



HOUSE BILL No. 5437

February 23, 2000, Introduced by Reps. Baird, Schauer, Callahan, Switalski, LaForge, Bovin and Jacobs and referred to the Committee on Constitutional Law and Ethics.

A bill to amend 1954 PA 116, entitled
"Michigan election law,"
by amending sections 198, 345, 348, 349, 352, 354, 355, 357, 358,
362, 534, 535, 561, 570a, 582, 686a, 694, 719, and 973 (MCL
168.198, 168.345, 168.348, 168.349, 168.352, 168.354, 168.355,
168.357, 168.358, 168.362, 168.534, 168.535, 168.561, 168.570a,
168.582, 168.686a, 168.694, 168.719, and 168.973), section 349 as
amended by 1996 PA 583, section 358 as amended by 1990 PA 7,
section 362 as amended by 1980 PA 112, sections 534 and 686a as
amended by 1988 PA 116, and section 582 as amended by 1980 PA
160.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 198. (1) ~~When~~ EXCEPT AS OTHERWISE PROVIDED IN THIS
2 SECTION, IF a candidate of a political party has filed a
3 nominating petition or filing fee for an office and has been

1 nominated for the office by a political party, the candidate
2 shall not be permitted to withdraw unless he ~~has removed~~ OR SHE
3 MOVES from the county or ~~has become~~ BECOMES physically unfit.

4 (2) ~~When~~ IF a candidate of a political party has filed a
5 nominating petition or filing fee for ~~township office or~~ the
6 office of county commissioner and has been nominated for that
7 office by a political party, the candidate shall not be permitted
8 to withdraw unless he ~~has moved~~ OR SHE MOVES from the county or
9 from the district from which he OR SHE was nominated, or ~~has~~
10 ~~become~~ BECOMES physically unfit.

11 (3) If the person who has been nominated as the candidate of
12 a political party for ~~township office or~~ the office of county
13 commissioner dies before the date of the election for that
14 office, the county political committee ~~, or in the case of a~~
15 ~~township office, the township political committee,~~ of the party
16 whose candidate has died shall select, by majority vote, a
17 replacement for that person. The name of the replacement ~~so~~
18 selected shall be transmitted to the election officials responsi-
19 ble for the preparation and distribution of ballots, and the name
20 of the replacement shall be affixed to each ballot or voting
21 device in place of the name of the original candidate.

22 (4) A vacancy shall not be filled by the county committees
23 except for the ~~above~~ causes and ~~as herein~~ IN THE MANNER spec-
24 ified IN THIS SECTION.

25 (5) This ~~prohibition shall~~ SECTION DOES not ~~be construed~~
26 to prohibit the withdrawal of a candidate who was nominated
27 without ~~having filed~~ FILING a nominating petition or filing fee

1 and whose name has been written or placed on the ballot of a
2 political party.

3 Sec. 345. (1) ~~—A~~ SUBJECT TO SUBSECTION (2), A primary of
4 all political parties shall be held in every organized township
5 of this state on the Tuesday succeeding the first Monday in
6 August preceding every general November election, at which time
7 the qualified and registered electors of each political party may
8 vote for party candidates for township offices.

9 (2) THIS SUBSECTION APPLIES IF THE TOWNSHIP HAS PROVIDED FOR
10 THE NOMINATION OF CANDIDATES FOR TOWNSHIP OFFICES AT A NONPARTI-
11 SAN PRIMARY AS PROVIDED IN SECTION 4 OF THE CHARTER TOWNSHIP ACT,
12 1947 PA 359, MCL 42.4. A NONPARTISAN PRIMARY SHALL BE HELD IN
13 THE TOWNSHIP ON THE TUESDAY AFTER THE FIRST MONDAY IN AUGUST PRE-
14 CEDING THE GENERAL NOVEMBER ELECTION, AT WHICH TIME THE QUALIFIED
15 AND REGISTERED ELECTORS OF THE TOWNSHIP MAY VOTE FOR CANDIDATES
16 FOR TOWNSHIP OFFICES.

