.