

SENATE BILL No. 639

September 13, 2011, Introduced by Senators KAHN, GREEN, COLBECK, SCHUITMAKER, WALKER, BRANDENBURG and PAPPAGEORGE and referred to the Committee on Local Government and Elections.

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 59, 75, and 169 (MCL 168.59, 168.75, and 168.169), section 169 as amended by 1990 PA 7, and by adding sections 696a, 696b, and 696c.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 59. (1) ~~When the~~**IF A** candidate of a political party,
2 after having been nominated to the office of governor, shall die,
3 withdraw as provided in section 58, ~~of this act,~~ remove from the
4 state, or become disqualified for any reason, the state central
5 committee of ~~such~~**THAT POLITICAL** party shall meet forthwith and by
6 a majority vote of the members thereof shall select a candidate to
7 fill the vacancy. ~~thereby caused.~~The name of the candidate ~~se~~

1 selected shall be immediately certified by the ~~chairman~~ **CHAIRPERSON**
 2 and the secretary of ~~said~~ **THE** committee to the secretary of state
 3 and to the board of election commissioners for each county, ~~whose~~
 4 duty it is to prepare the official ballots. ~~and said~~ **EXCEPT AS**
 5 **OTHERWISE PROVIDED IN SUBSECTION (2), THE** board shall cause to be
 6 printed or placed upon ~~such~~ **THE** ballots in the proper place the
 7 name of the candidate ~~so~~ selected and certified to fill ~~such~~ **THE**
 8 vacancy.

9 (2) NOT LATER THAN 7 DAYS AFTER THE NAME OF THE CANDIDATE
 10 SELECTED TO FILL THE VACANCY IS CERTIFIED UNDER THIS SECTION, THAT
 11 CANDIDATE SHALL PROVIDE TO THE SECRETARY OF STATE SATISFACTORY
 12 EVIDENCE OF UNITED STATES CITIZENSHIP AS PROVIDED IN SECTION 696A.
 13 IF THE CANDIDATE SELECTED TO FILL THE VACANCY FAILS TO COMPLY WITH
 14 THE REQUIREMENT OF THIS SUBSECTION, THE SECRETARY OF STATE SHALL
 15 NOT CERTIFY THAT CANDIDATE'S NAME FOR PRINTING ON THE GENERAL
 16 NOVEMBER ELECTION BALLOT.

17 Sec. 75. (1) ~~When~~ **IF** a candidate of a political party, after
 18 having been nominated to the office of lieutenant governor,
 19 secretary of state, or attorney general, shall die, withdraw,
 20 remove from the state, or become disqualified for any reason, the
 21 state central committee of ~~such~~ **THAT POLITICAL** party shall meet
 22 forthwith and by a majority vote of the members thereof shall
 23 select a candidate to fill the vacancy. ~~thereby caused.~~ The name of
 24 the candidate ~~so~~ selected shall be immediately certified by the
 25 ~~chairman~~ **CHAIRPERSON** and the secretary of ~~said~~ **THE** committee to the
 26 secretary of state and to the board of election commissioners for
 27 each county whose duty it is to prepare the official ballots. ~~and~~

1 ~~said~~ EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (2), THE board
 2 shall cause to be printed or placed upon ~~said~~ THE ballots, in the
 3 proper place, the name of the candidate ~~so~~ selected to fill the
 4 vacancy.

5 (2) NOT LATER THAN 7 DAYS AFTER THE NAME OF THE CANDIDATE
 6 SELECTED TO FILL THE VACANCY IS CERTIFIED UNDER THIS SECTION, THAT
 7 CANDIDATE SHALL PROVIDE TO THE SECRETARY OF STATE SATISFACTORY
 8 EVIDENCE OF UNITED STATES CITIZENSHIP AS PROVIDED IN SECTION 696B.
 9 IF THE CANDIDATE SELECTED TO FILL THE VACANCY FAILS TO COMPLY WITH
 10 THE REQUIREMENT OF THIS SUBSECTION, THE SECRETARY OF STATE SHALL
 11 NOT CERTIFY THAT CANDIDATE'S NAME FOR PRINTING ON THE GENERAL
 12 NOVEMBER ELECTION BALLOT.

