

HOUSE BILL No. 6145

June 7, 2018, Introduced by Rep. Howrylak and referred to the Committee on Elections and Ethics.

A bill to amend 1954 PA 116, entitled
"Michigan election law,"
by amending sections 54, 164, 194, 256, 303, 322a, 351, 381, 386,
409c, 414, 434, 467d, and 590c (MCL 168.54, 168.164, 168.194,
168.256, 168.303, 168.322a, 168.351, 168.381, 168.386, 168.409c,
168.414, 168.434, 168.467d, and 168.590c), section 164 as amended
by 1990 PA 7, sections 303 and 381 as amended by 2018 PA 120,
section 386 as amended by 2014 PA 94, sections 409c, 414, 434, and
467d as amended by 1999 PA 218, and section 590c as added by 1988
PA 116.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 54. After the filing of a-nominating ~~petition~~**PETITIONS**
2 by or ~~in~~**ON** behalf of a proposed candidate for governor, ~~such~~**THE**
3 candidate ~~shall~~**IS** not ~~be~~ permitted to withdraw unless a written
4 notice of withdrawal is served on the secretary of state or his **OR**

1 ~~HER~~ duly authorized agent not later than 4 p.m. ~~, eastern standard~~
 2 ~~time,~~ of the ~~third~~ **SEVENTH** day after the last day for filing ~~such~~
 3 **NOMINATING** petitions.

4 Sec. 164. After the filing of ~~a nominating petition~~ **PETITIONS**
 5 or **A** filing fee by or ~~in~~ **ON** behalf of a proposed candidate for the
 6 office of state senator or representative, ~~such~~ **THE** candidate ~~shall~~
 7 **IS** not ~~be~~ permitted to withdraw unless a written notice of
 8 withdrawal is served on the official with whom his or her
 9 nominating petitions or filing fee were filed, or his or her duly
 10 authorized agent, not later than ~~4 o'clock, eastern standard time,~~
 11 ~~in the afternoon~~ **4 P.M.** of the ~~third~~ **SEVENTH** day after the last day
 12 for filing ~~such petition.~~ **NOMINATING PETITIONS.**

13 Sec. 194. After the filing of ~~a nominating petition~~ **PETITIONS**
 14 or **A** filing fee by or ~~in~~ **ON** behalf of a proposed candidate for any
 15 of the offices named in section 191, ~~of this act,~~ ~~such~~ **THE**
 16 candidate ~~shall~~ **IS** not ~~be~~ permitted to withdraw unless a written
 17 notice of withdrawal is served on the county clerk or his **OR HER**
 18 duly authorized agent not later than ~~4 o'clock, eastern standard~~
 19 ~~time, in the afternoon~~ **4 P.M.** of the ~~third~~ **SEVENTH** day after the
 20 last day for filing ~~such petition~~ **NOMINATING PETITIONS** or **A** filing
 21 fee, ~~as in this act provided,~~ unless the ~~third~~ **SEVENTH** day falls on
 22 a Saturday, Sunday, or legal holiday, in which case the notice of
 23 withdrawal may be served on the clerk up to ~~4 o'clock, eastern~~
 24 ~~standard time,~~ **4 P.M.** on the next secular day.

25 Sec. 256. After the filing of nominating petitions or **A** filing
 26 fee by or ~~in~~ **ON** behalf of a proposed candidate for the office of
 27 county road commissioner, ~~such~~ **THE** candidate ~~shall~~ **IS** not ~~be~~

permitted to withdraw unless a written notice of withdrawal is served on the county clerk or his **OR HER** duly authorized agent not later than ~~4 o'clock, eastern standard time, in the afternoon~~ **4 P.M.** of the ~~third~~ **SEVENTH** day after the last day for filing ~~such petition, as in this act provided.~~ **NOMINATING PETITIONS.**

Sec. 303. (1) Subject to subsection (4), for an individual's name to appear on the official ballot as a candidate for school board member, the candidate ~~shall~~ **MUST** file a nominating petition and the affidavit required by section 558 with the school district filing official not later than 4 p.m. on the fifteenth Tuesday before the election date. The nominating petition must be signed by the following number of electors of the school district:

(a) If the population of the school district is less than 10,000 according to the most recent federal census, a minimum of 6 and a maximum of 20.

