

# HOUSE BILL No. 4535

April 12, 2011, Introduced by Rep. Scott and referred to the Committee on Redistricting and Elections.

A bill to amend 1954 PA 116, entitled  
"Michigan election law,"  
by amending sections 613a, 614a, 615a, and 641 (MCL 168.613a,  
168.614a, 168.615a, and 168.641), section 613a as amended by 2003  
PA 13, sections 614a and 615a as amended by 1999 PA 72, and section  
641 as amended by 2005 PA 71.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 613a. (1) ~~Except in 2004 when no statewide presidential~~  
2 ~~primary shall be conducted, a~~ A statewide presidential primary  
3 election shall be conducted under this act on the ~~fourth~~ **LAST**  
4 Tuesday in ~~February~~ **JANUARY** in each presidential election year.

5       (2) A political party that received 5% or less of the total  
6 vote cast nationwide for the office of president in the last  
7 presidential election shall not participate in the presidential  
8 primary election.

1           (3) Except as otherwise provided in sections 614a, 615a, 616a,  
2 624g, and 879a, the statewide presidential primary election shall  
3 be conducted under the provisions of this act that govern the  
4 conduct of general primary elections.

5           Sec. 614a. (1) Not later than 4 p.m. of the second Friday in  
6 ~~November~~**OCTOBER** of the year before the presidential election, the  
7 secretary of state shall issue a list of the individuals generally  
8 advocated by the national news media to be potential presidential  
9 candidates for each party's nomination by the political parties for  
10 which a presidential primary election will be held under section  
11 613a.

12           (2) Not later than 4 p.m. of the Tuesday following the second  
13 Friday in ~~November~~**OCTOBER** of the year before the presidential  
14 election, the state chairperson of each political party for which a  
15 presidential primary election will be held under section 613a shall  
16 file with the secretary of state a list of individuals whom they  
17 consider to be potential presidential candidates for that political  
18 party.

19           (3) After the issuance of the list under subsection (1) and  
20 after receipt of names from the state chairperson of each political  
21 party under subsection (2), the secretary of state shall notify  
22 each potential presidential candidate on the lists of the  
23 provisions of this act relating to the presidential primary  
24 election.

25           Sec. 615a. (1) Except as otherwise provided in this section,  
26 the secretary of state shall cause the name of a presidential  
27 candidate notified by the secretary of state under section 614a to

1 be printed on the presidential primary ballot under the appropriate  
2 political party heading. A presidential candidate notified by the  
3 secretary of state under section 614a may file an affidavit with  
4 the secretary of state indicating his or her party preference if  
5 different than the party preference contained in the secretary of  
6 state notification and the secretary of state shall cause that  
7 presidential candidate's name to be printed under the appropriate  
8 party heading on the presidential primary ballot. A presidential  
9 candidate notified by the secretary of state under section 614a may  
10 file an affidavit with the secretary of state indicating that he or  
11 she does not wish to have his or her name printed on the  
12 presidential primary ballot and the secretary of state shall not  
13 have that presidential candidate's name printed on the presidential  
14 primary ballot. A presidential candidate shall file an affidavit  
15 described in this subsection with the secretary of state no later  
16 than 4 p.m. on the second Friday in ~~December~~ **NOVEMBER** of the year  
17 before the presidential election year or the affidavit is  
18 considered void.

19 (2) The name of an individual who is not listed as a potential  
20 presidential candidate under section 614a shall be printed on the  
21 ballot for the presidential primary under the appropriate political  
22 party heading if he or she files a nominating petition with the  
23 secretary of state no later than 4 p.m. on the second Friday in  
24 ~~December~~ **NOVEMBER** of the year before the presidential election  
25 year. The nominating petition shall contain valid signatures of  
26 registered and qualified electors equal to not less than 1/2 of 1%  
27 of the total votes cast in the state at the previous presidential

1 election for the presidential candidate of the political party for  
2 which the individual is seeking this nomination. However, the total  
3 number of signatures required on a nominating petition under this  
4 subsection shall not exceed 1,000 times the total number of  
5 congressional districts in this state. A signature on a nominating  
6 petition is not valid if obtained before ~~October~~**SEPTEMBER** 1 of the  
7 year before the presidential election year in which the individual  
8 seeks nomination. To be valid, a nominating petition must conform  
9 to the requirements of this act regarding nominating petitions, but  
10 only to the extent that those requirements do not conflict with the  
11 requirements of this subsection.

12 (3) The names of the presidential candidates under each  
13 political party heading shall be rotated on the ballot. The ballot  
14 shall contain a space for an elector to vote uncommitted.

15 Sec. 641. (1) Except as otherwise provided in this section and  
16 sections **613A**, 642, and 642a, ~~beginning January 1, 2005,~~ an  
17 election held under this act shall be held on 1 of the following  
18 regular election dates:

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

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

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

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

27 (2) If an elective office is listed by name in section 643,

1 requiring the election for that office to be held at the general  
2 election, and if candidates for the office are nominated at a  
3 primary election, the primary election shall be held on the August  
4 regular election date.

5 (3) Except as otherwise provided in this subsection and  
6 subsection (4), a special election shall be held on a regular  
7 election date. A special election called by the governor under  
8 section 145, 178, 632, 633, or 634 to fill a vacancy or called by  
9 the legislature to submit a proposed constitutional amendment as  
10 authorized in section 1 of article XII of the state constitution of  
11 1963 may, but is not required to be, held on a regular election  
12 date.

13 (4) A school district may call a special election to submit a  
14 ballot question to borrow money, increase a millage, or establish a  
15 bond if an initiative petition is filed with the county clerk. The  
16 petition shall be signed by a number of qualified and registered  
17 electors of the district equal to not less than 10% of the electors  
18 voting in the last gubernatorial election in that district or 3,000  
19 signatures, whichever number is lesser. Section 488 applies to a  
20 petition to call a special election for a school district under  
21 this section. In addition to the requirements set forth in section  
22 488, the proposed date of the special election shall appear beneath  
23 the petition heading, and the petition shall clearly state the  
24 amount of the millage increase or the amount of the loan or bond  
25 sought and the purpose for the millage increase or the purpose for  
26 the loan or bond. The petition shall be filed with the county clerk  
27 by 4 p.m. of the twelfth Tuesday before the proposed date of the

special election. The petition signatures shall be obtained within 60 days before the filing of the petition. Any signatures obtained more than 60 days before the filing of the petition are not valid.

If the special election called by the school district is not scheduled to be held on a regular election date as provided in subsection (1), the special election shall be held on a Tuesday. A special election called by a school district under this subsection shall not be held within 30 days before or 35 days after a regular election date as provided in subsection (1). A school district may only call 1 special election pursuant to this subsection in each calendar year.

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

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

~~—— (b) Which school districts have held special elections.~~

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

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

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

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