

SENATE BILL NO. 510

September 12, 2019, Introduced by Senator MCBROOM and referred to the Committee on Elections.

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 192, 193, 197, 200, 253, 254, 258, 261, 345, 349, 355, 370, 370a, 561, 696, 697, and 699 (MCL 168.192, 168.193, 168.197, 168.200, 168.253, 168.254, 168.258, 168.261, 168.345, 168.349, 168.355, 168.370, 168.370a, 168.561, 168.696, 168.697, and 168.699), section 193 as amended by 2012 PA 276, section 200 as amended by 1998 PA 364, section 254 as amended by 2018 PA 120,

section 349 as amended by 2018 PA 654, section 355 as amended by 2013 PA 51, sections 370 and 370a as amended by 2014 PA 94, section 561 as amended by 2002 PA 163, section 696 as amended by 2017 PA 113, section 697 as amended by 2018 PA 226, and section 699 as amended by 2012 PA 523, and by adding sections 192a, 193a, 193b, 197a, 200a, 253a, 254a, 254b, 258a, 261a, 345a, 349b, 349c, 356a, and 357a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 192. ~~A-Except as otherwise provided in section 192a, a~~
 2 general primary election of all political parties shall be held in
 3 every county of this state on the Tuesday ~~succeeding~~**after** the
 4 first Monday in August ~~preceding~~**before** the general November
 5 election at which the officers named in section 191 ~~of this act~~ are
 6 to be elected, at which time the qualified and registered electors
 7 of each political party may vote for party candidates for the
 8 offices. This section ~~shall~~**does** not apply to **political** parties
 9 required to nominate candidates at caucuses or conventions.

10 **Sec. 192a. (1) Beginning January 1 of the year of the federal**
 11 **decennial census and continuing until December 31 of the third year**
 12 **following that date, the county board of commissioners of a county**
 13 **with a population of less than 75,000 may adopt a resolution to**
 14 **conduct nonpartisan elections for the offices of county clerk,**
 15 **county treasurer, register of deeds, prosecuting attorney, sheriff,**
 16 **drain commissioner, surveyor, and coroner. If a county board of**
 17 **commissioners adopts a resolution as provided in this section, the**
 18 **resolution takes effect on December 31 of the year in which the**
 19 **resolution is adopted.**

20 **(2) If a county board of commissioners adopts a resolution as**
 21 **provided under subsection (1), a general nonpartisan primary**

1 election must be held in that county on the Tuesday after the first
 2 Monday in August before every general November election at which a
 3 county clerk, county treasurer, register of deeds, prosecuting
 4 attorney, sheriff, drain commissioner, surveyor, or coroner is to
 5 be elected, at which time the qualified and registered electors may
 6 vote for the nonpartisan candidates for the office of county clerk,
 7 county treasurer, register of deeds, prosecuting attorney, sheriff,
 8 drain commissioner, surveyor, or coroner. If upon the expiration of
 9 the time for filing petitions or a filing fee for the primary
 10 election of the county clerk, county treasurer, register of deeds,
 11 prosecuting attorney, sheriff, drain commissioner, surveyor, or
 12 coroner it appears that there are not to exceed twice the number of
 13 candidates as there are persons to be elected, then the county
 14 clerk shall certify to the county board of election commissioners
 15 the names of the candidates for county clerk, county treasurer,
 16 register of deeds, prosecuting attorney, sheriff, drain
 17 commissioner, surveyor, or coroner whose petitions have been
 18 properly filed and those candidates must be so certified. As to
 19 that office, there must not be a primary election and this office
 20 must be omitted from the primary ballot.

21 Sec. 193. (1) ~~To~~ **Except as otherwise provided in section 193a,**
 22 **to** obtain the printing of the name of a person as a candidate for
 23 nomination by a political party for an office named in section 191
 24 under a particular party heading upon the official primary ballots,
 25 there ~~shall~~ **must** be filed with the county clerk nominating
 26 petitions signed by a number of qualified and registered electors
 27 residing within the county as determined under section 544f.
 28 Nominating petitions ~~shall~~ **must** be in the form prescribed in
 29 section 544c. ~~Until December 31, 2013, the county clerk shall~~

1 ~~receive nominating petitions up to 4 p.m. of the twelfth Tuesday~~
 2 ~~before the August primary. Beginning January 1, 2014, the~~ **The**
 3 county clerk shall receive nominating petitions up to 4 p.m. of the
 4 fifteenth Tuesday before the August primary.

5 (2) ~~To~~ **Except as otherwise provided in section 193a, to** obtain
 6 the printing of the name of a candidate of a political party under
 7 the particular party's heading upon the primary election ballots in
 8 the various voting precincts of the county, there may be filed by
 9 the candidate, in lieu of filing nomination petitions, a filing fee
 10 of \$100.00 to be paid to the county clerk. Payment of the fee and
 11 certification of the candidate's name paying the fee ~~shall be~~ **are**
 12 governed by the same provisions as in the case of nominating
 13 petitions. The fee ~~shall~~ **must** be deposited in the general fund of
 14 the county and ~~shall~~ **must** be refunded to candidates who are
 15 nominated and to an equal number of candidates who receive the next
 16 highest number of votes in the primary election. If 2 or more
 17 candidates tie in having the lowest number of votes allowing a
 18 refund, the sum of \$100.00 ~~shall~~ **must** be divided among them. The
 19 deposits of all other defeated candidates, as well as the deposits
 20 of candidates who withdraw or are disqualified, ~~shall~~ **must** be
 21 forfeited and the candidates ~~shall~~ **must** be notified of the
 22 forfeiture. Deposits forfeited under this section ~~shall~~ **must** be
 23 paid into and credited to the general fund of the county.

