

**SUBSTITUTE FOR**

**HOUSE BILL NO. 4907**

(As amended August 15, 2012)

[A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 163, 164, 166, 193, 194, 196, 224, 225, 227, 254, 256, 257, 312, 633, 646a, 759a, 813, and 829 (MCL 168.163, 168.164, 168.166, 168.193, 168.194, 168.196, 168.224, 168.225, 168.227, 168.254, 168.256, 168.257, 168.312, 168.633, 168.646a, 168.759a, 168.813, and 168.829), sections 163, 193, 224, and 254 as amended by 1999 PA 218, section 164 as amended by 1990 PA 7, sections 312 and 646a as amended by 2006 PA 647, section 759a as amended by 2012 PA 279, and sections 813 and 829 as added by 2004 PA 92.]

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

[Sec. 163. (1) To obtain the printing of the name of a person as a candidate for nomination by a political party for the office of state senator or representative under a particular party heading upon the official primary ballots in the various election precincts of a district, there shall be filed nominating petitions signed by a number of qualified and registered electors residing in the district as determined under section 544f. If the district comprises more than 1 county, the nominating petitions shall be filed with the secretary of state. If the district comprises 1 county or less, the nominating petitions shall be filed with the county clerk of that county. Nominating petitions shall be in the form prescribed in section 544c. **UNTIL DECEMBER 31, 2013, IF**

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**NOMINATING PETITIONS ARE FILED BY AN INCUMBENT STATE SENATOR OR INCUMBENT STATE REPRESENTATIVE FOR THE OFFICE OF STATE SENATOR OR STATE REPRESENTATIVE, THE SECRETARY OF STATE AND THE VARIOUS COUNTY CLERKS SHALL RECEIVE NOMINATING PETITIONS FOR FILING IN ACCORDANCE WITH THIS ACT UP TO 4 P.M. OF THE FOURTEENTH TUESDAY BEFORE THE AUGUST PRIMARY. Until December 31, 2013, IF NOMINATING PETITIONS ARE FILED BY A NONINCUMBENT CANDIDATE FOR THE OFFICE OF STATE SENATOR OR STATE REPRESENTATIVE, the secretary of state and the various county clerks shall receive nominating petitions for filing in accordance with this act up to 4 p.m. of the twelfth Tuesday before the August primary. BEGINNING JANUARY 1, 2014, IF NOMINATING PETITIONS ARE FILED BY AN INCUMBENT STATE SENATOR OR INCUMBENT STATE REPRESENTATIVE FOR THE OFFICE OF STATE SENATOR OR STATE REPRESENTATIVE, THE SECRETARY OF STATE AND THE VARIOUS COUNTY CLERKS SHALL RECEIVE NOMINATING PETITIONS FOR FILING IN ACCORDANCE WITH THIS ACT UP TO 4 P.M. OF THE SEVENTEENTH TUESDAY BEFORE THE AUGUST PRIMARY. Beginning January 1, 2014, IF NOMINATING PETITIONS ARE FILED BY A NONINCUMBENT CANDIDATE FOR THE OFFICE OF STATE SENATOR OR STATE REPRESENTATIVE, the secretary of state and the various county clerks shall receive nominating petitions for filing in accordance with this act up to 4 p.m. of the fifteenth Tuesday before the August primary.**

(2) In lieu of filing a nominating petition, a filing fee of \$100.00 may be paid to the county clerk or, for a candidate in a district comprising more than 1 county, to the secretary of state. Payment of the fee and certification of the name of the candidate paying the fee shall be governed by the same provisions as in the case of nominating petitions. The fee shall be deposited in the general fund of the county and shall be refunded to candidates who are nominated and to an equal number of candidates who receive the next highest number of votes in the primary election. If 2 or more candidates tie in having the lowest number of votes allowing a refund, the sum of \$100.00 shall be divided among them. A refund of a deposit shall not be made to a candidate who withdraws as a candidate.

Sec. 164. After the filing of a nominating petition or filing fee by or ~~in~~**ON** behalf of a proposed candidate for the office of state senator or representative, ~~such~~**THE** candidate shall not be permitted to withdraw unless a written notice of withdrawal is served on the official with whom his or her nominating petitions or filing fee were filed, or his or her duly authorized agent, not later than 4 ~~o'clock,~~**P.M.**, eastern standard time, in the afternoon of the third day after the last day for filing ~~such~~**THE** petition **AS PROVIDED IN SECTION 163. AFTER THE FILING OF A NOMINATING PETITION OR FILING FEE BY OR ON BEHALF OF A PROPOSED CANDIDATE FOR THE OFFICE OF STATE SENATOR OR REPRESENTATIVE DURING AN EXTENDED FILING PERIOD UNDER SECTION 166(2), THE CANDIDATE SHALL NOT BE PERMITTED TO WITHDRAW.**

Sec. 166. (1) ~~If~~**EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (2), IF** for any reason the number of candidates of a political party for the office of state senator or representative is equal to less than the total number to be nominated and elected, a sufficient number of blank spaces shall be provided on the primary ballots that affords every elector of

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the political party an opportunity to vote for as many candidates as are to be nominated and elected by writing in the name or names of his or her selection.