13 Sec. 169. (1) ~~When the~~ IF A candidate of a political party,
 14 after having been nominated to the office of state senator or
 15 representative, shall die, be certified by a state convention for a
 16 statewide office, withdraw from the district, become physically
 17 unfit, or become disqualified for any reason, the members residing
 18 within ~~said~~ THAT senatorial or representative district of the
 19 county executive committees of ~~such~~ THAT candidate's political
 20 party for the counties comprising ~~said~~ THE senatorial or
 21 representative district shall meet at a time and place designated
 22 by the chairperson of the state central committee of ~~such~~ THE
 23 political party and notice of ~~such~~ THE meeting shall be sent to all
 24 ~~such~~ members of the county executive committees. The meeting shall
 25 be conducted by the secretary of the state central committee or his
 26 or her duly authorized agent, but ~~said~~ THE secretary or agent shall
 27 not be privileged to vote at ~~such~~ THE meeting. A candidate to fill

1 the vacancy shall be selected by a majority vote of the committee
 2 members present and voting. ~~Provided, That if such~~ **IF A** vacancy
 3 occurs in a senatorial or representative district wholly within 1
 4 county, a candidate to fill the vacancy shall be selected by the
 5 county executive committee of the county by a majority vote
 6 thereof. The name of the candidate ~~so~~ selected shall be certified
 7 immediately by the chairperson and the secretary of ~~said~~ **THE**
 8 committee to the secretary of state in those districts comprising 2
 9 or more counties and to the county clerk in those districts
 10 contained within 1 county. The certification shall be sent in any
 11 case to the board of election commissioners for each county ~~whose~~
 12 duty it is to prepare the official ballots. ~~and said~~ **EXCEPT AS**
 13 **OTHERWISE PROVIDED IN SUBSECTION (2), THE** board shall cause to be
 14 printed or placed upon ~~such~~ **THE** ballots, in the proper place, the
 15 name of the candidate ~~so~~ selected and certified to fill ~~such~~ **THE**
 16 vacancy.

17 (2) **NOT LATER THAN 7 DAYS AFTER THE NAME OF THE CANDIDATE**
 18 **SELECTED TO FILL THE VACANCY IS CERTIFIED UNDER THIS SECTION, THAT**
 19 **CANDIDATE SHALL PROVIDE SATISFACTORY EVIDENCE OF UNITED STATES**
 20 **CITIZENSHIP AS PROVIDED IN SECTION 696C. IF THE CANDIDATE SELECTED**
 21 **TO FILL THE VACANCY FAILS TO COMPLY WITH THE REQUIREMENT OF THIS**
 22 **SUBSECTION, THAT CANDIDATE'S NAME SHALL NOT BE CERTIFIED FOR**
 23 **PRINTING ON THE GENERAL NOVEMBER ELECTION BALLOT.**

24 **SEC. 696A. (1) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (3),**
 25 **AT LEAST 70 DAYS BEFORE EACH GENERAL NOVEMBER ELECTION IN WHICH A**
 26 **GOVERNOR IS TO BE ELECTED, EACH CANDIDATE FOR GOVERNOR WHO WANTS TO**
 27 **HAVE HIS OR HER NAME PRINTED ON THE GENERAL NOVEMBER ELECTION**

1 BALLOT SHALL PROVIDE TO THE SECRETARY OF STATE SATISFACTORY
2 EVIDENCE OF UNITED STATES CITIZENSHIP INDICATING THAT THE CANDIDATE
3 IS A CITIZEN OF THE UNITED STATES. SATISFACTORY EVIDENCE OF UNITED
4 STATES CITIZENSHIP MEANS THE CANDIDATE PROVIDES 1 OR MORE OF THE
5 FOLLOWING:

6 (A) THE CANDIDATE'S ENHANCED DRIVER LICENSE NUMBER OR ENHANCED
7 OFFICIAL STATE PERSONAL IDENTIFICATION CARD NUMBER ISSUED BY THE
8 DEPARTMENT OF STATE UNDER THE ENHANCED DRIVER LICENSE AND ENHANCED
9 OFFICIAL STATE PERSONAL IDENTIFICATION CARD ACT, 2008 PA 23, MCL
10 28.301 TO 28.308, OR THE EQUIVALENT DEPARTMENT OF ANOTHER STATE IF
11 THAT DEPARTMENT INDICATES ON THE CANDIDATE'S ENHANCED DRIVER
12 LICENSE OR ENHANCED OFFICIAL STATE PERSONAL IDENTIFICATION CARD
13 THAT THE PERSON HAS PROVIDED SATISFACTORY EVIDENCE OF UNITED STATES
14 CITIZENSHIP.

15 (B) A CERTIFIED COPY OF THE CANDIDATE'S BIRTH CERTIFICATE.