(b) If the population of the school district is 10,000 or more according to the most recent federal census, a minimum of 40 and a maximum of 100.

(2) The nominating petition must be substantially in the form prescribed in section 544c, except that the petition must be nonpartisan and must include the following opening paragraph:

We, the undersigned, registered and qualified voters
of _____
and residents of the _____, the
(legal name of school district)
county of _____, state of Michigan,
(city or township)

1 nominate

2 (name of candidate)

3 _____,

4 (street address) (city or township)

5 a registered and qualified elector of the district as a member

6 of the board of education of the school district for a term

7 of _____ years, expiring _____, to be voted for at the

8 election to be held on the _____ day of _____.

9 (month) (year)

10 (3) A school elector shall not sign petitions for more
11 candidates than are to be elected.

12 (4) Instead of filing **A** nominating ~~petitions~~, **PETITION**, a
13 candidate for school board member may pay a nonrefundable filing
14 fee of \$100.00 to the school district filing official. If this fee
15 is paid by the due date for a nominating petition, the payment has
16 the same effect under this section as the filing of a nominating
17 petition.

18 (5) A nominating petition filed under this chapter is subject
19 to the examination and investigation process prescribed in section
20 552 as to its sufficiency and the validity and genuineness of the
21 signatures on the nominating petition, and to the other procedures
22 prescribed in that section relevant to a petition filed under this
23 chapter.

24 (6) After a nominating petition is filed or filing fee is paid
25 for a candidate for school board member, the candidate is not
26 permitted to withdraw unless a written withdrawal notice, signed by
27 the candidate, is filed with the school district filing official

not later than 4 p.m. of the ~~third~~ **SEVENTH** day after the last day for filing the nominating petition. If the school district filing official is not a county clerk, the school district filing official shall notify the county clerk of the candidates' names and addresses not later than 3 days after the last day for filing a withdrawal notice.

Sec. 322a. After the filing of a ~~nominating petition~~ **PETITIONS** or **A** filing ~~fees~~ **FEE** by or ~~in~~ **ON** behalf of a proposed candidate for a city office, the candidate ~~shall~~ **IS** not ~~be~~ permitted to withdraw unless a written notice of withdrawal is served on the city clerk not later than ~~4 o'clock, eastern standard time, in the afternoon~~ **4 P.M.** of the ~~third~~ **SEVENTH** day after the last day for filing the ~~petition~~ **NOMINATING PETITIONS** or filing fee as provided in this act or in local charters, unless the ~~third~~ **SEVENTH** day falls on a Saturday, Sunday, or legal holiday, in which case the withdrawal may be served on the city clerk up to ~~4 o'clock, eastern standard time,~~ **4 P.M.** on the next secular day.

Sec. 351. After the filing of a ~~nominating petition~~ **PETITIONS** by or ~~in~~ **ON** behalf of a proposed candidate for a township office, ~~such~~ **THE** candidate ~~shall~~ **IS** not ~~be~~ permitted to withdraw unless a written notice of withdrawal is served on the township clerk not later than ~~4 o'clock, eastern standard time, in the afternoon~~ **4 P.M.** of the ~~third~~ **SEVENTH** day after the last day for filing ~~such~~ **NOMINATING** petitions, ~~as in this act provided,~~ unless the ~~third~~ **SEVENTH** day falls on a Saturday, Sunday, or legal holiday, in which case the notice of withdrawal may be served on the clerk up to ~~4 o'clock, eastern standard time,~~ **4 P.M.** on the next secular day.

1 Sec. 381. (1) Except as provided in this section and sections
2 383, 641, 642, 642a, and 644g, the qualifications, nomination,
3 election, appointment, term of office, and removal from office of a
4 village officer must be as determined by the charter provisions
5 governing the village.

6 (2) If the membership of the village council of a village
7 governed by the general law village act, 1895 PA 3, MCL 61.1 to
8 74.25, is reduced to less than a quorum of 4 and a special election
9 for the purpose of filling all vacancies in the office of trustee
10 is called under section 13 of chapter II of the general law village
11 act, 1895 PA 3, MCL 62.13, temporary appointments of trustees must
12 be made as provided in this subsection. The board of county
13 election commissioners of the county in which the largest portion
14 of the population of the village is situated shall make temporary
15 appointment of the number of trustees required to constitute a
16 quorum for the transaction of business by the village council. A
17 trustee appointed under this subsection shall hold the office only
18 until the trustee's successor is elected and qualified. A trustee
19 who is temporarily appointed under this subsection shall not vote
20 on the appointment of himself or herself to an elective or
21 appointive village office.