**(2) IF A NONINCUMBENT CANDIDATE FOR STATE SENATOR OR STATE REPRESENTATIVE WITHDRAWS AS A CANDIDATE ON THE LAST DAY TO FILE AS A CANDIDATE OR BEFORE THE WITHDRAWAL DEADLINE UNDER SECTION 164, LEAVING THE NUMBER OF CANDIDATES OF A POLITICAL PARTY FOR THE OFFICE OF STATE SENATOR OR REPRESENTATIVE LESS THAN THE TOTAL NUMBER TO BE NOMINATED AND ELECTED, THE FILING DEADLINE SHALL BE EXTENDED UNTIL 4 P.M. EASTERN STANDARD TIME, IN THE AFTERNOON OF THE SECOND BUSINESS DAY AFTER THE WITHDRAWAL DEADLINE UNDER SECTION 164. THIS SUBSECTION APPLIES WHETHER OR NOT THE CANDIDATE REFILES FOR THE SAME OR A DIFFERENT OFFICE.**

Sec. 193. (1) To obtain the printing of the name of a person as a candidate for nomination by a political party for an office named in section 191 under a particular party heading upon the official primary ballots, there shall be filed with the county clerk nominating petitions signed by a number of qualified and registered electors residing within the county as determined under section 544f. Nominating petitions shall be in the form prescribed in section 544c. **UNTIL DECEMBER 31, 2013, IF NOMINATING PETITIONS ARE FILED BY AN INCUMBENT CANDIDATE FOR AN OFFICE NAMED IN SECTION 191, THE COUNTY CLERK SHALL RECEIVE NOMINATING PETITIONS UP TO 4 P.M. OF THE FOURTEENTH TUESDAY BEFORE THE AUGUST PRIMARY.** Until December 31, 2013, **IF NOMINATING PETITIONS ARE FILED BY A NONINCUMBENT CANDIDATE FOR AN OFFICE NAMED IN SECTION 191,** the county clerk shall receive nominating petitions up to 4 p.m. of the twelfth Tuesday before the August primary. **BEGINNING JANUARY 1, 2014, IF NOMINATING PETITIONS ARE FILED BY AN INCUMBENT CANDIDATE FOR AN OFFICE NAMED IN SECTION 191, THE COUNTY CLERK SHALL RECEIVE NOMINATING PETITIONS UP TO 4 P.M. OF THE SEVENTEENTH TUESDAY BEFORE THE AUGUST PRIMARY.** Beginning January 1, 2014, **IF NOMINATING PETITIONS ARE FILED BY A NONINCUMBENT CANDIDATE FOR AN OFFICE NAMED IN SECTION 191,** the county clerk shall receive nominating petitions up to 4 p.m. of the fifteenth Tuesday before the August primary.

(2) To obtain the printing of the name of a candidate of a political party under the particular party's heading upon the primary election ballots in the various voting precincts of the county, there may be filed by the candidate, in lieu of filing ~~nomination~~ **NOMINATING** petitions, a filing fee of \$100.00 to be paid to the county clerk. Payment of the fee and certification of the candidate's name paying the fee shall be governed by the same provisions as in the case of nominating petitions. The fee shall be deposited in the general fund of the county and shall be refunded to candidates who are nominated and to an equal number of candidates who receive the next highest number of votes in the primary election. If 2 or more candidates tie in having the lowest number of votes allowing a refund, the sum of \$100.00 shall be divided among them. The deposits of all other defeated candidates, as well as the deposits of candidates who withdraw or are disqualified, shall be forfeited and the candidates shall be notified of the forfeiture. Deposits forfeited under this section shall be paid into and credited to

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the general fund of the county.

Sec. 194. After the filing of a nominating petition or filing fee by or ~~in~~ **ON** behalf of a proposed candidate for any of the offices named in section 191, ~~of this act, such~~ **THE** candidate shall not be permitted to withdraw unless a written notice of withdrawal is served on the county clerk or his **OR HER** duly authorized agent not later than 4 ~~o'clock, P.M.~~, eastern standard time, in the afternoon of the third day after the last day for filing ~~such~~ **THE** petition or filing fee, as ~~in this act~~ provided **IN SECTION 193**, unless the third day falls on a Saturday, Sunday, or legal holiday, in which case the notice of withdrawal may be served on the clerk up to 4 ~~o'clock, P.M.~~, eastern standard time, on the next secular day. **AFTER THE FILING OF A NOMINATING PETITION OR FILING FEE BY OR ON BEHALF OF A PROPOSED CANDIDATE FOR ANY OF THE OFFICES NAMED IN SECTION 191 DURING AN EXTENDED FILING PERIOD UNDER SECTION 196(2), THE CANDIDATE SHALL NOT BE PERMITTED TO WITHDRAW.**

Sec. 196. (1) ~~IF~~ **EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (2), IF** for any reason the number of candidates of a political party for any 1 or more of the offices named in section 191 is equal to less than the total number to be nominated by the political party, a blank space or spaces shall be provided on each of the official primary ballots that affords every elector of the political party an opportunity to vote for as many candidates for the office as are to be nominated by the political party by writing in the name or names of his or her selection.