16 (C) THE CANDIDATE'S UNITED STATES PASSPORT.

17 (D) THE CANDIDATE'S UNITED STATES NATURALIZATION DOCUMENTS OR
18 THE NUMBER OF THE CERTIFICATE OF NATURALIZATION. IF ONLY THE NUMBER
19 OF THE CERTIFICATE OF NATURALIZATION IS PROVIDED, THE SECRETARY OF
20 STATE SHALL VERIFY THE NUMBER OF THE CERTIFICATE OF NATURALIZATION
21 WITH THE UNITED STATES IMMIGRATION AND NATURALIZATION SERVICE.

22 (2) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (3), IF A
23 CANDIDATE FOR GOVERNOR DOES NOT COMPLY WITH THE REQUIREMENT OF
24 SUBSECTION (1), THAT CANDIDATE IS DISQUALIFIED AS A CANDIDATE FOR
25 GOVERNOR FOR THAT ELECTION AND THE SECRETARY OF STATE SHALL NOT
26 CERTIFY THAT CANDIDATE'S NAME FOR PRINTING ON THE GENERAL NOVEMBER
27 ELECTION BALLOT.

1 (3) THE REQUIREMENT UNDER SUBSECTION (1) FOR A CANDIDATE TO
2 PROVIDE SATISFACTORY EVIDENCE OF UNITED STATES CITIZENSHIP ONLY
3 APPLIES TO A CANDIDATE WHO IS A CANDIDATE FOR GOVERNOR FOR THE
4 FIRST TIME.

5 SEC. 696B. (1) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (3),
6 NOT LATER THAN 7 DAYS AFTER THE CONCLUSION OF A POLITICAL PARTY'S
7 FALL STATE CONVENTION HELD BEFORE EACH GENERAL NOVEMBER ELECTION IN
8 WHICH A GOVERNOR IS TO BE ELECTED, EACH CANDIDATE FOR LIEUTENANT
9 GOVERNOR, SECRETARY OF STATE, AND ATTORNEY GENERAL OF THAT
10 POLITICAL PARTY WHO WANTS TO HAVE HIS OR HER NAME PRINTED ON THE
11 GENERAL NOVEMBER ELECTION BALLOT SHALL PROVIDE TO THE SECRETARY OF
12 STATE SATISFACTORY EVIDENCE OF UNITED STATES CITIZENSHIP INDICATING
13 THAT THE CANDIDATE IS A CITIZEN OF THE UNITED STATES. SATISFACTORY
14 EVIDENCE OF UNITED STATES CITIZENSHIP MEANS THE CANDIDATE PROVIDES
15 1 OR MORE OF THE FOLLOWING:

16 (A) THE CANDIDATE'S ENHANCED DRIVER LICENSE NUMBER OR ENHANCED
17 OFFICIAL STATE PERSONAL IDENTIFICATION CARD NUMBER ISSUED BY THE
18 DEPARTMENT OF STATE UNDER THE ENHANCED DRIVER LICENSE AND ENHANCED
19 OFFICIAL STATE PERSONAL IDENTIFICATION CARD ACT, 2008 PA 23, MCL
20 28.301 TO 28.308, OR THE EQUIVALENT DEPARTMENT OF ANOTHER STATE IF
21 THAT DEPARTMENT INDICATES ON THE CANDIDATE'S ENHANCED DRIVER
22 LICENSE OR ENHANCED OFFICIAL STATE PERSONAL IDENTIFICATION CARD
23 THAT THE PERSON HAS PROVIDED SATISFACTORY EVIDENCE OF UNITED STATES
24 CITIZENSHIP.

25 (B) A CERTIFIED COPY OF THE CANDIDATE'S BIRTH CERTIFICATE.

26 (C) THE CANDIDATE'S UNITED STATES PASSPORT.

27 (D) THE CANDIDATE'S UNITED STATES NATURALIZATION DOCUMENTS OR

1 THE NUMBER OF THE CERTIFICATE OF NATURALIZATION. IF ONLY THE NUMBER
2 OF THE CERTIFICATE OF NATURALIZATION IS PROVIDED, THE SECRETARY OF
3 STATE SHALL VERIFY THE NUMBER OF THE CERTIFICATE OF NATURALIZATION
4 WITH THE UNITED STATES IMMIGRATION AND NATURALIZATION SERVICE.