24 **Sec. 193a. (1) This section only applies if a county board of**
 25 **commissioners adopts a resolution as provided in section 192a.**

26 (2) **Subject to subsection (3), to obtain the printing of the**
 27 **name of a person as a candidate for nomination for the office of**
 28 **county clerk, county treasurer, register of deeds, prosecuting**
 29 **attorney, sheriff, drain commissioner, surveyor, or coroner upon**

1 the official nonpartisan primary ballots, there must be filed with
 2 the county clerk nominating petitions signed by a number of
 3 qualified and registered electors residing within the county as
 4 determined under section 544f. Nominating petitions must be in the
 5 form prescribed in section 544a. The county clerk shall receive
 6 nominating petitions up to 4 p.m. of the fifteenth Tuesday before
 7 the August primary.

8 (3) Instead of filing nominating petitions, a candidate for
 9 county clerk, county treasurer, register of deeds, prosecuting
 10 attorney, sheriff, drain commissioner, surveyor, or coroner may pay
 11 a filing fee of \$100.00 to the county clerk. Payment of the filing
 12 fee and certification of the candidate's name paying the filing fee
 13 are governed by the same provisions as in the case of nominating
 14 petitions. The fee must be deposited in the general fund of the
 15 county.

16 (4) The nominating petition signatures filed under this
 17 section are subject to challenge as provided in section 552.

18 Sec. 193b. (1) This section only applies if a county board of
 19 commissioners adopts a resolution as provided in section 192a.

20 (2) There must be printed upon the ballot under the name of
 21 each incumbent county clerk, county treasurer, register of deeds,
 22 prosecuting attorney, sheriff, drain commissioner, surveyor, or
 23 coroner who is a candidate for nomination or election to the same
 24 office the designation of that office.

25 Sec. 197. ~~The~~ Except as otherwise provided in section 197a,
 26 the candidates of each political party for the offices named in
 27 section 191 ~~of this act~~ receiving the greatest number of votes cast
 28 for ~~said~~ those offices, as set forth in the reports of the board of
 29 county canvassers, based on the returns from the various election

1 precincts, or as determined by ~~said~~**the** board as the result of a
 2 recount, ~~shall~~**must** be declared the nominees of that political
 3 party for ~~said~~**those** offices at the next ensuing November election.
 4 The board of county canvassers shall forthwith certify ~~such~~**the**
 5 nominations to the county election commission.

6 **Sec. 197a. (1) This section only applies if a county board of**
 7 **commissioners adopts a resolution as provided in section 192a.**

8 **(2) The candidates for the office of county clerk, county**
 9 **treasurer, register of deeds, prosecuting attorney, sheriff, drain**
 10 **commissioner, surveyor, or coroner receiving the largest number of**
 11 **votes at a primary election, to a number equal to twice the number**
 12 **of places to be filled as set forth in the report of the board of**
 13 **county canvassers, based on the returns from the various election**
 14 **precincts or as determined by the board of county canvassers as a**
 15 **result of a recount, must be declared the nominees for the office**
 16 **of county clerk, county treasurer, register of deeds, prosecuting**
 17 **attorney, sheriff, drain commissioner, surveyor, or coroner at the**
 18 **next November election. The board of county canvassers shall**
 19 **certify the nominations to the county election commission.**

20 **Sec. 200. (1) A**~~Except as otherwise provided in section 200a,~~
 21 **a county clerk, a county treasurer, a register of deeds, a**
 22 **prosecuting attorney, a sheriff, a drain commissioner, and a**
 23 **surveyor** ~~shall~~**must** be elected at the 2000 general November
 24 election and every fourth year after that. However, in a county in
 25 which 1 of these offices is abolished or combined as provided by
 26 law, no person shall be elected to that office in that county.

27 **(2) Subject to subsections (3), (4), and (5), a county board**
 28 **of commissioners may by resolution combine the offices of county**
 29 **clerk and register of deeds in 1 office of the clerk register or**

1 separate the office of the clerk register into the offices of
2 county clerk and register of deeds. A combination or separation of
3 offices ~~shall~~**does** not take effect before the expiration of the
4 current term of the affected offices.

5 (3) Before adopting a resolution to combine the offices of
6 county clerk and register of deeds or separate the office of clerk
7 register into the offices of county clerk and register of deeds, a
8 county board of commissioners shall study the question of combining
9 or separating the offices. The mandatory requirements of this
10 subsection may be satisfied by conducting a public hearing ~~pursuant~~
11 ~~to~~**under** subsection (4).