17 Sec. 348. The township board, not less than 40 days ~~—prior~~
18 ~~to the~~ BEFORE holding ~~—of~~ the primary ~~—herein~~ provided for IN
19 SECTION 345, shall issue a call for ~~—such~~ THE primary designat-
20 ing the time and place ~~—thereof~~ and shall give notice of the
21 ~~—same~~ PRIMARY by publishing a copy of ~~—such~~ THE call in ~~—some~~
22 A newspaper of general circulation in the township, and if
23 ~~—deemed~~ CONSIDERED advisable by the township board by the post-
24 ing IN CONSPICUOUS PLACES of ~~—the~~ A number of notices ~~—that~~ AS
25 DETERMINED BY the board. ~~—shall designate in conspicuous places.~~
26 ~~in townships having~~ IN A TOWNSHIP THAT HAS less than 200
27 registered voters, the township board may provide that for

1 ~~elections~~ AN ELECTION at which ~~no~~ A township question is NOT
2 to be submitted, notices of the election shall be by posting, as
3 ~~herein~~ provided ~~in lieu~~ IN THIS SECTION, INSTEAD of by
4 publishing. ~~The time of holding such primary in townships shall~~
5 ~~be on the third Monday in February preceding each biennial spring~~
6 ~~election.~~

7 Sec. 349. (1) ~~To~~ SUBJECT TO SUBSECTION (2), TO obtain the
8 printing of the name of a person as a candidate for nomination by
9 a political party for a township office under the particular
10 party heading upon the official primary ballots, there shall be
11 filed with the township clerk nominating petitions signed by a
12 number of qualified and registered electors residing within the
13 township equal to not less than 1% or more than 2% of the number
14 of votes cast by the party in the township for secretary of state
15 at the last general November election in which a secretary of
16 state was elected, but in no case less than 5 signatures.
17 Nominating petitions shall be in the form prescribed in section
18 544c.

19 (2) THIS SUBSECTION APPLIES IF THE TOWNSHIP HAS PROVIDED FOR
20 THE NOMINATION OF CANDIDATES FOR TOWNSHIP OFFICES AT A NONPARTI-
21 SAN PRIMARY AS PROVIDED IN SECTION 4 OF THE CHARTER TOWNSHIP ACT,
22 1947 PA 359, MCL 42.4. TO OBTAIN THE PRINTING OF THE NAME OF A
23 PERSON AS A CANDIDATE FOR NOMINATION FOR A TOWNSHIP OFFICE UPON
24 THE OFFICIAL NONPARTISAN PRIMARY BALLOTS, THERE SHALL BE FILED
25 WITH THE TOWNSHIP CLERK NOMINATING PETITIONS SIGNED BY A NUMBER
26 OF QUALIFIED AND REGISTERED ELECTORS RESIDING WITHIN THE TOWNSHIP
27 EQUAL TO NOT LESS THAN 1% OR MORE THAN 2% OF THE NUMBER OF VOTES

1 CAST IN THE TOWNSHIP FOR THE OFFICE OF SUPERVISOR AT THE LAST
 2 GENERAL NOVEMBER ELECTION IN WHICH A SUPERVISOR WAS ELECTED, BUT
 3 IN NO CASE LESS THAN 5 SIGNATURES. NOMINATING PETITIONS SHALL BE
 4 IN THE FORM PRESCRIBED IN SECTION 544A.

5 (3) The township clerk shall receive nominating petitions up
 6 to 4 p.m. of the twelfth Tuesday preceding the August primary.

7 ~~-(2)-~~ Within 4 days after the last day for filing nominating
 8 petitions, the township clerk shall deliver to the county clerk a
 9 list setting forth the name, address, ~~and political affiliation~~
 10 and office sought of each candidate who has qualified for a posi-
 11 tion on the primary ballot. IN THE CASE OF A PARTISAN PRIMARY
 12 UNDER SUBSECTION (1), THE CLERK SHALL INCLUDE THE POLITICAL
 13 AFFILIATION OF EACH CANDIDATE WHO HAS QUALIFIED FOR A POSITION ON
 14 THE PRIMARY BALLOT.

15 Sec. 352. (1) ~~When any~~ IF A candidate of a political
 16 party for ~~any~~ A township office, after having qualified as a
 17 candidate, ~~shall die~~ DIES, after the last day for qualifying,
 18 leaving ~~such~~ THE party without a candidate for a township
 19 office, a candidate to fill the vacancy ~~thereby caused~~ may be
 20 selected by the members of the township committee of ~~such~~ THE
 21 candidate's political party for the township, and the name of the
 22 candidate ~~so~~ selected shall be transmitted to the township
 23 officials required by law to print and distribute ballots. ~~, and~~
 24 ~~such~~ UPON RECEIPT OF THE NAME OF A REPLACEMENT CANDIDATE, THE
 25 township officials shall cause to be printed a sufficient number
 26 of gummed labels or stickers bearing the name of the candidate ~~,~~
 27 ~~which shall be distributed~~ AND SHALL DISTRIBUTE THE LABELS OR

1 STICKERS to the various voting precincts within their respective
 2 township. ~~and the~~ THE board of election inspectors of each
 3 ~~such~~ precinct shall cause 1 of ~~such~~ THE LABELS OR stickers to
 4 be placed on each ballot ~~,~~ over the name of the candidate who
 5 has died ~~,~~ before ~~such~~ THE ballot is handed to the elector.