(2) **IF A NONINCUMBENT CANDIDATE FOR ANY 1 OR MORE OF THE OFFICES NAMED IN SECTION 191 WITHDRAWS AS A CANDIDATE ON THE LAST DAY TO FILE AS A CANDIDATE OR BEFORE THE WITHDRAWAL DEADLINE UNDER SECTION 194, LEAVING THE NUMBER OF CANDIDATES OF A POLITICAL PARTY FOR ANY OF THE OFFICES NAMED IN SECTION 191 LESS THAN THE TOTAL NUMBER TO BE NOMINATED AND ELECTED, THE FILING DEADLINE FOR THAT OFFICE WITH INSUFFICIENT CANDIDATES SHALL BE EXTENDED UNTIL 4 P.M. EASTERN STANDARD TIME, IN THE AFTERNOON OF THE SECOND BUSINESS DAY AFTER THE WITHDRAWAL DEADLINE UNDER SECTION 194. THIS SUBSECTION APPLIES WHETHER OR NOT THE CANDIDATE REFILES FOR THE SAME OR A DIFFERENT OFFICE.**

Sec. 224. (1) To obtain the printing of the name of a person as candidate for nomination by a political party for the office of county auditor under a particular party heading upon the official primary ballots, there shall be filed with the county clerk nominating petitions signed by a number of qualified and registered electors residing within the county as determined under section 544f. Nominating petitions shall be in the form prescribed in section 544c. **UNTIL DECEMBER 31, 2013, IF NOMINATING PETITIONS ARE FILED BY AN INCUMBENT CANDIDATE FOR THE OFFICE OF COUNTY AUDITOR, THE COUNTY CLERK SHALL RECEIVE NOMINATING PETITIONS UP TO 4 P.M. OF THE FOURTEENTH TUESDAY BEFORE THE AUGUST PRIMARY.** Until December 31, 2013, **IF NOMINATING PETITIONS ARE FILED BY A NONINCUMBENT CANDIDATE FOR THE OFFICE OF COUNTY AUDITOR,** the county clerk shall receive nominating petitions up to 4 p.m. of the twelfth Tuesday before the August primary. **BEGINNING JANUARY 1, 2014, IF NOMINATING PETITIONS ARE FILED BY AN INCUMBENT CANDIDATE FOR THE OFFICE OF COUNTY AUDITOR, THE COUNTY CLERK SHALL RECEIVE NOMINATING PETITIONS UP TO 4 P.M. OF THE** House

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**SEVENTEENTH TUESDAY BEFORE THE AUGUST PRIMARY.** Beginning January 1, 2014, **IF NOMINATING PETITIONS ARE FILED BY A NONINCUMBENT CANDIDATE FOR THE OFFICE OF COUNTY AUDITOR,** the county clerk shall receive nominating petitions up to 4 p.m. of the fifteenth Tuesday before the August primary.

(2) To obtain the printing of the name of the candidate of a political party under the particular party's heading upon the primary election ballots in the various voting precincts of the county, there may be filed by the candidate, in lieu of filing nominating petitions, a filing fee of \$100.00 to be paid to the county clerk. Payment of the fee and certification of the name of the candidate paying the fee shall be governed by the same provisions as in the case of nominating petitions. The fee shall be deposited in the general fund of the county and shall be refunded to candidates who are nominated and to an equal number of candidates who received the next highest number of votes in the primary election. If 2 or more candidates tie in having the lowest number of votes allowing a refund, the sum of \$100.00 shall be divided among them. The deposits of all other defeated candidates and of candidates who withdraw or are disqualified shall be forfeited and the candidates shall be notified of the forfeitures. Deposits forfeited under this section shall be paid into and credited to the general fund of the county.

Sec. 225. After the filing of nominating petitions or filing fee by or ~~in~~**ON** behalf of a proposed candidate for the office of county auditor, ~~such~~**THE** candidate shall not be permitted to withdraw unless a written notice of withdrawal is served on the county clerk or his **OR HER** duly authorized agent not later than 4 ~~o'clock,~~**P.M.**, eastern standard time, in the afternoon of the third day after the last day for filing ~~such~~**THE** petitions, as ~~in this act~~ provided **IN SECTION 224**, unless the third day falls on a Saturday, Sunday, or legal holiday, in which case the notice of withdrawal may be served on the clerk up to 4 ~~o'clock,~~**P.M.**, eastern standard time, on the next secular day. **AFTER THE FILING OF A NOMINATING PETITION OR FILING FEE BY OR ON BEHALF OF A PROPOSED CANDIDATE FOR THE OFFICE OF COUNTY AUDITOR DURING AN EXTENDED FILING PERIOD UNDER SECTION 227(2), THE CANDIDATE SHALL NOT BE PERMITTED TO WITHDRAW.**

Sec. 227. (1) ~~If~~**EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (2), IF** for any reason there is no candidate of a political party for county auditor, a blank space shall be provided on each of the official primary ballots that affords every elector of the political party an opportunity to vote for a candidate for the office by writing in the name of his or her selection.

(2) **IF A NONINCUMBENT CANDIDATE FOR COUNTY AUDITOR WITHDRAWS AS A CANDIDATE ON THE LAST DAY TO FILE AS A CANDIDATE OR BEFORE THE WITHDRAWAL DEADLINE UNDER SECTION 225, LEAVING THE NUMBER OF CANDIDATES OF A POLITICAL PARTY FOR THE OFFICE OF COUNTY AUDITOR LESS THAN THE TOTAL NUMBER TO BE NOMINATED AND ELECTED, THE FILING DEADLINE SHALL BE EXTENDED UNTIL 4 P.M. EASTERN STANDARD TIME, IN THE AFTERNOON OF THE SECOND BUSINESS DAY AFTER THE WITHDRAWAL DEADLINE UNDER SECTION 225. THIS SUBSECTION APPLIES WHETHER OR NOT THE CANDIDATE REFILES FOR THE SAME OR A DIFFERENT OFFICE.**

