

HOUSE BILL No. 4747

June 1, 1999, Introduced by Reps. Mortimer, Garcia, Scranton, Rick Johnson, Byl, Ehardt, Switalski and Raczkowski and referred to the Committee on Constitutional Law and Ethics.

A bill to amend 1954 PA 116, entitled
"Michigan election law,"
by amending section 619 (MCL 168.619), as amended by 1995 PA 87;
and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 619. (1) National convention delegates elected under
2 this act shall be elected on a basis that ~~insures~~ ENSURES that
3 the proportion of the total national convention delegation that
4 is uncommitted or is committed to each presidential candidate
5 equals, as near as is practicable, the proportion of the popular
6 vote that was cast as uncommitted or for each respective presi-
7 dential candidate of the particular political party's total popu-
8 lar vote at the presidential primary election. The determination
9 of these proportions shall only include the votes cast as
10 uncommitted, or for a particular presidential candidate, if the

1 total vote cast as uncommitted, or for that particular
2 presidential candidate, equals at least the percentage determined
3 by state political party rule of the total vote cast for all
4 presidential candidates or as uncommitted for that political
5 party at that presidential primary election.

6 ~~-(2) Before an individual may be elected as a delegate to~~
7 ~~the national convention of a political party, that individual~~
8 ~~shall file an affidavit as required under section 562b. If the~~
9 ~~individual names a presidential candidate in the affidavit under~~
10 ~~section 562b(1)(a), that individual shall also be certified by~~
11 ~~the presidential candidate or the presidential candidate's desig-~~
12 ~~nee as a delegate committed to that presidential candidate. A~~
13 ~~national convention delegate shall be bound to vote for the pres-~~
14 ~~idential candidate for whom he or she designated commitment, if~~
15 ~~any, under section 562b and as certified by the presidential can-~~
16 ~~didate or the presidential candidate's designee under this sec-~~
17 ~~tion before the delegate is elected as a national delegate until~~
18 ~~the end of the first ballot at the national convention. However,~~
19 ~~a national convention delegate is released from that commitment~~
20 ~~by the withdrawal of that presidential candidate from contention~~
21 ~~for that party's nomination or by written release of that presi-~~
22 ~~dential candidate to the chairperson of the national convention,~~
23 ~~whichever is earliest.~~

24 (2) ~~-(3)-~~ If a vacancy occurs in the elected delegation, it
25 shall be filled by an alternate selected by the caucus for the
26 candidate to whom the original delegate was committed, and the

1 alternate shall be required to meet the same qualifications of
2 the delegate being replaced.

3 (3) ~~-(4)-~~ A person who is a delegate at large to a state
4 convention of his or her political party only by virtue of being
5 a member of the state legislature as provided in section 595a
6 shall not participate in the selecting of delegates to his or her
7 political party's national convention. This subsection does not
8 prohibit that person from participating in other convention
9 business. Neither this provision nor any other provision of law
10 shall be ~~understood~~ CONSTRUED to restrict the opportunity of
11 any registered elector in this state, including all public offi-
12 cials, to be elected as a delegate to any county, district,
13 state, or national convention of the elector's political party.

14 Enacting section 1. Section 562b of the Michigan election
15 law, 1954 PA 116, MCL 168.562b, is repealed.