6 (2) THIS SECTION DOES NOT APPLY TO A TOWNSHIP THAT HAS PRO-
 7 VIDED FOR THE NOMINATION OF CANDIDATES FOR TOWNSHIP OFFICES AT A
 8 NONPARTISAN PRIMARY AS PROVIDED IN SECTION 4 OF THE CHARTER TOWN-
 9 SHIP ACT, 1947 PA 359, MCL 42.4.

10 Sec. 354. (1) If, for any reason, the number of candidates
 11 of a political party to a township office ~~shall be~~ IS equal to
 12 less than the total number to be nominated and elected, a suffi-
 13 cient number of blank spaces shall be provided on the official
 14 primary ballots ~~which~~ THAT will afford every elector ~~to said~~
 15 OF THE party an opportunity to vote for as many candidates ~~as~~
 16 THAT are to be nominated and elected by writing in the name or
 17 names of his or her selection or by the use of slips or pasters.

18 (2) THIS SECTION DOES NOT APPLY TO A TOWNSHIP THAT HAS PRO-
 19 VIDED FOR THE NOMINATION OF CANDIDATES FOR TOWNSHIP OFFICES AT A
 20 NONPARTISAN PRIMARY AS PROVIDED IN SECTION 4 OF THE CHARTER TOWN-
 21 SHIP ACT, 1947 PA 359, MCL 42.4.

22 Sec. 355. ~~The~~ FOR A PARTISAN PRIMARY HELD UNDER
 23 SECTION 345(1), THE candidate or candidates of each political
 24 party to a township office receiving the greatest number of votes
 25 cast for candidates ~~of said~~ FOR THAT office, as set forth in
 26 the report of the township board of canvassers, based on the
 27 returns from the various election precincts, or as determined by

1 the board of county canvassers as the result of a recount, shall
 2 be declared the nominee or nominees of that political party for
 3 ~~said~~ THAT office at the next ~~ensuing~~ GENERAL November
 4 election.

5 (2) FOR A NONPARTISAN PRIMARY HELD UNDER SECTION 345(2), THE
 6 NUMBER OF CANDIDATES EQUAL TO TWICE THE NUMBER OF PERSONS TO BE
 7 ELECTED WHO RECEIVE THE GREATEST NUMBER OF VOTES CAST FOR CANDI-
 8 DATES FOR THAT OFFICE, AS SET FORTH IN THE REPORT OF THE TOWNSHIP
 9 BOARD OF CANVASSERS, BASED UPON THE RETURNS FROM THE VARIOUS
 10 ELECTION PRECINCTS, OR AS DETERMINED BY THE BOARD OF COUNTY CAN-
 11 VASSERS AS THE RESULT OF A RECOUNT, SHALL BE DECLARED THE NOMI-
 12 NEES FOR THAT OFFICE AT THE NEXT GENERAL NOVEMBER ELECTION. THIS
 13 SUBSECTION DOES NOT APPLY IF A PRIMARY IS NOT HELD PURSUANT TO
 14 SECTION 540.

15 (3) The township board of canvassers shall certify ~~such~~
 16 ~~nomination or~~ THE nominations to the township clerk within 48
 17 hours after the closing of the polls. Within 4 days following
 18 the primary, the township clerk shall deliver to the county clerk
 19 a list setting forth the names, addresses, ~~political~~
 20 ~~affiliation~~ and office sought of all candidates nominated at the
 21 primary. IN THE CASE OF A PARTISAN PRIMARY UNDER SUBSECTION (1),
 22 THE CLERK SHALL INCLUDE THE POLITICAL AFFILIATION OF EACH CANDI-
 23 DATE NOMINATED AT THE PRIMARY.

24 Sec. 357. ~~When any~~ IF A candidate, ~~of a political~~
 25 ~~party,~~ after having been nominated for a township office, ~~shall~~
 26 ~~die, remove~~ DIES, MOVES from the township, or ~~become~~ BECOMES
 27 disqualified for any reason, the township board of election

1 commissioners shall provide a blank space or spaces on the
 2 official ballots ~~which~~ THAT will afford every elector of ~~said~~
 3 ~~party~~ THE TOWNSHIP an opportunity to vote for a candidate to
 4 fill the vacancy, ~~thereby caused,~~ by writing in the name of his
 5 or her selection or by the use of a slip or paster.