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Sec. 254. (1) To obtain the printing of the name of a person as a candidate for nomination by a political party for the office of county road commissioner under a particular party heading upon the official primary ballots, there shall be filed with the county clerk of the county nominating petitions signed by a number of qualified and registered electors residing within the county as determined under section 544f. Nominating petitions shall be in the form prescribed in section 544c. **UNTIL DECEMBER 31, 2013, IF NOMINATING PETITIONS ARE FILED BY AN INCUMBENT CANDIDATE FOR THE OFFICE OF COUNTY ROAD COMMISSIONER, THE COUNTY CLERK SHALL RECEIVE NOMINATING PETITIONS UP TO 4 P.M. OF THE FOURTEENTH TUESDAY BEFORE THE AUGUST PRIMARY IN WHICH COUNTY ROAD COMMISSIONERS ARE TO BE ELECTED.** Until December 31, 2013, **IF NOMINATING PETITIONS ARE FILED BY A NONINCUMBENT CANDIDATE FOR THE OFFICE OF COUNTY ROAD COMMISSIONER,** the county clerk shall receive nominating petitions up to 4 p.m. of the twelfth Tuesday before the August primary in which county road commissioners are to be elected. **BEGINNING JANUARY 1, 2014, IF NOMINATING PETITIONS ARE FILED BY AN INCUMBENT CANDIDATE FOR THE OFFICE OF COUNTY ROAD COMMISSIONER, THE COUNTY CLERK SHALL RECEIVE NOMINATING PETITIONS UP TO 4 P.M. OF THE SEVENTEENTH TUESDAY BEFORE THE AUGUST PRIMARY IN WHICH COUNTY ROAD COMMISSIONERS ARE TO BE ELECTED.** Beginning January 1, 2014, **IF NOMINATING PETITIONS ARE FILED BY A NONINCUMBENT CANDIDATE FOR THE OFFICE OF COUNTY ROAD COMMISSIONER,** the county clerk shall receive nominating petitions up to 4 p.m. of the fifteenth Tuesday before the August primary in which county road commissioners are to be elected.

(2) To obtain the printing of the name of a candidate of a political party under the particular party's heading upon the primary election ballots in the various voting precincts of the county, there may be filed by each candidate, in lieu of filing nominating petitions, a filing fee of \$100.00 to be paid to the county clerk. Payment of the fee and certification of the name of the candidate paying the fee shall be governed by the same provisions as in the case of nominating petitions. The fee shall be deposited in the general fund of the county and shall be returned to all candidates who are nominated and to an equal number of candidates who received the next highest number of votes in the primary election. If 2 or more candidates tie in having the lowest number of votes allowing a refund, the sum of \$100.00 shall be divided among them. The deposits of all other defeated candidates, as well as the deposits of candidates who withdraw or are disqualified, shall be forfeited and the candidates shall be notified of the forfeitures. Deposits forfeited under this section shall be paid into and credited to the general fund of the county.

Sec. 256. After the filing of nominating petitions or filing fee by or ~~in~~ **ON** behalf of a proposed candidate for the office of county road commissioner, ~~such~~ **THE** candidate shall not be permitted to withdraw unless a written notice of withdrawal is served on the county clerk or his **OR HER** duly authorized agent not later than 4 ~~o'clock,~~ **P.M.**, eastern standard time, in the afternoon of the third day after the last day for filing ~~such~~ **THE** petition, ~~as in this act provided.~~ **AS PROVIDED IN SECTION**

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**254. AFTER THE FILING OF A NOMINATING PETITION OR FILING FEE BY OR ON BEHALF OF A PROPOSED CANDIDATE FOR THE OFFICE OF COUNTY ROAD COMMISSIONER DURING AN EXTENDED FILING PERIOD UNDER SECTION 257(2), THE CANDIDATE SHALL NOT BE PERMITTED TO WITHDRAW.**

Sec. 257. (1) ~~If~~**EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (2), IF** for any reason there is no candidate of a political party for county road commissioner, a blank space shall be provided on each of the official primary ballots that affords every elector of the political party an opportunity to vote for a candidate for that office by writing in the name of his or her selection.

**(2) IF A NONINCUMBENT CANDIDATE FOR COUNTY ROAD COMMISSIONER WITHDRAWS AS A CANDIDATE ON THE LAST DAY TO FILE AS A CANDIDATE OR BEFORE THE WITHDRAWAL DEADLINE UNDER SECTION 256, LEAVING THE NUMBER OF CANDIDATES OF A POLITICAL PARTY FOR THE OFFICE OF COUNTY ROAD COMMISSIONER LESS THAN THE TOTAL NUMBER TO BE NOMINATED AND ELECTED, THE FILING DEADLINE SHALL BE EXTENDED UNTIL 4 P.M. EASTERN STANDARD TIME, IN THE AFTERNOON OF THE SECOND BUSINESS DAY AFTER THE WITHDRAWAL DEADLINE UNDER SECTION 256. THIS SUBSECTION APPLIES WHETHER OR NOT THE CANDIDATE REFILES FOR THE SAME OR A DIFFERENT OFFICE.]**

1           Sec. 312. (1) A school board may submit a ballot question to  
2 the school electors on a regular election date, on a date when a  
3 city or township within the school district's jurisdiction is  
4 holding an election by adopting a resolution to that effect not  
5 ~~less than 70 days~~**LATER THAN 4 P.M. ON THE TWELFTH TUESDAY** before  
6 the election date, or on a special election date as provided in

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1 section 641(4). The school board shall certify the ballot question  
 2 language to the school district election coordinator not ~~less than~~  
 3 ~~70 days~~ **LATER THAN 4 P.M. ON THE TWELFTH TUESDAY** before the  
 4 election date. The school district election coordinator shall send  
 5 a copy of the ballot question language to the county clerk of each  
 6 county not less than ~~68~~ **82** days before the election.

