



SENATE BILL No. 1336

December 13, 1994, Introduced by Senators HOLMES, VAUGHN, MILLER, CHERRY, FAUST, POLLACK, CONROY, BERRYMAN, ARTHURHULTZ, WELBORN, DILLINGHAM, HART, DINGELL, KOIVISTO, KELLY, SMITH, STABENOW, POSTHUMUS and SCHWARZ and referred to the Committee on Government Operations.

A bill to amend sections 178 and 634 of Act No. 116 of the Public Acts of 1954, entitled
"Michigan election law,"

as amended by Act No. 261 of the Public Acts of 1980, being sections 168.178 and 168.634 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 178 and 634 of Act No. 116 of the
2 Public Acts of 1954, as amended by Act No. 261 of the Public Acts
3 of 1980, being sections 168.178 and 168.634 of the Michigan
4 Compiled Laws, are amended to read as follows:

5 Sec. 178. The governor ~~may~~ SHALL call a special election
6 as provided in section 634 in ~~any~~ A senatorial or representa-
7 tive district of ~~the~~ THIS state ~~when~~ IF the right of office
8 of a person elected state senator or representative ~~shall cease~~
9 CEASES before the commencement of the term of service for which

1 the state senator or representative was elected. ~~, or whenever~~
2 THE GOVERNOR SHALL CALL A SPECIAL ELECTION OR DIRECT THAT THE
3 VACANCY BE FILLED AT THE NEXT GENERAL ELECTION AS PROVIDED IN
4 SECTION 634 IN A SENATORIAL OR REPRESENTATIVE DISTRICT OF THIS
5 STATE IF a vacancy occurs in the office of state senator or rep-
6 resentative after the term of service has begun for which the
7 state senator or representative was elected.

8 Sec. 634. (1) ~~Except as otherwise provided in this sec-~~
9 ~~tion, when~~ IF a vacancy occurs in the office of senator or rep-
10 resentative in the state legislature 46 DAYS OR MORE BEFORE THE
11 NEXT AUGUST PRIMARY ELECTION IN WHICH NOMINEES OF POLITICAL PAR-
12 TIES FOR THAT OFFICE ARE SELECTED, the governor, ~~may~~ NO LATER
13 THAN 7 DAYS AFTER THE DATE THE VACANCY OCCURS, SHALL call a spe-
14 cial PRIMARY AND SPECIAL GENERAL election in that senatorial or
15 representative district. ~~or direct that the vacancy be filled at~~
16 ~~the next general election.~~ EXCEPT AS OTHERWISE PROVIDED IN THIS
17 SUBSECTION, THE SPECIAL PRIMARY SHALL BE HELD NO LATER THAN 52
18 DAYS AFTER THE DATE THE VACANCY OCCURS AND THE SPECIAL GENERAL
19 ELECTION SHALL BE HELD NO LATER THAN 95 DAYS AFTER THE DATE THE
20 VACANCY OCCURS. IF A DEADLINE ESTABLISHED IN THIS SUBSECTION
21 FALLS WITHIN 30 DAYS OF A PRIMARY, GENERAL, OR SPECIAL ELECTION
22 PREVIOUSLY SCHEDULED IN THE REPRESENTATIVE OR SENATORIAL DIS-
23 TRICT, THE SPECIAL PRIMARY OR SPECIAL GENERAL ELECTION CALLED
24 UNDER THIS SUBSECTION MAY BE HELD IN CONJUNCTION WITH THE PREVI-
25 OUSLY SCHEDULED PRIMARY, GENERAL, OR SPECIAL ELECTION. HOWEVER,
26 THE DEADLINE FOR A SPECIAL GENERAL ELECTION UNDER THIS SUBSECTION
27 SHALL NOT BE EXTENDED MORE THAN 30 DAYS. HOWEVER, IF NO MORE

1 THAN 1 CANDIDATE FROM EACH POLITICAL PARTY FILES TO HAVE HIS OR
2 HER NAME APPEAR ON THE BALLOT FOR THE SAME OFFICE, A SPECIAL PRI-
3 MARY SHALL NOT BE HELD UNDER THIS SECTION.

4 (2) If ~~the~~ A vacancy occurs ~~after the primary election~~
5 ~~and~~ IN THE OFFICE OF SENATOR OR REPRESENTATIVE IN THE STATE LEG-
6 ISLATURE DURING THE PERIOD BEGINNING ON THE FORTY-FIFTH DAY
7 before the ~~following general~~ NEXT AUGUST PRIMARY election IN
8 WHICH NOMINEES OF POLITICAL PARTIES FOR THAT OFFICE ARE SELECTED
9 AND ENDING ON THE SIXTH-FIFTH DAY BEFORE THE NEXT GENERAL
10 NOVEMBER ELECTION IN WHICH THE OFFICE IS FILLED, the governor
11 shall direct that the vacancy be filled at that GENERAL NOVEMBER
12 election. ~~and~~ THE GOVERNOR SHALL DIRECT the executive com-
13 mittee of the county committee of each political party, if the
14 county comprises 1 or more ~~representative~~ districts, or, if the
15 district is comprised of more than 1 county, then the executive
16 committee of the county committee of ~~the respective~~ EACH polit-
17 ical ~~parties~~ PARTY of each county in the district, ~~may~~ TO
18 select, by ~~a~~ majority vote, a candidate for that office. ~~and~~
19 ~~and~~ THE EXECUTIVE COMMITTEE shall certify the name of the
20 candidate, IF ANY, to the county board of election commissioners
21 of the county or counties comprising ~~that representative~~ THE
22 district NOT LATER THAN THE SIXTIETH DAY BEFORE THE GENERAL
23 NOVEMBER ELECTION. ~~within 21 days after the vacancy occurs and~~
24 ~~at least 10 days before the general election. Upon certifica-~~
25 ~~tion, the candidate certified shall be the nominee of that party~~
26 ~~at that general election to fill the vacancy for the unexpired~~
27 ~~term with the same force and effect as if the person was~~

1 ~~nominated at a primary election as otherwise provided in this~~
2 ~~act. If the ballots for that election have already been printed~~
3 ~~before the certification, then the board of election commission-~~
4 ~~ers shall cause the names of the candidates to be printed on a~~
5 ~~separate ballot, which ballot shall be counted, canvassed, and~~
6 ~~returned as other ballots cast at that election. (3) If the~~
7 ~~governor directs that the vacancy shall be~~ IS filled at the
8 next general NOVEMBER election AS PROVIDED IN THIS SUBSECTION,
9 the secretary of state shall give notice of that ~~decision~~ FACT
10 similar to the notice provided for in section 651.

11 (3) A SPECIAL ELECTION HELD UNDER THIS SECTION SHALL BE CAN-
12 VASSED AND CERTIFIED ON OR BEFORE THE FOURTEENTH DAY FOLLOWING
13 THE SPECIAL ELECTION.