6 Sec. 358. (1) In every township, there shall be a general
 7 November election in each even-numbered year for the election of
 8 officers and the submission of propositions, as provided by law.
 9 At the 1980 general November election, there shall be elected by
 10 ballot ~~a~~ ALL OF THE FOLLOWING TOWNSHIP OFFICERS:

11 (A) A supervisor. ~~1 a~~

12 (B) A clerk. ~~1 a~~

13 (C) A treasurer. ~~1 2~~

14 (D) TWO trustees. ~~1 not~~

15 (E) NOT more than 4 constables. ~~1 and, if~~

16 (F) IF authorized by law and after a township takes the
 17 actions provided in section 11 of ~~Act No. 164 of the Public Acts~~
 18 ~~of 1877, as amended, being section 397.211 of the Michigan~~
 19 ~~Compiled Laws~~ 1877 PA 164, MCL 397.211, 6 free public library
 20 directors. ~~1 and, after~~

21 (G) IF a township takes the actions provided in section 1 of
 22 ~~Act No. 271 of the Public Acts of 1931, as amended, being sec-~~
 23 ~~tion 41.441 of the Michigan Compiled Laws~~ FORMER 1931 PA 271 OR
 24 SECTION 6 OF 1905 PA 157, MCL 41.426, 6 park commission members.

25 (2) Except as otherwise provided in this subsection, the
 26 order of offices on the township portion of the ballots shall be
 27 the same as the order in which the officers are listed in ~~this~~

1 subsection (1). ~~Free public library directors~~ THE FOLLOWING
2 OFFICES shall be listed on the nonpartisan portion of the ballot:

3 —

4 (A) FREE PUBLIC LIBRARY DIRECTORS.

5 (B) TOWNSHIP OFFICERS IF THE TOWNSHIP HAS PROVIDED FOR THE
6 NOMINATION OF CANDIDATES FOR TOWNSHIP OFFICES AT A NONPARTISAN
7 PRIMARY AS PROVIDED IN SECTION 4 OF THE CHARTER TOWNSHIP ACT,
8 1947 PA 359, MCL 42.4.

9 (3) ~~(2)~~ Subject to the limitation in subsection (1), the
10 number of constables to be elected at the 1992 general November
11 election and each general November election at which township
12 offices are regularly to be elected after 1992 shall be deter-
13 mined by the township board by resolution not less than 6 months
14 before the township primary election preceding the general
15 NOVEMBER election. The resolution that specifies the number of
16 constables to be elected applies in that township until a subse-
17 quent resolution is adopted altering that number. If a determi-
18 nation as to the number of constables to be elected is not made
19 by the township board by the deadline under this subsection for
20 the 1992 general election, the number of constables to be elected
21 shall be the same number that was elected in that township in the
22 1988 general November election until a resolution is adopted to
23 provide for the election of a different number of constables.

24 (4) ~~(3)~~ In a township having a population of 5,000 or
25 more, or having 3,000 or more qualified and registered electors
26 as shown by the registration records at the close of registration
27 for the last preceding general November election, there may be

1 elected 4 trustees. In other townships there shall be 2
2 trustees. A township shall not elect 4 trustees unless the elec-
3 tion of additional trustees is approved by the voters at a gen-
4 eral election or by a majority of the voters attending at an
5 annual meeting. The township board of a township having a popu-
6 lation of 5,000 or more, or having 3,000 or more qualified and
7 registered electors, shall cause the question of electing addi-
8 tional trustees to be voted on at the first general November
9 election or annual meeting following the township's qualifying
10 for additional trustees. If a majority of the electors voting on
11 the question vote in favor of electing 4 trustees, the township
12 shall thereafter elect 4 trustees. If a majority of the electors
13 voting on the question do not vote in favor of electing 4 trust-
14 ees, the township board may resubmit the question at a subsequent
15 general November election or annual meeting or the question shall
16 be submitted at the first general November election or annual
17 meeting held not less than 84 days following the submission of a
18 petition containing the signatures of not less than 10% of the
19 registered and qualified electors of the township, as shown by
20 the registration records at the close of registration for the
21 last general November election, asking that the question be
22 submitted.

23 (5) ~~-(4)-~~ At the first general November election in a town-
24 ship held not less than 4 months after the provisions of this
25 section relative to additional trustees are adopted by a town-
26 ship, there shall be elected the number of trustees necessary to
27 make a total of 4 trustees. If the additional trustees are

1 elected at a general November election that is not a regular
 2 township election, the additional trustees shall hold office only
 3 until a successor is elected at the next regular township elec-
 4 tion and qualifies for office.

5 (6) ~~-(5)-~~ This section does not prohibit townships electing
 6 4 trustees as of September 13, 1958 from continuing to do so.