7 (2) If a special election is called on a date provided under  
 8 section 641(4), the school district election coordinating committee  
 9 shall schedule the special election date.

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

20 (2) **IF THE GOVERNOR DIRECTS THAT THE VACANCY BE FILLED AT THE**  
 21 **FOLLOWING GENERAL ELECTION, THE EXECUTIVE COMMITTEE OF THE COUNTY**  
 22 **COMMITTEE OF EACH POLITICAL PARTY, IF THE COUNTY COMPRISES 1 OR**  
 23 **MORE REPRESENTATIVE DISTRICTS, OR, IF THE DISTRICT IS COMPRISED OF**  
 24 **MORE THAN 1 COUNTY, THEN THE EXECUTIVE COMMITTEE OF THE COUNTY**  
 25 **COMMITTEE OF THE RESPECTIVE POLITICAL PARTIES OF EACH COUNTY IN THE**  
 26 **DISTRICT, MAY SELECT, BY A MAJORITY VOTE [OF THOSE EXECUTIVE COMMITTEE**  
**MEMBERS RESIDING IN THE REPRESENTATIVE DISTRICT], A CANDIDATE FOR THAT**  
 27 **OFFICE, AND SHALL CERTIFY THE NAME OF THE CANDIDATE TO THE COUNTY**



1 BOARD OF ELECTION COMMISSIONERS OF THE COUNTY OR COUNTIES  
2 COMPRISING THAT REPRESENTATIVE DISTRICT WITHIN 21 DAYS AFTER THE  
3 VACANCY OCCURS AND AT LEAST 10 DAYS BEFORE THE GENERAL ELECTION.  
4 UPON CERTIFICATION, THE CANDIDATE CERTIFIED SHALL BE THE NOMINEE OF  
5 THAT PARTY AT THAT GENERAL ELECTION TO FILL THE VACANCY FOR THE  
6 UNEXPIRED TERM WITH THE SAME FORCE AND EFFECT AS IF THE PERSON WAS  
7 NOMINATED AT A PRIMARY ELECTION AS OTHERWISE PROVIDED IN THIS ACT.  
8 IF THE BALLOTS FOR THAT GENERAL ELECTION HAVE ALREADY BEEN PRINTED  
9 BEFORE THE CERTIFICATION, THEN THE BOARD OF ELECTION COMMISSIONERS  
10 SHALL CAUSE THE NAMES OF THE CANDIDATES TO BE PRINTED ON A SEPARATE  
11 BALLOT, WHICH BALLOT SHALL BE COUNTED, CANVASSED, AND RETURNED AS  
12 OTHER BALLOTS CAST AT THAT ELECTION.

13 (3) IF THE GOVERNOR DIRECTS THAT THE VACANCY BE FILLED AT THE  
14 NEXT GENERAL ELECTION, THE SECRETARY OF STATE SHALL GIVE NOTICE OF  
15 THAT DECISION SIMILAR TO THE NOTICE PROVIDED FOR IN SECTION 651.

16 Sec. 646a. (1) If a local officer is to be elected at a  
17 general November election, candidates for the local office shall be  
18 nominated in the manner provided by law or charter, subject to  
19 sections 641 and 642. If candidates for the local office are to be  
20 nominated at caucuses, the caucuses shall be held on a date before  
21 the date set for the primary election or on the Saturday before the  
22 day of the primary election as determined by the local legislative  
23 body at least 20 days before the date of the caucus. If candidates  
24 are nominated by filing petitions or affidavits, they shall be  
25 filed at a time provided by charter, but not later than the date of  
26 the primary. Except as provided in section 642, the local primary  
27 election shall be held on the same day as a state or county primary

1 election. If a state or county primary is being held on the same  
2 day, the last day for local candidates to file nominating petitions  
3 is the same as the last date to file petitions for state and county  
4 offices. The names of all local candidates and titles of office  
5 shall be certified to the county clerk by the local clerk within 5  
6 days after the last day for filing petitions, and certification of  
7 nominees shall be made to that clerk within 5 days after the date  
8 on which the primary or caucus was held.

9 (2) If a local, school district, or county ballot question is  
10 to be voted on at a regular election date or special election, the  
11 ballot wording of the ballot question shall be certified to the  
12 local or county clerk ~~at least 70 days~~ **NOT LATER THAN 4 P.M. ON THE**  
13 **TWELFTH TUESDAY** before the election. If the wording is certified to  
14 a clerk other than the county clerk, the clerk shall certify the  
15 ballot wording to the county clerk at least ~~68~~ **82** days before the  
16 election. Petitions to place a county or local ballot question on  
17 the ballot at the election shall be filed with the clerk at least  
18 14 days before the date the ballot wording must be certified to the  
19 local clerk.

20 (3) The provisions of this section apply notwithstanding any  
21 provisions of law or charter to the contrary, unless an earlier  
22 date for the filing of affidavits or petitions, including  
23 nominating petitions, is provided in a law or charter, in which  
24 case the earlier filing date is controlling.

25 Sec. 759a. (1) An absent uniformed services voter or an  
26 overseas voter who is not registered, but possessed the  
27 qualifications of an elector under section 492, may apply for

1 registration by using the federal postcard application. The  
2 department of state, bureau of elections, is responsible for  
3 disseminating information on the procedures for registering and  
4 voting to an absent uniformed services voter and an overseas voter.