12 (4) The county board of commissioners as a whole body shall
13 hold not less than 1 public hearing, held subject to the open
14 meetings act, 1976 PA 267, MCL 15.261 to 15.275, on the question of
15 combining or separating the offices of county clerk and register of
16 deeds. The county board of commissioners may vote on the question
17 as a regularly scheduled agenda item not less than 10 days or more
18 than 30 days after the last public hearing held by the county board
19 of commissioners on the question.

20 (5) Not later than the sixth Tuesday before the deadline for
21 filing the nominating petitions for the office of county clerk,
22 register of deeds, or clerk register, the county board of
23 commissioners may by a vote of 2/3 of the commissioners elected and
24 serving combine the offices of county clerk and register of deeds
25 or separate the office of the clerk register. The resolution ~~shall~~
26 ~~become~~**becomes** effective upon the commencement of the next term of
27 office of the county clerk, register of deeds, or clerk register
28 after the adoption of the resolution.

29 **Sec. 200a. (1) This section only applies if a county board of**

1 commissioners adopts a resolution as provided in section 192a.

2 (2) If there are fewer nominees for the office of county
3 clerk, county treasurer, register of deeds, prosecuting attorney,
4 sheriff, drain commissioner, surveyor, or coroner than there are
5 persons to be elected because of the death or disqualification of a
6 nominee less than 66 days before the general November election,
7 then a person must not be elected at that general November election
8 for that office for which there is no nominee.

9 Sec. 253. ~~A~~**Except as otherwise provided in section 253a, a**
10 general primary election of all political parties shall be held on
11 the Tuesday ~~succeeding~~**after** the first Monday in August ~~preceding~~
12 **before** every general November election in which county road
13 commissioners are elected, at which time the qualified and
14 registered electors of each political party may vote for party
15 candidates for the office of county road commissioner.

16 Sec. 253a. (1) **Beginning January 1 of the year of the federal**
17 **decennial census and continuing until December 31 of the third year**
18 **following that date, the county board of commissioners of a county**
19 **with a population of less than 75,000 may adopt a resolution to**
20 **conduct nonpartisan elections for the office of county road**
21 **commissioner. If a county board of commissioners adopts a**
22 **resolution as provided in this section, the resolution takes effect**
23 **on December 31 of the year in which the resolution is adopted.**

24 (2) If a county board of commissioners adopts a resolution as
25 provided under subsection (1), a general nonpartisan primary
26 election must be held in that county on the Tuesday after the first
27 Monday in August before every general November election at which
28 county road commissioners are to be elected, at which time the
29 qualified and registered electors may vote for the nonpartisan

1 candidates for the office of county road commissioner. If upon the
2 expiration of the time for filing petitions or a filing fee for the
3 primary election of the county road commissioners it appears that
4 there are not to exceed twice the number of candidates as there are
5 persons to be elected, then the county clerk shall certify to the
6 county board of election commissioners the names of the candidates
7 for county road commissioner whose petitions have been properly
8 filed and those candidates must be so certified. As to that office,
9 there must not be a primary election and this office must be
10 omitted from the primary ballot.

11 Sec. 254. (1) ~~To~~**Except as otherwise provided in section 254a,**
12 to obtain the printing of the name of a person as a candidate for
13 nomination by a political party for the office of county road
14 commissioner under a particular party heading upon the official
15 primary ballots, there must be filed with the county clerk of the
16 county nominating petitions signed by a number of qualified and
17 registered electors residing within the county as determined under
18 section 544f. Nominating petitions must be in the form prescribed
19 in section 544c. The county clerk shall receive nominating
20 petitions up to 4 p.m. of the fifteenth Tuesday before the August
21 primary in which county road commissioners are to be elected.

22 (2) ~~To~~**Except as otherwise provided in section 254a,** to obtain
23 the printing of the name of a candidate of a political party under
24 the particular party's heading upon the primary election ballots in
25 the various voting precincts of the county, there may be filed by
26 each candidate, in lieu of filing nominating petitions, a filing
27 fee of \$100.00 to be paid to the county clerk. Payment of the fee
28 and certification of the name of the candidate paying the fee are
29 governed by the same provisions as in the case of nominating

1 petitions. The fee must be deposited in the general fund of the
2 county and must be returned to all candidates who are nominated and
3 to an equal number of candidates who received the next highest
4 number of votes in the primary election. If 2 or more candidates
5 tie in having the lowest number of votes allowing a refund, the sum
6 of \$100.00 must be divided among them. The deposits of all other
7 defeated candidates, as well as the deposits of candidates who
8 withdraw or are disqualified, are forfeited and the candidates must
9 be notified of the forfeitures. Deposits forfeited under this
10 section must be paid into and credited to the general fund of the
11 county.