7 (7) THIS SUBSECTION APPLIES TO A TOWNSHIP THAT BY ITS
 8 CHARTER PROVIDES FOR STAGGERED ELECTIVE TERMS OF ITS BOARD MEM-
 9 BERS AS PROVIDED IN SECTION 5 OF THE CHARTER TOWNSHIP ACT, 1947
 10 PA 359, MCL 42.5. ONE-HALF OF THE TRUSTEES WHO HAVE THE HIGHEST
 11 NUMBER OF VOTES CAST AT THE FIRST GENERAL NOVEMBER ELECTION AFTER
 12 THE ADOPTION OF THE CHARTER PROVISION PROVIDING FOR STAGGERED
 13 ELECTIVE TERMS SHALL HOLD OFFICE FOR 4-YEAR TERMS. THE REMAINING
 14 TRUSTEES WHO HAVE THE NEXT HIGHEST NUMBER OF VOTES CAST AT THAT
 15 ELECTION SHALL HOLD OFFICE FOR 2-YEAR TERMS.

16 Sec. 362. (1) ~~The term of office of township trustees~~
 17 ~~elected in 1978 shall be 2 years.~~ The term of office of ~~all~~ AN
 18 ELECTIVE township ~~officers listed in section 358 shall be 4~~
 19 ~~years beginning in the 1980 general election, and in all subse-~~
 20 ~~quent elections at which township officials are elected. All~~
 21 ~~township officers' terms shall commence~~ OFFICER IS 4 YEARS,
 22 EXCEPT AS OTHERWISE PROVIDED IN SECTION 358(7). AN ELECTIVE
 23 TOWNSHIP OFFICER'S TERM COMMENCES at 12 noon on THE November 20
 24 ~~next~~ following ~~their~~ THE OFFICER'S election and ~~they~~ THE
 25 OFFICER shall qualify before assuming the duties of ~~their~~
 26 office. Each ELECTIVE township officer shall hold office until a
 27 successor is elected and qualified, but not beyond January 1

1 following the election. Failure of an ~~elected~~ ELECTIVE
2 township ~~official~~ OFFICER to qualify by January 1 following the
3 ~~official's~~ OFFICER'S election ~~shall create~~ CREATES a vacancy
4 ~~which~~ THAT shall be filled as provided in section 370. ~~All~~
5 AN elective township ~~officers~~ OFFICER, other than ~~those~~ ONE
6 listed in section 358, shall be elected at the GENERAL November
7 election immediately preceding the expiration of ~~their~~ THE term
8 OF OFFICE and shall commence the duties of ~~their~~ office on
9 November 20 but not before ~~they qualify~~ THE OFFICER QUALIFIES
10 following ~~their~~ election.

11 (2) A township officer elected in the general NOVEMBER elec-
12 tion shall remain in office for the full term if the officer
13 failed to take the oath of office within the time prescribed by
14 law and was subsequently appointed by the township board to the
15 office for which the officer ran.

16 Sec. 534. A ~~general~~ primary of all political parties
17 except as provided in sections 532 and 685 shall be held in every
18 election precinct in this state on the Tuesday after the first
19 Monday in August before every general November election, at which
20 time the qualified and registered voters of each political party
21 may vote for party candidates for the office of governor, United
22 States senator, representative in congress, state senator, repre-
23 sentative in the legislature, county executive, prosecuting
24 attorney, sheriff, county clerk, county treasurer, register of
25 deeds, county auditor, drain commissioner, public works commis-
26 sioner, county road commissioner, county mine inspector,
27 surveyor, and, IF APPLICABLE UNDER SECTION 345(1), candidates for

1 office in townships. A nomination for an office shall be made
2 only if the official is to be elected at the next succeeding gen-
3 eral November election.

4 Sec. 535. A ~~general~~ primary shall be held in every elec-
5 tion precinct in this state on the Tuesday ~~succeeding~~ AFTER the
6 first Monday in August ~~preceding~~ BEFORE every general November
7 election, at which time the qualified and registered voters may
8 vote for nonpartisan candidates for the office of judge of the
9 court of appeals, judge of the circuit court, judge of probate,
10 ~~and for~~ circuit court commissioner, AND, IF APPLICABLE UNDER
11 SECTION 345(2), CANDIDATES FOR OFFICE IN TOWNSHIPS, in the years
12 in which ~~such~~ THE officers are to be elected.

13 Sec. 561. (1) The ballots prepared by the board of election
14 commissioners in each county for use by the electors of a politi-
15 cal party at a primary election shall include the names of all
16 ~~candidates~~ OF THE FOLLOWING:

17 (A) CANDIDATES of the political party for the office of gov-
18 ernor, United States senator, and district offices. ~~, and, in~~

19 (B) IN each county, the names of all candidates of the
20 political party for county offices. ~~, and in~~

21 (C) IF APPLICABLE UNDER SECTION 345(1), IN each township the
22 names of all candidates of the political party for township
23 offices.