5 (2) Upon the request of an absent uniformed services voter or  
6 an overseas voter, the clerk of a county, city, township, or  
7 village shall electronically transmit a blank voter registration  
8 application or blank absent voter ballot application to the voter.  
9 The clerk of a county, city, township, or village shall accept a  
10 completed voter registration application or completed absent voter  
11 ballot application electronically transmitted by an absent  
12 uniformed services voter or overseas voter. A voter registration  
13 application or absent voter ballot application submitted by an  
14 absent uniformed services voter or overseas voter shall contain the  
15 signature of the voter.

16 (3) A spouse or dependent of an overseas voter who is a  
17 citizen of the United States, is accompanying that overseas voter,  
18 and is not a qualified and registered elector anywhere else in the  
19 United States, may apply for an absent voter ballot even though the  
20 spouse or dependent is not a qualified elector of a city or  
21 township of this state.

22 (4) An absent uniformed services voter or an overseas voter,  
23 whether or not registered to vote, may apply for an absent voter  
24 ballot. Upon receipt of an application for an absent voter ballot  
25 under this section that complies with this act, a county, city,  
26 village, or township clerk shall forward to the applicant the  
27 absent voter ballots requested, the forms necessary for

1 registration, and instructions for completing the forms. If the  
2 ballots are not yet available at the time of receipt of the  
3 application, the clerk shall immediately forward to the applicant  
4 the registration forms and instructions, and forward the ballots as  
5 soon as they are available. If a federal postcard application or an  
6 application from the official United States department of defense  
7 website is filed, the clerk shall accept the federal postcard  
8 application or the application from the official United States  
9 department of defense website as the registration application and  
10 shall not send any additional registration forms to the applicant.  
11 If the ballots and registration forms are received before the close  
12 of the polls on election day and if the registration complies with  
13 the requirements of this act, the absent voter ballots shall be  
14 delivered to the proper election board to be tabulated. If the  
15 registration does not comply with the requirements of this act, the  
16 clerk shall retain the absent voter ballots until the expiration of  
17 the time that the voted ballots must be kept and shall then destroy  
18 the ballots without opening the envelope. The clerk may retain  
19 registration forms completed under this section in a separate file.  
20 The address in this state shown on a registration form is the  
21 residence of the registrant.

22 (5) Not later than 45 days before an election, a county, city,  
23 township, or village clerk shall electronically transmit or mail as  
24 appropriate an absent voter ballot to each absent uniformed  
25 services voter or overseas voter who applied for an absent voter  
26 ballot 45 days or more before the election.

27 (6) Upon the request of an absent uniformed services voter or

1 overseas voter, the clerk of a county, city, township, or village  
2 shall electronically transmit an absent voter ballot to the voter.  
3 The voter shall print the absent voter ballot and return the voted  
4 ballot by mail to the appropriate clerk.

5 (7) The secretary of state shall prescribe electronic absent  
6 voter ballot formats and electronic absent voter ballot  
7 transmission methods. Each county, city, township, or village clerk  
8 shall employ the prescribed electronic ballot formats to fulfill an  
9 absent voter ballot request received from an absent uniformed  
10 services voter or overseas voter who wishes to receive his or her  
11 absent voter ballot through an electronic transmission. The  
12 secretary of state shall establish procedures to implement the  
13 requirements in this section and for the processing of a marked  
14 absent voter ballot returned by an absent uniformed services voter  
15 or overseas voter who obtained his or her absent voter ballot  
16 through an electronic transmission.

17 (8) The secretary of state shall modify the printed statement  
18 provided under section 761(4) and the absent voter ballot  
19 instructions provided under section 764a as appropriate to  
20 accommodate the procedures developed for electronically  
21 transmitting an absent voter ballot to an absent uniformed services  
22 voter or overseas voter. A statement shall be included in the  
23 certificate signed by the absent voter who obtained his or her  
24 absent voter ballot through an electronic transmission that the  
25 secrecy of the absent voter ballot may be compromised during the  
26 duplication process. The absent voter ballot instructions provided  
27 to an absent uniformed services voter or overseas voter shall

1 include the proper procedures for returning the absent voter ballot  
2 to the appropriate clerk.

3 (9) The size of a precinct shall not be determined by  
4 registration forms completed under this section.

5 (10) An absent uniformed services voter or an overseas voter  
6 who submits an absent voter ballot application is eligible to vote  
7 as an absent voter in any local, state, or federal election  
8 occurring in the calendar year in which the election is held for  
9 that ballot requested if the absent voter ballot application is  
10 received by the county, city, village, or township clerk not later  
11 than 2 p.m. of the Saturday before the election. A county, city, or  
12 township clerk receiving an absent voter ballot application from an  
13 absent uniformed services voter or overseas voter shall transmit to  
14 a village clerk and the school district election coordinators,  
15 where applicable, the necessary information to enable the village  
16 clerk and school district election coordinators to forward an  
17 absent voter ballot for each applicable election in that calendar  
18 year to the absent voter. A village clerk receiving an absent voter  
19 ballot application from an absent uniformed services voter or  
20 overseas voter shall transmit to the township clerk and the school  
21 district election coordinators, where applicable, the necessary  
22 information to enable the city or township clerk and school  
23 district election coordinators to forward an absent voter ballot  
24 for each applicable election in that calendar year to the absent  
25 voter. If the local elections official rejects a voter registration  
26 application or absent voter ballot application submitted by an  
27 absent uniformed services voter or overseas voter, the election

1 official shall notify the voter of the rejection.

2 (11) An electronic mail address provided by an absent  
3 uniformed services voter or overseas voter for the purposes of this  
4 section is confidential and exempt from disclosure under the  
5 freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

6 (12) Under the uniformed and overseas citizens absentee voting  
7 act, the state director of elections shall approve a ballot form  
8 and registration procedures for absent uniformed services voters  
9 and overseas voters.

