

# HOUSE BILL No. 6500

September 14, 2006, Introduced by Rep. Shaffer and referred to the Committee on House Oversight, Elections, and Ethics.

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 632, 633, 634, and 641 (MCL 168.632, 168.633, 168.634, and 168.641), section 634 as amended by 1996 PA 583 and section 641 as amended by 2005 PA 71.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 632. (1) The governor shall call a special election in  
2 any congressional district of the state in which there has been no  
3 choice for a representative in congress at the general November  
4 election. ~~or he shall direct that in such case the office shall~~  
5 ~~be filled at the next general election.~~

6           (2) **THE SPECIAL ELECTION CALLED BY THE GOVERNOR UNDER**

1 SUBSECTION (1) OR THE SPECIAL PRIMARY FOR THAT SPECIAL ELECTION  
2 SHALL BE HELD ON THE NEXT REGULAR ELECTION DATE AS PROVIDED IN  
3 SECTION 641(1)(A) THROUGH (D). IF THE SPECIAL PRIMARY IS HELD ON  
4 THE NEXT REGULAR ELECTION DATE, THE SPECIAL ELECTION SHALL BE HELD  
5 NOT LESS THAN 20 DAYS OR MORE THAN 30 DAYS AFTER THE SPECIAL  
6 PRIMARY.

7 Sec. 633. (1) The governor shall call a special election in  
8 any congressional district of the state when the right of office of  
9 a person elected representative in congress shall cease before the  
10 commencement of the term of service for which he **OR SHE** shall have  
11 been elected, or whenever a vacancy shall occur in the office of  
12 representative in congress after the term of service has begun for  
13 which ~~such~~ **THE** representative was elected. ~~or the governor~~  
14 ~~shall direct that such vacancy shall be filled at the next general~~  
15 ~~election to be held at least 30 days after such vacancy shall~~  
16 ~~occur.~~

17 (2) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, THE  
18 SPECIAL ELECTION CALLED BY THE GOVERNOR UNDER SUBSECTION (1) OR THE  
19 SPECIAL PRIMARY FOR THAT SPECIAL ELECTION SHALL BE HELD ON THE NEXT  
20 REGULAR ELECTION DATE AS PROVIDED IN SECTION 641(1)(A) THROUGH (D).  
21 IF THE SPECIAL PRIMARY IS HELD ON THE NEXT REGULAR ELECTION DATE,  
22 THE SPECIAL ELECTION SHALL BE HELD NOT LESS THAN 20 DAYS OR MORE  
23 THAN 30 DAYS AFTER THE SPECIAL PRIMARY. IF THE NEXT REGULAR  
24 ELECTION DATE IS LESS THAN 30 DAYS AFTER THE VACANCY OCCURS IN THE  
25 OFFICE OF REPRESENTATIVE IN CONGRESS, THE SPECIAL PRIMARY OR  
26 SPECIAL ELECTION SHALL BE HELD ON THE NEXT REGULAR ELECTION DATE  
27 THAT IS 30 DAYS OR MORE AFTER THE VACANCY OCCURS.

1           Sec. 634. (1) Except as otherwise provided in this section,  
2 when a vacancy occurs in the office of senator or representative in  
3 the state legislature, the governor may call a special election in  
4 that senatorial or representative district or direct that the  
5 vacancy be filled at the next general election.

6           **(2) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, IF THE**  
7 **GOVERNOR CALLS A SPECIAL ELECTION PURSUANT TO SUBSECTION (1), THE**  
8 **SPECIAL ELECTION OR THE SPECIAL PRIMARY FOR THAT SPECIAL ELECTION**  
9 **SHALL BE HELD ON THE NEXT REGULAR ELECTION DATE AS PROVIDED IN**  
10 **SECTION 641(1)(A) THROUGH (D). IF THE SPECIAL PRIMARY IS HELD ON**  
11 **THE NEXT REGULAR ELECTION DATE, THE SPECIAL ELECTION SHALL BE HELD**  
12 **NOT LESS THAN 20 DAYS OR MORE THAN 30 DAYS AFTER THE SPECIAL**  
13 **PRIMARY. IF THE NEXT REGULAR ELECTION DATE IS LESS THAN 30 DAYS**  
14 **AFTER THE VACANCY OCCURS IN THE OFFICE OF SENATOR OR REPRESENTATIVE**  
15 **IN THE STATE LEGISLATURE, THE SPECIAL PRIMARY OR SPECIAL ELECTION**  
16 **SHALL BE HELD ON THE NEXT REGULAR ELECTION DATE THAT IS 30 DAYS OR**  
17 **MORE AFTER THE VACANCY OCCURS.**

18           **(3) ~~-(2)-~~** If the vacancy occurs after the primary election and  
19 before the following general election the governor may direct that  
20 the vacancy be filled at that election. If the governor directs  
21 that the vacancy be filled at the following general election, the  
22 executive committee of the county committee of each political  
23 party, if the county comprises 1 or more representative districts,  
24 or, if the district is comprised of more than 1 county, then the  
25 executive committee of the county committee of the respective  
26 political parties of each county in the district, may select, by a  
27 majority vote, a candidate for that office, and shall certify the