24 (2) If, in a district comprised of not more than 1 county, 2
25 or more candidates, including candidates for nonpartisan offices,
26 for the same office have the same or similar surnames, a
27 candidate may file a written request with the board of county

1 election commissioners for a clarifying designation. The request
2 shall be filed not later than 3 days after the last date for
3 filing nominating petitions. Not later than 3 days after the
4 filing of the request, the board of county election commissioners
5 shall determine whether a similarity exists and whether a clari-
6 fying designation should be granted. In a district comprised of
7 more than 1 county, the board of state canvassers shall make a
8 like determination for a clarifying designation upon the written
9 request of a candidate who files nominating petitions with the
10 secretary of state. The request shall be filed with the state
11 board of canvassers not later than 5 days after the last date for
12 filing nominating petitions. The board of state canvassers shall
13 make its determination at the same time it makes a declaration of
14 the sufficiency or insufficiency of nominating petitions in com-
15 pliance with section 552.

16 (3) In each instance UNDER SUBSECTION (2), the determining
17 board shall notify the requester and the other candidate affected
18 of its determination by first class mail sent within 24 hours
19 after the final date for the determination. A candidate who is
20 dissatisfied with the determination of the board of county elec-
21 tion commissioners may file an appeal in the circuit court ~~of~~
22 FOR the county where the board is located, and a candidate who is
23 dissatisfied with the determination of the board of state can-
24 vassers may file an appeal in the circuit court ~~of~~ FOR Ingham
25 county, within 7 days after the final date for determination by
26 the board. ~~, and the~~ THE court shall hear the matter de novo.
27 ~~In case of~~ IF THE CANDIDATES HAVE the same surnames or IF THERE

1 IS a final determination by the board, or by the court before the
2 latest date on which the board can arrange for printing of the
3 ballots, ~~of the existence of similarity~~ THAT A SIMILARITY IN
4 NAME EXISTS, the board shall print the occupation or residence of
5 each of the candidates on the ballot or ballot labels under their
6 respective names. The term "occupation" ~~shall be construed to~~
7 ~~include~~ INCLUDES political office, even though it is not the
8 candidate's principal occupation, but ~~shall~~ DOES not include
9 reference to a previous position or occupation.

10 (4) The name of a candidate shall be printed showing the
11 given name or abbreviation or initials of the given name of the
12 candidate, and, in the case of a married woman, shall not be
13 printed showing the husband's given name.

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

20 Sec. 570a. (1) The official primary ballot shall include
21 candidates for township offices. ~~Township~~

22 (2) IF APPLICABLE UNDER SECTION 345(1), TOWNSHIP offices and
23 candidates shall follow state and county offices and candidates.
24 ~~Parties~~ ONLY A PARTY qualified to appear on the primary ballot
25 for state and county offices ~~and no others are~~ IS qualified to
26 appear and have the names of ~~their~~ ITS candidates printed on
27 the township portion of the primary ballot. ~~Parties~~ ONLY A

1 PARTY qualified to nominate candidates for state and county
2 offices under ~~the provisions of~~ section 685 ~~and no others are~~
3 IS qualified to nominate candidates for township offices at the
4 county caucuses provided in section 686a.

5 (3) IF APPLICABLE UNDER SECTION 345(2), TOWNSHIP OFFICES AND
6 CANDIDATES SHALL BE INCLUDED ON THE NONPARTISAN PRIMARY BALLOT.
7 THE TOWNSHIP BALLOT MAY BE SEPARATE FROM THE JUDICIAL BALLOT.

8 (4) ~~All references in the election law~~ A REFERENCE IN THIS
9 ACT to a February primary ~~shall be deemed~~ IS CONSIDERED to be
10 ~~references~~ A REFERENCE to the primary provided by ~~the election~~
11 ~~law~~ THIS ACT to be held in August ~~prior to~~ BEFORE the general
12 November election. ~~and all references~~ A REFERENCE to an April
13 election ~~shall be deemed~~ IS CONSIDERED to be ~~references~~ A
14 REFERENCE to the general November election.

15 Sec. 582. (1) A person who is voted for on a party ballot
16 for a state, district, township, county, city, or ward office or
17 for the office of United States senator or representative in
18 ~~Congress~~ CONGRESS whose name is not printed on the ballot and
19 who has not filed a nominating petition for the office voted for,
20 shall not be considered nominated as the candidate of the party
21 for the office, nor be certified as a nominee unless the person
22 receives a total vote equal to not less than .15 of 1% of the
23 total population, as reflected by the last official federal
24 census, of the district for which nomination is sought, but not
25 less than 10 votes for the office, or a total vote equal to 5% of
26 the greatest number of votes cast by the party for any office at
27 the primary in the state, congressional, or other district,

1 township, county, city, or ward, for a candidate or for all
2 candidates for nomination for an office for which only 1 person
3 is to be nominated, whichever is greater. However, for an office
4 to which more than 1 candidate is to be elected, the 5% limita-
5 tion shall be based upon the greatest number of votes cast at the
6 primary for any candidate for the same office.