12 **Sec. 254a. (1) This section only applies if a county board of**
13 **commissioners adopts a resolution as provided in section 253a.**

14 **(2) Subject to subsection (3), to obtain the printing of the**
15 **name of a person as a candidate for nomination for the office of**
16 **county road commissioner upon the official nonpartisan primary**
17 **ballots, there must be filed with the county clerk nominating**
18 **petitions signed by a number of qualified and registered electors**
19 **residing within the county as determined under section 544f.**
20 **Nominating petitions must be in the form prescribed in section**
21 **544a. The county clerk shall receive nominating petitions up to 4**
22 **p.m. of the fifteenth Tuesday before the August primary.**

23 **(3) Instead of filing nominating petitions, a candidate for**
24 **county road commissioner 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 **(4) The nominating petition signatures filed under this**

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

2 Sec. 254b. (1) This section only applies if a county board of
3 commissioners adopts a resolution as provided in section 253a.

4 (2) There must be printed upon the ballot under the name of
5 each incumbent county road commissioner who is a candidate for
6 nomination or election to the same office the designation of that
7 office.

8 Sec. 258. ~~The~~ **Except as otherwise provided in section 258a,**
9 **the** candidate of each political party for the office of county road
10 commissioner receiving the greatest number of votes cast for
11 candidates for ~~said-that~~ office, as set forth in the report of the
12 board of county canvassers, based on the returns from the various
13 election precincts, or as determined by ~~said-the~~ board as the
14 result of a recount, ~~shall-must~~ be declared the nominee of that
15 political party for ~~said-the~~ office **of county road commissioner** at
16 the next ensuing November election, and the board of county
17 canvassers shall forthwith certify ~~such-the~~ nomination to the
18 county election commission.

19 Sec. 258a. (1) This section only applies if a county board of
20 commissioners adopts a resolution as provided under section 253a.

21 (2) The candidates for the office of county road commissioner
22 receiving the largest number of votes at a primary election, to a
23 number equal to twice the number of places to be filled as set
24 forth in the report of the board of county canvassers, based on the
25 returns from the various election precincts or as determined by the
26 board of county canvassers as a result of a recount, must be
27 declared the nominees for the office of county road commissioner at
28 the next November election. The board of county canvassers shall
29 certify the nominations to the county election commission.

1 Sec. 261. ~~A-Except as provided in section 261a,~~ a county road
2 commissioner ~~shall-must~~ be elected at the general election to be
3 held on the Tuesday ~~succeeding-after~~ the first Monday of November
4 in every even numbered year.

5 Sec. 261a. (1) This section only applies if a county board of
6 commissioners adopts a resolution as provided in section 253a.

7 (2) If there are fewer nominees for the office of county road
8 commissioner than there are persons to be elected because of the
9 death or disqualification of a nominee less than 66 days before the
10 general November election, then a person must not be elected at
11 that general November election for that office for which there is
12 no nominee.

13 Sec. 345. ~~A-Except as otherwise provided in section 345a,~~ a
14 primary of all political parties ~~shall-must~~ be held in every
15 organized township of this state on the Tuesday ~~succeeding-after~~
16 the first Monday in August ~~preceding-before~~ every general November
17 election, at which time the qualified and registered electors of
18 each political party may vote for party candidates for township
19 offices.

20 Sec. 345a. (1) Beginning January 1 of the year of the federal
21 decennial census and continuing until December 31 of the third year
22 following that date, the board of trustees of a township with a
23 population of less than 75,000 may adopt a resolution to conduct
24 nonpartisan elections for the offices of supervisor, clerk,
25 treasurer, or trustee. If a board of trustees of a township adopts
26 a resolution as provided in this section, the resolution takes
27 effect on December 31 of the year in which the resolution is
28 adopted.

29 (2) If a board of trustees adopts a resolution as provided

1 under subsection (1), a general nonpartisan primary must be held in
 2 that township on the Tuesday after the first Monday in August
 3 before every general November election at which a township
 4 supervisor, clerk, treasurer, and trustees are to be elected, at
 5 which time the qualified and registered electors may vote for
 6 nonpartisan candidates for the offices of township supervisor,
 7 clerk, treasurer, and trustee. If upon the expiration of the time
 8 for filing petitions for the nonpartisan primary election of a
 9 township office described in this section it appears that there are
 10 not to exceed twice the number of candidates as there are persons
 11 to be elected, then the township clerk shall certify to the county
 12 clerk the names of the candidates for that township office whose
 13 petitions have been properly filed and those candidates are the
 14 nominees for that township office and must be so certified. As to
 15 that township office, there must not be a primary election and this
 16 township office must be omitted from the primary ballot.

17 Sec. 349. (1) ~~¶~~**Except as otherwise provided in section 349b,**
 18 to obtain the printing of the name of a person as a candidate for
 19 nomination by a political party for a township office under the
 20 particular party heading upon the official primary ballots, there
 21 must be filed with the township clerk nominating petitions signed
 22 by a number of qualified and registered electors residing within
 23 the township as determined under section 544f. Nominating petitions
 24 must be in the form prescribed in section 544c. The township clerk
 25 shall receive nominating petitions up to 4 p.m. of the fifteenth
 26 Tuesday before the August primary.

