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FILLING LEGISLATIVE VACANCIES

House Bill 5068
House Joint Resolution CC
Sponsor: Rep. Gloria Schermesser
Committee: Local Government

Complete to 5-1-98

A SUMMARY OF HOUSE BILL 5068 AS INTRODUCED 9-23-97 AND HOUSE JOINT RESOLUTION CC AS INTRODUCED 12-3-97

House Bill 5068 would amend the Michigan Election Law (MCL 168.174 and 168.634) to address the calling of elections to fill vacancies in legislative offices. House Joint Resolution CC would amend the State Constitution of 1963 (Article V, Section 13) to specify that if a vacancy occurred in the office of state senator or state representative, the governor would have to call a special election or direct that the vacancy be filled at the next general election in accordance with the requirements of the Michigan Election Law.

Under House Bill 5068, if a vacancy occurred in a state legislative office 46 or more days before the next August primary in which nominees for the office were to be selected, the governor would have to call a special and general election in that district within seven days after the vacancy occurred. The special primary would have to be held no later than 52 days after the vacancy occurred and the special election no later than 95 days after the date of the vacancy. However, if the deadline fell within 30 days of a primary, general, or special election previously scheduled in the district, the special primary or special general election could be held in conjunction with the previously scheduled election. But the deadline for a special general election could not be extended more than 30 days.

If a vacancy occurred during a period beginning on the 45th day before the next August primary election for the legislative office and ending on the 65th day before the next general November election at which the office would be filled, the governor would have to direct that the vacancy be filled at that general November election. The governor would have to direct the executive committee of the county committee of each political party to select, by majority vote, a candidate for that office, and the committee would have to certify the name of the candidate to the county board of election commissioners not later than the 60th day before the general November election. (If the district fell in more than one county, then the executive committees of the county committees for each party in each county would select the candidate.)

Currently, the Michigan Election Law says:

House Bill 5068 and House Joint Resolution CC (5-1-98)

"Except as otherwise provided in this section, when a vacancy occurs in the office of senator or representative in the state legislature, the governor may call a special election in that senatorial or representative district or direct that the vacancy be filled at the next general election."

Analyst: C. Couch

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.