7 (2) THIS SECTION DOES NOT APPLY TO A TOWNSHIP THAT HAS PRO-
8 VIDED FOR THE NOMINATION OF CANDIDATES FOR TOWNSHIP OFFICES AT A
9 NONPARTISAN PRIMARY AS PROVIDED IN SECTION 4 OF THE CHARTER TOWN-
10 SHIP ACT, 1947 PA 359, MCL 42.4.

11 Sec. 686a. (1) The nomination of candidates for political
12 parties entitled to a position on the ballot ~~which~~ THAT failed
13 to have at least 1 candidate who polled at least 5% of the total
14 vote cast for all candidates for secretary of state at the last
15 preceding election at which a secretary of state was elected
16 shall be made as provided in section 532. County caucuses and
17 state conventions shall be held not later than the August
18 primary.

19 (2) County caucuses may nominate candidates for the office
20 of representative in congress, state senator, and state represen-
21 tative if the offices represent districts contained wholly within
22 the county, ~~and~~ for all county ~~and township~~ offices, AND, IF
23 APPLICABLE UNDER SECTION 345(1), TOWNSHIP OFFICES. The names,
24 mailing addresses, and office to which nominated of all candi-
25 dates ~~so~~ nominated shall be certified by the ~~chairman~~
26 CHAIRPERSON and secretary of the caucus to the county clerk
27 within 24 hours after the conclusion of the caucus. Accompanying

1 the certification shall be an affidavit of identity for each
2 candidate named in the certificate as provided in section 558 and
3 a separate written notice of acceptance of nomination signed by
4 each candidate named on the certificate. The form of the certif-
5 icate of acceptance shall be prescribed by the secretary of
6 state. The names of candidates ~~so~~ certified shall be printed
7 on the ballot for that election. The name of a candidate shall
8 not be printed on the ballot unless the notice of acceptance and
9 the affidavit of identity accompanies the certificate.

10 Candidates nominated and certified shall not be permitted to
11 withdraw.

12 (3) The county caucus may also select the number of dele-
13 gates to the state convention to which the county is entitled and
14 shall select its own officers and name its own county committee.

15 (4) The state convention shall be held at the time and place
16 indicated in the call. The convention shall consist of delegates
17 selected by the county caucuses. The convention may fill vacan-
18 cies in a delegation from qualified electors of that county
19 present at the convention. The convention may nominate candi-
20 dates for all state offices. District candidates may be nomi-
21 nated at district caucuses held in conjunction with the state
22 convention attended by qualified delegates of the district. If
23 delegates of a district are not present, a district caucus shall
24 not be held for that district and candidates shall not be nomi-
25 nated for that district. The names, mailing addresses, and
26 offices to which nominated of the candidates nominated for state
27 or district offices, within 24 hours after the conclusion of the

1 convention, shall be certified by the ~~chairman~~ CHAIRPERSON and
2 secretary of the state convention to the secretary of state.
3 Accompanying the certification shall be an affidavit of identity
4 for each candidate named in the certificate as provided in sec-
5 tion 558 and a separate written notice of acceptance of nomina-
6 tion signed by each candidate named on the certificate. The form
7 of the certificate of acceptance shall be prescribed by the sec-
8 retary of state. The names of candidates certified shall be
9 printed on the ballot for the forthcoming election. The name of
10 a candidate shall not be printed on the ballot unless the notice
11 of acceptance and the affidavit of identity accompanies the
12 certificate. Candidates ~~so~~ nominated and certified shall not
13 be permitted to withdraw.

14 Sec. 694. (1) ~~All the provisions of~~ EXCEPT AS OTHERWISE
15 PROVIDED IN SUBSECTION (2), sections 691, 692, 693, and 695 ~~of~~
16 ~~this act shall also~~ apply to all city, village, and township
17 elections held in this state under ~~the provisions of~~ this act,
18 except that the notice ~~herein~~ required to be given by a
19 candidate, ~~shall,~~ in THE case of a city, village, or township
20 office, SHALL be given by ~~him~~ THE CANDIDATE to the proper city,
21 village, or township board of election commissioners within 2
22 days after his OR HER name has been ~~so~~ certified as nominated
23 by 2 or more political parties for the same office.

24 (2) THIS SECTION DOES NOT APPLY TO A TOWNSHIP THAT HAS PRO-
25 VIDED FOR THE NOMINATION OF CANDIDATES FOR TOWNSHIP OFFICES AT A
26 NONPARTISAN PRIMARY AS PROVIDED IN SECTION 4 OF THE CHARTER
27 TOWNSHIP ACT, 1947 PA 359, MCL 42.4.