27 (2) ~~¶~~**Except as otherwise provided in section 349b,** to obtain
 28 the printing of the name of a candidate of a political party under
 29 the particular party's heading upon the primary election ballots in

1 the various voting precincts of the township, there may be filed by
 2 the candidate, in lieu of filing nominating petitions, a filing fee
 3 of \$100.00 to be paid to the township clerk. Payment of the fee and
 4 certification of the candidate's name paying the fee are governed
 5 by the same provisions as in the case of nominating petitions. The
 6 fee must be deposited in the general fund of the township and must
 7 be refunded to candidates who are nominated and to an equal number
 8 of candidates who receive the next highest number of votes in the
 9 primary election. If 2 or more candidates tie in having the lowest
 10 number of votes allowing a refund, the sum of \$100.00 must be
 11 divided among them. The deposits of all other defeated candidates,
 12 as well as the deposits of candidates who withdraw or are
 13 disqualified, are forfeited and the candidates must be notified of
 14 the forfeiture. Deposits forfeited under this section must be paid
 15 into and credited to the general fund of the township.

16 (3) ~~Within~~ **Except as otherwise provided in section 349b,**
 17 **within** 4 days after the last day for filing nominating petitions or
 18 a filing fee, the township clerk shall deliver to the county clerk
 19 a list setting forth the name, address, and political affiliation
 20 and office sought of each candidate who has qualified for a
 21 position on the primary ballot.

22 **Sec. 349b. (1) This section only applies if a board of**
 23 **trustees of a township adopts a resolution as provided in section**
 24 **345a.**

25 (2) **To obtain the printing of the name of a person as a**
 26 **candidate for nomination for a township office described in section**
 27 **345a upon the official nonpartisan primary ballots, there must be**
 28 **filed with the township clerk nominating petitions signed by a**
 29 **number of qualified and registered electors residing within the**

1 township determined under section 544f. Nominating petitions must
 2 be in the form prescribed in section 544a. The township clerk shall
 3 receive nominating petitions up to 4 p.m. of the fifteenth Tuesday
 4 before the August primary.

5 (3) Instead of filing nominating petitions, a candidate for a
 6 township office described in section 345a may pay a filing fee of
 7 \$100.00 to the township clerk. Payment of the fee and certification
 8 of the candidate's name paying the fee are governed by the same
 9 provisions as in the case of nominating petitions. The fee must be
 10 deposited in the general fund of the township.

11 (4) Within 4 days after the last day for filing nominating
 12 petitions, the township clerk shall deliver to the county clerk a
 13 list setting forth the name, address, and office sought for each
 14 candidate who has qualified for a position on the nonpartisan
 15 primary ballot.

16 Sec. 349c. (1) This section only applies if a board of
 17 trustees of a township adopts a resolution as provided in section
 18 345a.

19 (2) There must be printed upon the ballot under the name of
 20 each incumbent township supervisor, clerk, treasurer, or trustee
 21 who is a candidate for nomination or election to the same office
 22 the designation of that office.

23 Sec. 355. (1) ~~The~~ Except as otherwise provided in section
 24 356a, the candidate or candidates of each political party to a
 25 township office receiving the greatest number of votes cast for
 26 candidates of that office, as set forth in the report of the board
 27 of county canvassers, based on the returns from the various
 28 election precincts, or as determined by the board of county
 29 canvassers as the result of a recount, ~~shall~~ must be declared the

1 nominee or nominees of that political party for that office at the
2 next ensuing November election. The board of county canvassers
3 shall certify the nomination or nominations to the township clerk
4 within 48 hours after the polls close.

5 (2) Within 4 days following the primary, the township clerk
6 shall deliver to the county clerk a list setting forth the names,
7 addresses, political affiliation, and office sought of all
8 candidates nominated at the primary.

9 **Sec. 356a. (1) This section only applies if a board of**
10 **trustees of a township adopts a resolution as provided in section**
11 **345a.**

12 (2) The candidates for each township office described in
13 section 345a receiving the largest number of votes at a nonpartisan
14 primary election, to a number equal to twice the number of places
15 to be filled as set forth in the report of the board of township
16 canvassers, based on the returns from the various election
17 precincts or as determined by the board of county canvassers as the
18 result of a recount, must be declared the nominees for those
19 township offices at the next November election. The board of county
20 canvassers shall certify the nominations to the township clerk
21 within 48 hours after the closing of the polls.

22 (3) Within 4 days following the nonpartisan primary, the
23 township clerk shall deliver to the county clerk a list setting
24 forth the name, address, and office sought of each candidate
25 nominated at the nonpartisan primary.

26 **Sec. 357a. (1) This section only applies if a board of**
27 **trustees of a township adopts a resolution as provided in section**
28 **345a.**

29 (2) If there are fewer nominees for the office of supervisor,

1 clerk, treasurer, or trustee than there are persons to be elected
2 because of the death or disqualification of a nominee less than 66
3 days before the general November election, then a person must not
4 be elected at that general November election for that office for
5 which there is no nominee.

6 Sec. 370. (1) Except as provided in section 370a or subsection
7 (2), if a vacancy occurs in an elective or appointive township
8 office, the vacancy ~~shall~~**must** be filled by appointment by the
9 township board, and the person appointed shall hold the office for
10 the remainder of the unexpired term.

