

# HOUSE BILL NO. 6151

November 26, 2024, Introduced by Reps. Smit, Borton, Rigas and Tsernoglou and referred to the Committee on Elections.

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 194, 195, and 198 (MCL 168.194, 168.195, and 168.198), sections 195 and 198 as amended by 2012 PA 276.

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

1           Sec. 194. After the filing of a nominating petition or filing  
2 fee by or ~~in~~**on** behalf of a proposed candidate for any of the  
3 offices named in section 191 ~~of this act, such~~**or for the office of**  
4 **county commissioner, the** candidate ~~shall~~**is** not ~~be~~ permitted to

1 withdraw unless a written notice of withdrawal is served on the  
 2 county clerk or ~~his~~ **the county clerk's** duly authorized agent not  
 3 later than 4 o'clock, ~~eastern standard time, in the afternoon~~ **p.m.**  
 4 of the third day after the last day for filing ~~such~~ **the nominating**  
 5 petition or filing fee ~~, as in this act provided,~~ unless the third  
 6 day falls on a Saturday, Sunday, or legal holiday, in which case  
 7 the notice of withdrawal may be served on the clerk up to 4  
 8 o'clock, ~~eastern standard time,~~ **p.m.** on the next secular day.

9       Sec. 195. ~~If~~ **Subject to this section, if** a candidate of a  
 10 political party for prosecuting attorney, sheriff, county clerk,  
 11 county treasurer, register of deeds, drain commissioner, ~~coroner,~~  
 12 **county commissioner**, or surveyor, after having qualified as a  
 13 candidate, dies after the last day for qualifying, leaving the  
 14 political party without a candidate for that office, a **replacement**  
 15 candidate to fill the vacancy may be selected by the members of the  
 16 county **executive** committee of the candidate's political party, and  
 17 the name of the **replacement** candidate selected ~~shall~~ **must** be  
 18 transmitted to the county officials required by law to print and  
 19 distribute ballots. **An individual selected as the replacement**  
 20 **candidate for the office of county commissioner must be a resident**  
 21 **and registered elector of the county commissioner district from**  
 22 **which the vacancy occurs.** The name of the **replacement** candidate  
 23 ~~shall~~ **must** be printed on the ballots, but if the ballots have been  
 24 printed, the county officials ~~shall~~ **must** have the ballots reprinted  
 25 with the **replacement** candidate's name on the ballots and the  
 26 reprinted ballots ~~shall~~ **must** be distributed to the various voting  
 27 precincts within ~~their~~ **the** respective counties.

28       Sec. 198. (1) If a candidate of a political party files a  
 29 nominating petition or filing fee for a county office and has been

1 nominated for the office by a political party, the candidate is not  
 2 permitted to withdraw unless ~~he or she has moved~~ **the candidate**  
 3 **moves** from the county or ~~has become~~ **becomes** physically unfit.

4 (2) If a candidate of a political party files a nominating  
 5 petition or filing fee for the office of county commissioner and  
 6 has been nominated for that office by a political party, the  
 7 candidate is not permitted to withdraw unless ~~he or she has moved~~  
 8 **the candidate moves** from the county or from the district from which  
 9 ~~he or she~~ **the candidate** was nominated or ~~has become~~ **becomes**  
 10 physically unfit.

11 (3) ~~If the person~~ **Subject to this subsection, if an individual**  
 12 who has been nominated as the candidate of a political party for a  
 13 county office or the office of county commissioner dies before the  
 14 date of the election for that office, the county executive  
 15 committee of the **political** party whose candidate has died shall  
 16 select, by majority vote, a replacement **candidate** for that ~~person~~.  
 17 **individual. An individual selected as the replacement candidate for**  
 18 **the office of county commissioner must be a resident and registered**  
 19 **elector of the county commissioner district from which the vacancy**  
 20 **occurs.** The name of the replacement **candidate** selected ~~shall~~ **must**  
 21 be transmitted to the election officials responsible for the  
 22 preparation and distribution of ballots, and the name of the  
 23 replacement ~~shall~~ **candidate must** be affixed to each ballot in place  
 24 of the name of the original candidate.

25 (4) A vacancy ~~shall~~ **must** not be filled by a county executive  
 26 committee except as provided in this section.

27 (5) This prohibition ~~shall~~ **must** not be construed to prohibit  
 28 the withdrawal of a candidate who was nominated without having  
 29 filed a nominating petition or filing fee and whose name has been

**1** written or placed on the ballot of a political party.