22 (3) Notwithstanding another provision of law or charter to the
23 contrary, an appointment to an elective or appointive village
24 office made by a quorum constituted by temporary appointments under
25 this subsection expires upon the election and qualification of
26 trustees under the special election called to fill the vacancies in
27 the office of trustee.

(4) Filing for a village office must be with the township clerk if the township is conducting the election or if the village is located in more than 1 township with the township in which the largest number of the registered electors of the village reside. Nominating petitions for village offices must be filed with the appropriate township clerk by 4 p.m. on the fifteenth Tuesday before the general November election. After ~~a nominating petition is~~**PETITIONS ARE** filed for a candidate for a village office, the candidate is not permitted to withdraw unless a written withdrawal notice, signed by the candidate, is filed with the appropriate township clerk not later than 4 p.m. of the ~~third~~**SEVENTH** day after the last day for filing ~~the nominating petition~~**.PETITIONS.**

Sec. 386. (1) For an individual's name to appear on the official ballot as a candidate for metropolitan district officer, the candidate ~~shall~~**MUST** file ~~a nominating petition~~**PETITIONS** and the affidavit required by section 558 with the metropolitan district election coordinator not later than 4 p.m. on the fifteenth Tuesday before the election date. The nominating petitions ~~shall~~**MUST** be signed by a number of qualified and registered electors residing in the metropolitan district as determined under section 544f.

(2) The nominating ~~petition shall~~**PETITIONS MUST** be substantially in the form prescribed in section 544c, except that the ~~petition shall~~**PETITIONS MUST** be nonpartisan and ~~shall~~**MUST** include the following opening paragraph:

We, the undersigned, registered and qualified voters of the city or township of

1 and residents of the _____, the
 2 (legal name of metropolitan district)
 3 county of _____, state of Michigan,
 4 nominate _____
 5 (name of candidate)
 6 _____,
 7 (street address) (city or township)
 8 a registered and qualified elector of the metropolitan district
 9 as an officer of the legislative body of the metropolitan
 10 district for a term of _____ years, expiring _____, to be
 11 voted for at the election to be held on the _____ day of
 12 _____, _____.
 13 (month) (year)

14 (3) An elector shall not sign **NOMINATING** petitions for more
 15 candidates than are to be elected.

16 (4) A nominating petition filed under this chapter is subject
 17 to the examination and investigation process prescribed in section
 18 552 as to its sufficiency and the validity and genuineness of the
 19 signatures on the nominating petition, and to the other procedures
 20 prescribed in that section relevant to a petition filed under this
 21 chapter.

22 (5) After a nominating petition is filed for a candidate for
 23 metropolitan district officer, the candidate is not permitted to
 24 withdraw unless a written withdrawal notice, signed by the
 25 candidate, is filed with the metropolitan district election
 26 coordinator not later than 4 p.m. of the ~~third~~ **SEVENTH** day after
 27 the last day for filing the nominating ~~petition~~ **PETITIONS**.

1 Sec. 409c. After the filing of ~~a-nominating petition~~**PETITIONS**
 2 or **AN** affidavit of candidacy by or ~~in-ON~~ behalf of a proposed
 3 candidate for the office of judge of the court of appeals, the
 4 proposed candidate is not permitted to withdraw unless he or she
 5 serves a written notice of withdrawal on the secretary of state or
 6 his or her duly authorized agent. The notice must be served not
 7 later than ~~3-7~~ days after the last day for filing nominating
 8 petitions if ~~a-nominating petition was~~**PETITIONS WERE** filed for the
 9 proposed candidate, and not later than ~~3-7~~ days after the last day
 10 for filing affidavits of candidacy if an affidavit of candidacy was
 11 filed for the proposed candidate. If the ~~third~~**SEVENTH** day falls on
 12 a Saturday, Sunday, or legal holiday, the notice of withdrawal may
 13 be served on the secretary of state or his or her duly authorized
 14 agent at any time on or before 4 p.m. ~~, eastern standard time,~~ on
 15 the next secular day.