11 (2) If 1 or more vacancies occur in an elective township
12 office that cause the number of members serving on the township
13 board to be less than the minimum number of board members that is
14 required to constitute a quorum for the transaction of business by
15 the board, the board of county election commissioners shall make
16 temporary appointment of the number of members required to
17 constitute a quorum for the transaction of business by the township
18 board. An official appointed under this subsection shall hold the
19 office only until the official's successor is elected or appointed
20 and qualified. An official who is temporarily appointed under this
21 subsection shall not vote on the appointment of himself or herself
22 to an elective or appointive township office.

23 (3) If a township official submits a written resignation from
24 an elective township office, for circumstances other than a
25 resignation related to a recall election, that specifies a date and
26 time when the resignation is effective, the township board, within
27 30 days before that effective date and time, may appoint a person
28 to fill the vacancy at the effective date and time of the
29 resignation. The resigning official shall not vote on the

1 appointment.

2 (4) Except as provided in subsection (5), if the township
 3 board does not make an appointment under subsection (3), or if a
 4 vacancy occurs in an elective township office and the vacancy is
 5 not filled by the township board or the board of county election
 6 commissioners within 45 days after the beginning of the vacancy,
 7 the county clerk of the county in which the township is located
 8 shall call a special election within 5 calendar days to fill the
 9 vacancy. ~~Not~~ **Except as otherwise provided in this subsection, not**
 10 later than 4 p.m. on the fifteenth calendar day after the county
 11 clerk calls a special election under this section, the township
 12 party committee for each political party in the township shall
 13 submit a nominee to fill the vacancy. **If a board of trustees of a**
 14 **township adopts a resolution as provided in section 345a, to obtain**
 15 **the printing upon the special election ballot of the name of a**
 16 **person as a candidate for a vacant township office, there must be**
 17 **filed with the township clerk nominating petitions, in the form**
 18 **prescribed in section 544a, signed by a number of qualified and**
 19 **registered electors residing within the township determined under**
 20 **section 544f. If a board of trustees of a township adopts a**
 21 **resolution as provided in section 345a, the township clerk shall**
 22 **receive nominating petitions for a vacant township office up to 4**
 23 **p.m. on the fifteenth calendar day after the county clerk calls a**
 24 **special election under this section, and within 4 days after the**
 25 **last day for filing nominating petitions, the township clerk shall**
 26 **deliver to the county clerk a list setting forth the name and**
 27 **address of each candidate who has qualified to be placed on the**
 28 **special election ballot for that vacant township office. The**
 29 special election ~~shall~~ **must** be held on the next regular election

1 date that is not less than 60 days after the deadline for
 2 submitting nominees under this section or 70 days after the
 3 deadline for submitting nominees under this section if the next
 4 regular election date is the even year August primary or the
 5 general November election. Notice of the special election ~~shall~~
 6 **must** be given in the same manner required by section 653a. A
 7 special election called under this section does not affect the
 8 rights of a qualified elector to register for any other election. A
 9 person elected to fill a vacancy shall serve for the remainder of
 10 the unexpired term.

11 (5) Subsection (4) does not apply to the office of township
 12 constable. If a vacancy occurs in the office of township constable,
 13 the township board shall determine if and when the vacancy ~~shall~~
 14 **will** be filled by appointment. If the township board does not fill
 15 the vacancy by appointment, the office of township constable ~~shall~~
 16 ~~remain~~**remains** vacant until the next general or special election in
 17 which township offices are filled.

18 Sec. 370a. Notwithstanding the provisions of section 370, if a
 19 vacancy occurs in an elective or appointive township office, which
 20 vacancy is filled by appointment by the township board or the board
 21 of county election commissioners and the vacancy occurs more than 7
 22 days before the nominating petition filing deadline as provided in
 23 section 349 **or 349b** for the general November election that is not
 24 the general November election at which a successor in office would
 25 be elected if no vacancy, then the person appointed shall hold
 26 office only until a successor is elected at the next general
 27 November election in the manner provided by law and qualifies for
 28 office. The successor shall hold the office for the remainder of
 29 the unexpired term.

1 Sec. 561. (1) The ballots prepared by the board of election
2 commissioners in each county for use by the electors of a political
3 party at a primary election ~~shall~~**must** include the name of each
4 candidate of the political party for the office of governor, United
5 States ~~senator,~~**Senator**, and district offices; for the county, the
6 name of each candidate of the political party for county offices;
7 and for each township, the name of each candidate of the political
8 party for township offices.

9 (2) If, in a district that is a county or entirely within 1
10 county, 2 or more candidates, including candidates for nonpartisan
11 offices, for the same office have the same or similar surnames, a
12 candidate may file a written request with the board of county
13 election commissioners for a clarifying designation. The request
14 ~~shall~~**must** be filed not later than 3 days after the last date for
15 filing nominating petitions. Not later than 3 days after the filing
16 of the request, the board of county election commissioners shall
17 determine whether a similarity exists and whether a clarifying
18 designation should be granted. In a district located in more than 1
19 county, the board of state canvassers shall make a determination
20 whether to grant a clarifying designation upon the written request
21 of a candidate who files nominating petitions with the secretary of
22 state. The request ~~shall~~**must** be filed with the state board of
23 canvassers not later than 5 days after the last date for filing
24 nominating petitions. The board of state canvassers shall make its
25 determination at the same time it makes a declaration of the
26 sufficiency or insufficiency of nominating petitions in compliance
27 with section 552.