1 name of the candidate to the county board of election commissioners  
2 of the county or counties comprising that representative district  
3 within 21 days after the vacancy occurs and at least 10 days before  
4 the general election. Upon certification, the candidate certified  
5 shall be the nominee of that party at that general election to fill  
6 the vacancy for the unexpired term with the same force and effect  
7 as if the person was nominated at a primary election as otherwise  
8 provided in this act. If the ballots for that election have already  
9 been printed before the certification, then the board of election  
10 commissioners shall cause the names of the candidates to be printed  
11 on a separate ballot, which ballot shall be counted, canvassed, and  
12 returned as other ballots cast at that election.

13 (4) ~~(3)~~ If the governor directs that the vacancy be filled  
14 at the next general election, the secretary of state shall give  
15 notice of that decision similar to the notice provided for in  
16 section 651.

17 Sec. 641. (1) Except as otherwise provided in this section and  
18 sections 642 and 642a, beginning January 1, 2005, an election held  
19 under this act shall be held on 1 of the following regular election  
20 dates:

21 (a) The February regular election date, which is the fourth  
22 Tuesday in February.

23 (b) The May regular election date, which is the first Tuesday  
24 after the first Monday in May.

25 (c) The August regular election date, which is the first  
26 Tuesday after the first Monday in August.

27 (d) The November regular election date, which is the first

1 Tuesday after the first Monday in November.

2 (2) If an elective office is listed by name in section 643,  
3 requiring the election for that office to be held at the general  
4 election, and if candidates for the office are nominated at a  
5 primary election, the primary election shall be held on the August  
6 regular election date.

7 (3) Except as otherwise provided in this subsection and  
8 subsection (4), a special election shall be held on a regular  
9 election date. A special election called by the ~~governor under~~  
10 ~~section 145, 178, 632, 633, or 634 to fill a vacancy or called by~~  
11 ~~the~~ legislature to submit a proposed constitutional amendment as  
12 authorized in section 1 of article XII of the state constitution of  
13 1963 may, but is not required to be, held on a regular election  
14 date. **A SPECIAL ELECTION CALLED BY THE GOVERNOR TO FILL A VACANCY**  
15 **IN THE OFFICE OF REPRESENTATIVE IN CONGRESS SHALL BE HELD AS**  
16 **PROVIDED IN SECTION 632 OR 633. A SPECIAL ELECTION CALLED BY THE**  
17 **GOVERNOR TO FILL A VACANCY IN THE OFFICE OF SENATOR OR**  
18 **REPRESENTATIVE IN THE STATE LEGISLATURE SHALL BE HELD AS PROVIDED**  
19 **IN SECTION 634.**

20 (4) A school district may call a special election to submit a  
21 ballot question to borrow money, increase a millage, or establish a  
22 bond if an initiative petition is filed with the county clerk. The  
23 petition shall be signed by a number of qualified and registered  
24 electors of the district equal to not less than 10% of the electors  
25 voting in the last gubernatorial election in that district or 3,000  
26 signatures, whichever number is lesser. Section 488 applies to a  
27 petition to call a special election for a school district under

1 this section. In addition to the requirements set forth in section  
2 488, the proposed date of the special election shall appear beneath  
3 the petition heading, and the petition shall clearly state the  
4 amount of the millage increase or the amount of the loan or bond  
5 sought and the purpose for the millage increase or the purpose for  
6 the loan or bond. The petition shall be filed with the county clerk  
7 by 4 p.m. of the twelfth Tuesday before the proposed date of the  
8 special election. The petition signatures shall be obtained within  
9 60 days before the filing of the petition. Any signatures obtained  
10 more than 60 days before the filing of the petition are not valid.  
11 If the special election called by the school district is not  
12 scheduled to be held on a regular election date as provided in  
13 subsection (1), the special election shall be held on a Tuesday. A  
14 special election called by a school district under this subsection  
15 shall not be held within 30 days before or 35 days after a regular  
16 election date as provided in subsection (1). A school district may  
17 only call 1 special election pursuant to this subsection in each  
18 calendar year.

19 (5) The secretary of state shall make a report to the house  
20 and senate committees that consider election issues by December 1,  
21 2006. The secretary of state shall report about the special  
22 elections held under this subsection, including, but not limited  
23 to, all of the following:

24 (a) The number of times a special election has been held.

25 (b) Which school districts have held special elections.

26 (c) Information about the success rate of the ballot question  
27 submitted at the special elections.

1           (d) Information about voter turnout, including the percentage  
2 and number of registered voters who voted in each special election.

3           (6) The secretary of state shall direct and supervise the  
4 consolidation of all elections held under this act.

5           (7) This section shall be known and may be cited as the  
6 "Hammerstrom election consolidation law".