16 Sec. 414. After the filing of ~~a-nominating petition~~**PETITIONS**
 17 or **AN** affidavit of candidacy by or ~~in-ON~~ behalf of a proposed
 18 candidate for the office of judge of the circuit court, the
 19 proposed candidate is not permitted to withdraw unless he or she
 20 serves a written notice of withdrawal on the secretary of state or
 21 his or her duly authorized agent. The notice must be served not
 22 later than ~~3-7~~ days after the last day for filing nominating
 23 petitions if ~~a-nominating petition was~~**PETITIONS WERE** filed for the
 24 proposed candidate, and not later than ~~3-7~~ days after the last day
 25 for filing affidavits of candidacy if an affidavit of candidacy was
 26 filed for the proposed candidate. If the ~~third~~**SEVENTH** day falls on
 27 a Saturday, Sunday, or legal holiday, the notice of withdrawal may

1 be served on the secretary of state or his or her duly authorized
2 agent at any time on or before 4 p.m. , ~~eastern standard time,~~ on
3 the next secular day.

4 Sec. 434. After the filing of ~~a-nominating petition~~ **PETITIONS**
5 or **AN** affidavit of candidacy by or ~~in~~ **ON** behalf of a proposed
6 candidate for the office of judge of probate, the proposed
7 candidate is not permitted to withdraw unless he or she serves a
8 written notice of withdrawal on the secretary of state or his or
9 her duly authorized agent. The notice must be served not later than
10 ~~3-7~~ days after the last day for filing nominating petitions if ~~a~~
11 ~~nominating petition was~~ **PETITIONS WERE** filed for the proposed
12 candidate, and not later than ~~3-7~~ days after the last day for
13 filing affidavits of candidacy if an affidavit of candidacy was
14 filed for the proposed candidate. If the ~~third~~ **SEVENTH** day falls on
15 a Saturday, Sunday, or legal holiday, the notice of withdrawal may
16 be served on the secretary of state or his or her duly authorized
17 agent at any time on or before 4 p.m. , ~~eastern standard time,~~ on
18 the next secular day.

19 Sec. 467d. After the filing of ~~a-nominating petition~~ **PETITIONS**
20 or **AN** affidavit of candidacy by or ~~in~~ **ON** behalf of a proposed
21 candidate for the office of judge of the district court, the
22 proposed candidate is not permitted to withdraw unless he or she
23 serves a written notice of withdrawal on the secretary of state or
24 his or her duly authorized agent. The notice must be served not
25 later than ~~3-7~~ days after the last day for filing nominating
26 petitions if ~~a-nominating petition was~~ **PETITIONS WERE** filed for the
27 proposed candidate, and not later than ~~3-7~~ days after the last day

1 for filing affidavits of candidacy if an affidavit of candidacy was
2 filed for the proposed candidate. If the ~~third~~**SEVENTH** day falls on
3 a Saturday, Sunday, or legal holiday, the notice of withdrawal may
4 be served on the secretary of state or his or her duly authorized
5 agent at any time on or before 4 p.m. ~~, eastern standard time,~~ on
6 the next secular day.

7 Sec. 590c. (1) A qualifying petition for an office ~~shall~~**MUST**
8 be filed with the filing officer authorized to receive a partisan
9 nominating petition or a certificate of nomination for that office.

10 (2) A qualifying petition for an office elected at the general
11 November election ~~shall~~**MUST** be filed not later than 4 p.m. of the
12 one hundred-tenth day before the general **NOVEMBER** election. A
13 qualifying petition for an official elected at an election other
14 than the general November election ~~shall~~**MUST** be filed not later
15 than the deadline established by statute or charter for filing a
16 partisan petition or certificate of nomination for the office or at
17 least 90 days before that election, whichever is later.

18 (3) A candidate who files a qualifying petition ~~shall~~**IS** not
19 ~~be~~ permitted to withdraw his or her candidacy unless a written
20 notice of withdrawal is filed with the filing officer who received
21 the petition. The notice ~~shall~~**MUST** be filed not later than 4 p.m.
22 of the ~~third~~**SEVENTH** day after the last day for filing a qualifying
23 petition.