28 (3) In each instance, the determining board shall immediately
29 notify each candidate for the same office as the requester that a

1 request for a clarifying designation has been made and of the date,
 2 time, and place of the hearing. The requester and each candidate
 3 for the same office ~~shall~~**must** be notified of the board's
 4 determination by first-class mail sent within 24 hours after the
 5 final date for the determination. A candidate who is dissatisfied
 6 with the determination of the board of county election
 7 commissioners may file an appeal in the circuit court of the county
 8 where the board is located. A candidate who is dissatisfied with
 9 the determination of the board of state canvassers may file an
 10 appeal in the Ingham ~~county~~**County** circuit court. The appeal ~~shall~~
 11 **must** be filed within 14 days after the final date for determination
 12 by the board. The court shall hear the matter de novo. Except as
 13 provided in subsection (4), in the case of the same surname or of a
 14 final determination by the board or by the court before the latest
 15 date that the board can arrange the ballot printing of the
 16 existence of similarity, the board shall print the occupation, date
 17 of birth, or residence of each of the candidates on the ballot or
 18 ballot labels under their respective names. The term "occupation"
 19 includes a currently held political office, even though it is not
 20 the candidate's principal occupation, but does not include
 21 reference to a previous position or occupation.

22 (4) If there are 2 candidates with the same or similar
 23 surnames and 1 of the candidates is entitled to an incumbency
 24 designation by section 24 of article VI of the state constitution
 25 of 1963 **or section 193b, 254b, or 349c of the Michigan election**
 26 **law, 1954 PA 116, MCL 168.193b, 168.254b, and 168.349c**, no other
 27 designation shall be provided for the other candidate with the same
 28 or similar surname. If there are more than 2 candidates with the
 29 same or similar surname and 1 of the candidates is entitled to an

1 incumbency designation by section 24 of article VI of the state
2 constitution of 1963 **or section 193b, 254b, or 349c of the Michigan**
3 **election law, 1954 PA 116, MCL 168.193b, 168.254b, and 168.349c,** a
4 clarifying designation may be given to the other candidates with
5 the same or similar surname. Except for an incumbency designation
6 under section 24 of article VI of the state constitution of 1963 **or**
7 **section 193b, 254b, or 349c of the Michigan election law, 1954 PA**
8 **116, MCL 168.193b, 168.254b, and 168.349c,** if 2 or more candidates
9 with the same or similar surnames are related, the board shall only
10 print the residence or date of birth of each of the candidates as a
11 clarifying designation. As used in this subsection, "related" means
12 that the candidates with the same or similar surnames are related
13 within the third degree of consanguinity.

14 (5) The board of state canvassers shall issue guidelines to
15 ensure fairness and uniformity in the granting of designations and
16 may issue guidelines relating to what constitutes the same or
17 similar surnames. The board of state canvassers and the boards of
18 county election commissioners ~~shall~~**must** follow the guidelines.

19 Sec. 696. (1) The board of election commissioners in each
20 county shall have the name of each candidate for federal, state,
21 district, county, and township offices at an election printed on 1
22 ballot, separate from any other ballot. The name of each candidate
23 of each political party must be placed under the name of the office
24 for which the candidate was certified to have been nominated along
25 with the political party name under the candidate's name.

26 (2) If, in a district that is a county or entirely within 1
27 county, 2 or more candidates nominated by the same political party
28 or by different political parties for the same office, or
29 nonpartisan candidates for the same office, have the same or

1 similar surnames, a candidate may file a written request with the
2 board of county election commissioners for a clarifying
3 designation. The request must be filed not later than 3 days after
4 the certification of the relevant candidates. Not later than 3 days
5 after the filing of the request, the board of county election
6 commissioners shall determine whether a similarity exists and
7 whether a clarifying designation should be granted. In a district
8 located in more than 1 county, the board of state canvassers shall
9 make a determination whether to grant a clarifying designation upon
10 the written request of a candidate who is certified by the
11 secretary of state. The request must be filed with the board of
12 state canvassers not later than 3 days after the board of state
13 canvassers completes the canvass of the primary election in
14 compliance with section 581 and the certification of nominees in
15 compliance with section 687. The board of state canvassers shall
16 make its determination not later than 3 days after the request is
17 filed.