10 (13) An absent uniformed services voter or an overseas voter  
11 may use the federal write-in absentee ballot, in accordance with  
12 the provisions of the uniformed and overseas citizens absentee  
13 voting act, at a regular election or special election to vote for a  
14 local, state, or federal office or on a ballot question. An absent  
15 uniformed services voter or an overseas voter who uses the federal  
16 write-in absentee ballot shall return his or her voted federal  
17 write-in absentee ballot by mail to the appropriate clerk. The  
18 state bureau of elections shall do both of the following:

19 (a) Make the ballot format for each election available to  
20 absent uniformed services voters and overseas voters by electronic  
21 mail or on an internet website maintained by the department of  
22 state.

23 (b) Make the ballot information, including the offices, names  
24 of candidates, and ballot proposals, for each election available to  
25 absent uniformed services voters and overseas voters on an internet  
26 website maintained by the department of state.

27 (14) The clerk of a city, village, or township shall submit to

1 the county clerk of the county in which that city, village, or  
2 township is located a written statement no later than 45 days  
3 before each election indicating whether absent voter ballots were  
4 issued to absent uniformed services voters or overseas voters in  
5 compliance with this section and the uniformed and overseas  
6 citizens absentee voting act. The city, village, or township clerk  
7 shall provide to the county clerk a written explanation describing  
8 remedial actions taken by the city, village, or township clerk if  
9 the city, village, or township clerk fails to comply with this  
10 section and the uniformed and overseas citizens absentee voting  
11 act. Not later than 42 days before each election, each county clerk  
12 shall submit to the state bureau of elections a written report  
13 compiled from the written statements submitted by the city,  
14 village, and township clerks. The written report shall identify the  
15 cities, villages, and townships that complied with the 45-day  
16 deadline under this subsection, the cities, villages, and townships  
17 that did not comply with the 45-day deadline under this subsection,  
18 but provided a written explanation, and those cities, villages, and  
19 townships that did not comply with the 45-day deadline under this  
20 subsection and that did not provide a written explanation. The  
21 state bureau of elections may require the clerk of a city, village,  
22 or township that did not comply with the 45-day deadline under this  
23 subsection, but provided a written explanation, to provide  
24 additional information. The state bureau of elections shall require  
25 the clerk of a city, village, or township that did not comply with  
26 the 45-day deadline and that did not provide a written explanation  
27 to file a written explanation, describing the remedial actions



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1 taken by the city, village, or township clerk, within 1 business  
2 day after the state bureau of elections notifies the clerk of that  
3 city, village, or township.

4 (15) For a presidential primary election, the secretary of  
5 state shall prescribe procedures for contacting an elector who is  
6 an absent uniformed services voter or an overseas voter, as  
7 described in this section, and who is eligible to receive an absent  
8 voter ballot or who applies for an absent voter ballot for the  
9 presidential primary election, offering the elector the opportunity  
10 to select a political party ballot for the presidential primary  
11 election.

12 (16) THE SECRETARY OF STATE [SHALL] ORDER A CITY, VILLAGE, OR  
13 TOWNSHIP CLERK TO EXTEND THE BALLOT RECEIPT DEADLINE FOR ANY  
14 ABSENTEE VOTER BALLOTS UNDER THIS SECTION THAT WERE NOT TRANSMITTED  
15 TO AN ABSENT UNIFORMED SERVICES VOTER OR OVERSEAS VOTER IN  
16 COMPLIANCE WITH SUBSECTION (5). THE EXTENSION SHALL EQUAL THE TOTAL  
17 NUMBER OF DAYS BEYOND THE DEADLINE AS PROVIDED IN SUBSECTION (5)  
18 THAT THE CITY, VILLAGE, OR TOWNSHIP CLERK TRANSMITTED THE REQUESTED  
19 ABSENTEE VOTER BALLOTS. THESE ABSENTEE VOTER BALLOTS RECEIVED  
20 DURING THE EXTENSION TIME SHALL BE COUNTED AND TABULATED FOR THE  
21 FINAL RESULTS OF THE ELECTION PROVIDED THAT THE ABSENTEE VOTER  
22 BALLOTS ARE EXECUTED AND SENT BY THE CLOSE OF THE POLLS ON ELECTION  
23 DAY. THE ELECTION MAY BE FORMALLY CERTIFIED BEFORE THE END OF THE  
24 EXTENSION TIME IF THE NUMBER OF OUTSTANDING ABSENTEE VOTER BALLOTS  
25 UNDER THIS SUBSECTION WILL NOT ALTER THE OUTCOME OF THE ELECTION.

26 (17) ~~(16)~~ As used in this section:

27 (a) "Absent uniformed services voter" means any of the

1 following:

2 (i) A member of a uniformed service on active duty who, by  
3 reason of being on active duty, is absent from the place of  
4 residence where the member is otherwise qualified to vote.

5 (ii) A member of the merchant marine who, by reason of service  
6 in the merchant marine, is absent from the place of residence where  
7 the member is otherwise qualified to vote.

8 (iii) A spouse or dependent of a member referred to in  
9 subparagraph (i) or (ii) who, by reason of the active duty or service  
10 of the member, is absent from the place of residence where the  
11 spouse or dependent is otherwise qualified to vote.

12 (b) "Member of the merchant marine" means an individual, other  
13 than a member of a uniformed service or an individual employed,  
14 enrolled, or maintained on the Great Lakes or the inland waterways,  
15 who is either of the following:

16 (i) Employed as an officer or crew member of a vessel  
17 documented under the laws of the United States, a vessel owned by  
18 the United States, or a vessel of foreign-flag registry under  
19 charter to or control of the United States.