1 Sec. 719. (1) The election commission of each city,
2 township, and village shall perform ~~such~~ THE SAME duties rela-
3 tive to the preparation, printing, and delivery of ballots as
4 ~~are~~ required by law of the boards of election commissioners of
5 counties. ~~Like duties and privileges as are enjoined and~~
6 ~~granted by this act upon and to the various committees of the~~
7 ~~different political organizations are hereby prescribed for~~
8 city,

9 (2) CITY, village, or township committees in matters per-
10 taining to ~~any~~ A city, village, or township election, ~~except~~
11 ~~that~~ SHALL PERFORM THE SAME DUTIES AND HAVE THE SAME PRIVILEGES
12 AS THE VARIOUS COMMITTEES OF THE DIFFERENT POLITICAL ORGANIZA-
13 TIONS PERFORM UNDER THIS ACT. HOWEVER, it ~~shall~~ IS not ~~be~~
14 necessary for a city, township, or village committee of a politi-
15 cal party or organization to furnish a vignette or heading for
16 the ballots other than to designate the name of the party or
17 political organization ~~which~~ THAT they represent. THIS SUBSEC-
18 TION DOES NOT APPLY TO A TOWNSHIP THAT HAS PROVIDED FOR THE NOMI-
19 NATION OF CANDIDATES FOR TOWNSHIP OFFICES AT A NONPARTISAN PRI-
20 MARY AS PROVIDED IN SECTION 4 OF THE CHARTER TOWNSHIP ACT, 1947
21 PA 359, MCL 42.4.

22 (3) In cities, villages, and townships, the names of candi-
23 dates for city, township, or village offices ~~, as the case may~~
24 ~~be,~~ shall be given by the committees of the various political
25 organizations to the board of election commissioners of ~~such~~
26 THE city, village, or township not less than 18 days before each
27 election. ~~, but~~ HOWEVER, it ~~shall~~ IS not ~~be~~ necessary for

1 ~~any~~ A party committee to give to the board of election
 2 commissioners the name of ~~any~~ A candidate nominated at an offi-
 3 cial primary election.

4 (4) The proof of the ballot shall be open to public inspec-
 5 tion at the office of the township, city, or village clerk ~~,~~
 6 not less than 15 days before ~~such~~ THE election.

7 Sec. 973. (1) Party candidates FOR AN ELECTION UNDER
 8 SECTION 971 shall be nominated as follows: ~~In case~~

9 (A) IF the vacancy to be filled ~~be~~ IS in a state office or
 10 that of United States senator, the state central committee of
 11 each political party shall nominate a candidate. ~~therefor; in~~
 12 ~~case such~~

13 (B) IF THE vacancy ~~be~~ IS in a county office or in a dis-
 14 trict office within an electoral district of 1 county, the county
 15 committee of each political party shall nominate a candidate.
 16 ~~therefor; in case such~~

17 (C) IF THE vacancy ~~be~~ IS in a district office within an
 18 electoral district THAT IS less than 1 county, the members of the
 19 county committee of each political party residing in ~~such~~ THE
 20 electoral district shall nominate ~~the~~ A candidate. ~~therefor;~~
 21 ~~if~~

22 (D) IF the office to be filled ~~be~~ IS a district office
 23 ~~having~~ THAT HAS an electoral district in more than 1 county,
 24 the members of the several county committees of each political
 25 party residing in those parts of ~~such~~ THE counties ~~which~~ THAT
 26 are in ~~such~~ THE district shall nominate a candidate for the
 27 office. ~~; and if such~~

1 (E) IF THE vacancy ~~be~~ IS in a ward or township office, the
2 committee of each political party ~~thereof~~ OF THE WARD OR
3 TOWNSHIP shall nominate a candidate for ~~such~~ THE office. ~~All~~
4 ~~nominations by such~~ THIS SUBDIVISION DOES NOT APPLY TO A TOWN-
5 SHIP THAT HAS PROVIDED FOR THE NOMINATION OF CANDIDATES FOR TOWN-
6 SHIP OFFICES AT A NONPARTISAN PRIMARY AS PROVIDED IN SECTION 4 OF
7 THE CHARTER TOWNSHIP ACT, 1947 PA 359, MCL 42.4.

8 (2) A NOMINATION BY A committee shall be certified to the
9 officer with whom the recall petitions were filed within 15 days
10 after the calling of the special election.

11 Enacting section 1. This amendatory act does not take
12 effect unless Senate Bill No. ____ or House Bill No. 5436 (request
13 no. 00685'99) of the 90th Legislature is enacted into law.