18 (3) In each instance, the determining board shall immediately
19 notify each candidate for the same office as the requester that a
20 request for a clarifying designation has been made and of the date,
21 time, and place of the hearing. The requester and each candidate
22 for the same office must be notified of the board's determination
23 by first-class mail sent within 24 hours after the final date for
24 the determination. A candidate who is dissatisfied with the
25 determination of the board of county election commissioners may
26 file an appeal in the circuit court of the county where the board
27 is located. A candidate who is dissatisfied with the determination
28 of the board of state canvassers may file an appeal in the Ingham
29 County circuit court. The appeal must be filed within 14 days after

1 the final date for determination by the board. The court shall hear
2 the matter de novo. Except as provided in subsection (4), in the
3 case of the same surname or of a final determination by the board
4 or by the court before the latest date that the board can arrange
5 for the ballot printing of the existence of similarity, the board
6 shall print the occupation, date of birth, or residence of each of
7 the candidates having the same or similar surnames on the ballot or
8 ballot labels or slips to be placed on the voting machine, when
9 used, under their respective names. The request may not be made by
10 a candidate of a political party whose candidate for secretary of
11 state received less than 10% of the total vote cast in the state
12 for all candidates for secretary of state in the most recent
13 November election in which a secretary of state was elected. As
14 used in this subsection, "occupation" includes a currently held
15 political office, even though it is not the candidate's principal
16 occupation, but does not include reference to a previous position
17 or occupation.

18 (4) If there are 2 candidates with the same or similar
19 surnames and 1 of the candidates is entitled to an incumbency
20 designation by section 24 of article VI of the state constitution
21 of 1963 **or section 193b, 254b, or 349c of the Michigan election**
22 **law, 1954 PA 116, MCL 168.193b, 168.254b, and 168.349c**, no other
23 designation shall be provided for the other candidate with the same
24 or similar surname. If there are more than 2 candidates with the
25 same or similar surname and 1 of the candidates is entitled to an
26 incumbency designation by section 24 of article VI of the state
27 constitution of 1963 **or section 193b, 254b, or 349c of the Michigan**
28 **election law, 1954 PA 116, MCL 168.193b, 168.254b, and 168.349c**, a
29 clarifying designation may be given to the other candidates with

1 the same or similar surname. Except for an incumbency designation
 2 under section 24 of article VI of the state constitution of 1963 **or**
 3 **section 193b, 254b, or 349c of the Michigan election law, 1954 PA**
 4 **116, MCL 168.193b, 168.254b, and 168.349c**, if 2 or more candidates
 5 with the same or similar surnames are related, the board shall only
 6 print the residence or date of birth of each of the candidates as a
 7 clarifying designation. As used in this subsection, "related" means
 8 that the candidates with the same or similar surnames are related
 9 within the third degree of consanguinity.

10 (5) The board of state canvassers shall issue guidelines to
 11 ensure fairness and uniformity in the granting of designations and
 12 may issue guidelines relating to what constitutes the same or
 13 similar surnames. The board of state canvassers and the boards of
 14 county election commissioners ~~shall~~ **must** follow the guidelines.

15 Sec. 697. ~~At~~ **Except as otherwise provided under section**
 16 **699(2)**, **at** the general November election, the names of the several
 17 offices to be voted for must be placed on the ballot substantially
 18 in the following order in the years in which elections for those
 19 offices are held: Electors of President and Vice President of the
 20 United States; governor and lieutenant governor; secretary of
 21 state; attorney general; United States Senator; Representative in
 22 Congress; senator and representative in the state legislature;
 23 members of the state board of education; regents of the University
 24 of Michigan; trustees of Michigan State University; governors of
 25 Wayne State University; county executive; prosecuting attorney;
 26 sheriff; clerk; treasurer; register of deeds; mine inspector in
 27 counties electing a mine inspector; county road commissioners;
 28 drain commissioners; coroners; and surveyor. ~~The~~ **Except as**
 29 **otherwise provided under section 699(3)**, the following township

1 officers must be placed on the same ballot as above described in
 2 substantially the following order in the year in which elections
 3 for those offices are held: supervisor, clerk, treasurer, trustees,
 4 and constables.

5 Sec. 699. **(1) ~~At~~ Subject to subsections (2) and (3), at** any
 6 regular election, the names of the several nonpartisan offices to
 7 be voted for shall be placed on a separate portion of the ballot
 8 containing no party designation in the following order: justices of
 9 the supreme court, judges of the court of appeals, judges of the
 10 circuit court, judges of the probate court, judges of the district
 11 court, community college board of trustees member, intermediate
 12 school district board member, city officers, the following village
 13 officers in substantially the following order in the year in which
 14 elections for the offices are held: president, clerk, treasurer,
 15 and trustees, and in a year in which an election for the office is
 16 held, local school district board member, metropolitan district
 17 officer, and district library board member.

18 **(2) If a county board of commissioners adopts a resolution as**
 19 **provided in section 192a or 253a, the names of the nonpartisan**
 20 **county offices to be voted for must be placed on a separate portion**
 21 **of the ballot containing no party designation as provided in**
 22 **subsection (1) and must appear after intermediate school district**
 23 **board members and before city officers.**

24 **(3) If a board of trustees of a township adopts a resolution**
 25 **as provided in section 345a, the names of the nonpartisan township**
 26 **offices to be voted for must be placed on a separate portion of the**
 27 **ballot containing no party designation as provided in subsection**
 28 **(1) and must appear after city officers and before village**
 29 **officers.**

1 Enacting section 1. This amendatory act takes effect 90 days
2 after the date it is enacted into law.