20 (ii) Enrolled with the United States for employment or training  
21 for employment, or maintained by the United States for emergency  
22 relief service, as an officer or crew member of a vessel documented  
23 under the laws of the United States, a vessel owned by the United  
24 States, or a vessel of foreign-flag registry under charter to or  
25 control of the United States.

26 (c) "Overseas voter" means any of the following:

27 (i) An absent uniformed services voter who, by reason of active

1 duty or service, is absent from the United States on the date of an  
2 election.

3 (ii) A person who resides outside of the United States and is  
4 qualified to vote in the last place in which the person was  
5 domiciled before leaving the United States.

6 (iii) A person who resides outside of the United States and who,  
7 but for such residence outside of the United States, would be  
8 qualified to vote in the last place in which he or she was  
9 domiciled before leaving the United States.

10 (d) "Uniformed services" means the army, navy, air force,  
11 marine corps, coast guard, the commissioned corps of the public  
12 health service, the commissioned corps of the national oceanic and  
13 atmospheric administration, a reserve component of a uniformed  
14 service, or the Michigan national guard as defined in section 105  
15 of the Michigan military act, 1967 PA 150, MCL 32.505.

16 Sec. 813. (1) Within 6 days after ~~the~~AN election, for each  
17 provisional ballot that was placed in a provisional ballot return  
18 envelope, the city or township clerk shall determine whether the  
19 individual voting the provisional ballot was eligible to vote a  
20 ballot and whether to tabulate the provisional ballot. In making  
21 this determination, the city or township clerk shall not open the  
22 provisional ballot return envelope. A provisional ballot shall only  
23 be tabulated if a valid voter registration record for the elector  
24 is located or if the identity and residence of the elector is  
25 established using a Michigan operator's license, chauffeur's  
26 license, personal identification card, other government issued  
27 photo identification card, or a photo identification card issued by

1 an institution of higher education in this state described in  
2 section 6 of article VIII of the state constitution of 1963 or a  
3 junior college or community college established under section 7 of  
4 article VIII of the state constitution of 1963 along with a  
5 document to establish the voter's current residence address as  
6 provided in section 523a(5). Before the provisional ballot is  
7 tabulated, election officials shall process the ballot as a  
8 challenged ballot under sections 745 and 746.

9 (2) Within 7 days after ~~the~~**AN** election, but sooner if  
10 practicable, the city or township clerk shall transmit the results  
11 of provisional ballots tabulated after the election to the board of  
12 county canvassers. The results shall be transmitted in a form  
13 prescribed by the secretary of state.

14 (3) Within 7 days after ~~the~~**AN** election, the city or township  
15 clerk shall transmit to the county clerk a provisional ballot  
16 report for each precinct in the jurisdiction. The report shall  
17 include for each precinct the number of provisional ballots issued,  
18 the number of provisional ballots tabulated on election day, the  
19 number of provisional ballots forwarded to the clerk to be  
20 determined after the election, the number of provisional ballots  
21 tabulated by the clerk after election day, and any additional  
22 information concerning provisional ballots as required by the  
23 secretary of state.

24 **(4) WITHIN 7 DAYS AFTER AN ELECTION, THE CITY OR TOWNSHIP**  
25 **CLERK SHALL TRANSMIT TO THE COUNTY CLERK AN AFFIDAVIT REPORT THAT**  
26 **INCLUDES THE NUMBER OF AFFIDAVITS SIGNED BY VOTERS UNDER SECTION**  
27 **523. THE AFFIDAVIT REPORT SHALL BE TRANSMITTED TO THE COUNTY CLERK**

1 **IN A FORM PRESCRIBED BY THE SECRETARY OF STATE.**

2       Sec. 829. (1) The board of county canvassers shall include the  
3 results of the tabulated provisional ballots in the canvass of the  
4 election following procedures prescribed by the secretary of state  
5 designed to maintain the secrecy of the ballot.

6       (2) Within 14 days after a primary or election, the county  
7 clerk shall transmit a county provisional ballot report to the  
8 secretary of state. The county provisional ballot report shall be  
9 in a manner prescribed by the secretary of state. After the  
10 secretary of state receives a county provisional ballot report, the  
11 county provisional ballot report shall be immediately available for  
12 public inspection.

13       **(3) WITHIN 14 DAYS AFTER AN ELECTION, THE COUNTY CLERK SHALL**  
14 **TRANSMIT A COUNTY AFFIDAVIT REPORT TO THE SECRETARY OF STATE. THE**  
15 **COUNTY AFFIDAVIT REPORT SHALL INCLUDE THE NUMBER OF AFFIDAVITS**  
16 **SIGNED BY VOTERS UNDER SECTION 523. THE COUNTY AFFIDAVIT REPORT**  
17 **SHALL BE TRANSMITTED IN A FORM PRESCRIBED BY THE SECRETARY OF**  
18 **STATE. AFTER THE SECRETARY OF STATE RECEIVES THE COUNTY AFFIDAVIT**  
19 **REPORT FROM THE COUNTY CLERK, THE COUNTY AFFIDAVIT REPORT SHALL**  
20 **IMMEDIATELY BE AVAILABLE FOR PUBLIC INSPECTION.**

21       Enacting section 1. Sections 312 and 646a of the Michigan  
22 election law, 1954 PA 116, MCL 168.312 and 168.646a, as amended by  
23 this amendatory act, take effect January 1, 2013.