

HOUSE BILL NO. 5545

February 25, 2020, Introduced by Reps. Berman, Paquette, Eisen, LaGrand and Mueller and referred to the Committee on Local Government and Municipal Finance.

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 209, 697, and 699 (MCL 168.209, 168.697, and 168.699), section 209 as amended by 2014 PA 94, section 697 as amended by 2018 PA 226, and section 699 as amended by 2012 PA 523, and by adding sections 192a, 193a, 194a, 197a, and 199a; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 192a. A general nonpartisan primary election must be held
2 in every county of this state on the Tuesday after the first Monday



1 in August before every general November election at which the
2 officers named in section 191 are to be elected, at which time the
3 qualified and registered electors may vote for nonpartisan
4 candidates for those offices. If upon the expiration of the time
5 for filing petitions or a filing fee for the primary election of an
6 officer named in section 191 in any county it appears that there
7 are not to exceed twice the number of candidates as there are
8 individuals to be elected, then the county clerk shall certify to
9 the county board of election commissioners the name of the
10 candidate whose petitions have been properly filed and that
11 candidate is the nominee for that office and must be so certified.
12 As to that office, there is no primary election and this office
13 must be omitted from the primary ballot.

14 Sec. 193a. (1) Subject to subsection (2), to obtain the
15 printing of the name of an individual as a candidate for nomination
16 for an office named in section 191 upon the official nonpartisan
17 primary ballots, there must be filed with the county clerk
18 nominating petitions signed by a number of qualified and registered
19 electors residing within the county as determined under section
20 544f. Nominating petitions must be in the form prescribed in
21 section 544a. The county clerk shall receive nominating petitions
22 up to 4 p.m. of the fifteenth Tuesday before the August primary.

23 (2) Instead of filing nominating petitions, a candidate for an
24 office named in section 191 may pay a filing fee of \$100.00 to the
25 county clerk. Payment of the filing fee and certification of the
26 candidate's name paying the filing fee are governed by the same
27 provisions as in the case of nominating petitions. The fee must be
28 deposited in the general fund of the county.

29 (3) The nominating petition signatures filed under this



1 section are subject to challenge as provided in section 552.

2 Sec. 194a. After the filing of a nominating petition or filing
3 fee by or on behalf of a proposed candidate for an office named in
4 section 191, the proposed candidate is not permitted to withdraw
5 unless he or she serves a written notice of withdrawal on the
6 county clerk or his or her duly authorized agent not later than 4
7 p.m. of the third day after the last day for filing the nominating
8 petition or filing fee. If the third day falls on a Saturday,
9 Sunday, or legal holiday, the notice of withdrawal may be served on
10 the county clerk up to 4 p.m. on the next secular day.

11 Sec. 197a. The candidates for the offices named in section 191
12 receiving the largest number of votes at a primary election, to a
13 number equal to twice the number of places to be filled as set
14 forth in the report of the board of county canvassers, based on the
15 returns from the various election precincts or as determined by the
16 board of county canvassers as the result of a recount, must be
17 declared the nominees for those offices at the next November
18 election. The board of county canvassers shall certify the
19 nominations to the county election commission.

20 Sec. 199a. (1) Except as otherwise provided in this section, a
21 county clerk, county treasurer, register of deeds, prosecuting
22 attorney, sheriff, drain commissioner, surveyor, and coroner must
23 be elected in each county in which a county clerk, county
24 treasurer, register of deeds, prosecuting attorney, sheriff, drain
25 commissioner, surveyor, and coroner are to be elected by law.

26 (2) If there are fewer nominees for an office named in section
27 191 than there are individuals to be elected because of the death
28 or disqualification of a nominee less than 66 days before the
29 general November election, then an individual must not be elected



1 at that general November election to that office for which there is
2 no nominee.

3 Sec. 209. If a vacancy occurs in an elective or appointive
4 county office, ~~it shall~~ **the vacancy must** be filled in the following
5 manner:

6 (a) ~~(1)~~—If the vacancy is in the office of county clerk or
7 prosecuting attorney, ~~it shall~~ **the vacancy must** be filled by
8 appointment by the judge or judges of that judicial circuit.

9 (b) ~~(2)~~—If the vacancy is in any other county office, the
10 presiding or senior judge of probate, the county clerk, and the
11 prosecuting attorney shall appoint a suitable ~~person~~ **individual** to
12 fill the vacancy.

13 (c) ~~(3)~~ ~~A person~~ **An individual** appointed shall take and
14 subscribe to the oath as provided in section 1 of article XI of the
15 state constitution of 1963, give bond in the manner required by
16 law, and hold office for the remainder of the unexpired term and
17 until a successor is elected and qualified. However, if the vacancy
18 occurs more than 7 days before the nominating petition filing
19 deadline as provided in section ~~193~~ **193a** for the general November
20 election that is not the general November election at which a
21 successor in office would be elected if there were no vacancy, the
22 ~~person~~ **individual** appointed shall hold office only until a
23 successor is elected at the next general November election in the
24 manner provided by law and qualifies for office. The successor
25 shall hold the office for the remainder of the unexpired term.

26 Sec. 697. At the general November election, the names of the
27 several offices to be voted for must be placed on the ballot
28 substantially in the following order in the years in which
29 elections for those offices are held: Electors of President and



1 Vice President of the United States; governor and lieutenant
 2 governor; secretary of state; attorney general; United States
 3 Senator; Representative in Congress; senator and representative in
 4 the state legislature; members of the state board of education;
 5 regents of the University of Michigan; trustees of Michigan State
 6 University; governors of Wayne State University; county executive;
 7 ~~prosecuting attorney; sheriff; clerk; treasurer; register of deeds;~~
 8 ~~mine inspector in counties electing a mine inspector; and county~~
 9 ~~road commissioners. ; drain commissioners; coroners; and surveyor.~~
 10 The following township officers must be placed on the same ballot
 11 as above described in substantially the following order in the year
 12 in which elections for those offices are held: supervisor, clerk,
 13 treasurer, trustees, and constables.

14 Sec. 699. At any regular election, the names of the several
 15 nonpartisan offices to be voted for ~~shall~~**must** be placed on a
 16 separate portion of the ballot containing no party designation in
 17 the following order: justices of the supreme court, judges of the
 18 court of appeals, judges of the circuit court, judges of the
 19 probate court, judges of the district court, community college
 20 board of trustees member, intermediate school district board
 21 member, **prosecuting attorney, sheriff, county clerk, county**
 22 **treasurer, register of deeds, mine inspector in counties electing a**
 23 **mine inspector, drain commissioner, coroner, surveyor,** city
 24 officers, the following village officers in substantially the
 25 following order in the year in which elections for the offices are
 26 held: president, clerk, treasurer, and trustees, and in a year in
 27 which an election for the office is held, local school district
 28 board member, metropolitan district officer, and district library
 29 board member.



1 Enacting section 1. Sections 192 to 199 of the Michigan
2 election law, 1954 PA 116, MCL 168.192 to 168.199, are repealed.