5 (2) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (3), IF A
6 CANDIDATE FOR LIEUTENANT GOVERNOR, SECRETARY OF STATE, OR ATTORNEY
7 GENERAL DOES NOT COMPLY WITH THE REQUIREMENT OF SUBSECTION (1),
8 THAT CANDIDATE IS DISQUALIFIED AS A CANDIDATE FOR LIEUTENANT
9 GOVERNOR, SECRETARY OF STATE, OR ATTORNEY GENERAL FOR THAT ELECTION
10 AND THE SECRETARY OF STATE SHALL NOT CERTIFY THAT CANDIDATE'S NAME
11 FOR PRINTING ON THE GENERAL NOVEMBER ELECTION BALLOT.

12 (3) THE REQUIREMENT UNDER SUBSECTION (1) FOR A CANDIDATE TO
13 PROVIDE SATISFACTORY EVIDENCE OF UNITED STATES CITIZENSHIP ONLY
14 APPLIES TO A CANDIDATE WHO IS A CANDIDATE FOR LIEUTENANT GOVERNOR,
15 SECRETARY OF STATE, OR ATTORNEY GENERAL FOR THE FIRST TIME.

16 SEC. 696C. (1) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (3),
17 AT LEAST 70 DAYS BEFORE EACH GENERAL NOVEMBER ELECTION, EACH
18 CANDIDATE FOR STATE SENATOR OR STATE REPRESENTATIVE WHO WANTS TO
19 HAVE HIS OR HER NAME PRINTED ON THE GENERAL NOVEMBER ELECTION
20 BALLOT SHALL PROVIDE SATISFACTORY EVIDENCE OF UNITED STATES
21 CITIZENSHIP INDICATING THAT THE CANDIDATE IS A CITIZEN OF THE
22 UNITED STATES AS REQUIRED UNDER SECTION 7 OF ARTICLE IV OF THE
23 STATE CONSTITUTION OF 1963. IF THE CANDIDATE'S DISTRICT COMPRISES
24 MORE THAN 1 COUNTY, THE SATISFACTORY EVIDENCE OF UNITED STATES
25 CITIZENSHIP SHALL BE PROVIDED TO THE SECRETARY OF STATE. IF THE
26 CANDIDATE'S DISTRICT COMPRISES 1 COUNTY OR LESS, THE SATISFACTORY
27 EVIDENCE OF UNITED STATES CITIZENSHIP SHALL BE PROVIDED TO THE

1 COUNTY CLERK OF THAT COUNTY. SATISFACTORY EVIDENCE OF UNITED STATES
2 CITIZENSHIP MEANS THE CANDIDATE PROVIDES 1 OR MORE OF THE
3 FOLLOWING:

4 (A) THE CANDIDATE'S ENHANCED DRIVER LICENSE NUMBER OR ENHANCED
5 OFFICIAL STATE PERSONAL IDENTIFICATION CARD NUMBER ISSUED BY THE
6 DEPARTMENT OF STATE UNDER THE ENHANCED DRIVER LICENSE AND ENHANCED
7 OFFICIAL STATE PERSONAL IDENTIFICATION CARD ACT, 2008 PA 23, MCL
8 28.301 TO 28.308, OR THE EQUIVALENT DEPARTMENT OF ANOTHER STATE IF
9 THAT DEPARTMENT INDICATES ON THE CANDIDATE'S ENHANCED DRIVER
10 LICENSE OR ENHANCED OFFICIAL STATE PERSONAL IDENTIFICATION CARD
11 THAT THE PERSON HAS PROVIDED SATISFACTORY EVIDENCE OF UNITED STATES
12 CITIZENSHIP.

13 (B) A CERTIFIED COPY OF THE CANDIDATE'S BIRTH CERTIFICATE.

14 (C) THE CANDIDATE'S UNITED STATES PASSPORT.

15 (D) THE CANDIDATE'S UNITED STATES NATURALIZATION DOCUMENTS OR
16 THE NUMBER OF THE CERTIFICATE OF NATURALIZATION. IF ONLY THE NUMBER
17 OF THE CERTIFICATE OF NATURALIZATION IS PROVIDED, THE OFFICIAL WITH
18 WHOM THE SATISFACTORY EVIDENCE OF UNITED STATES CITIZENSHIP IS
19 PROVIDED SHALL VERIFY THE NUMBER OF THE CERTIFICATE OF
20 NATURALIZATION WITH THE UNITED STATES IMMIGRATION AND
21 NATURALIZATION SERVICE.

22 (2) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (3), IF A
23 CANDIDATE FOR STATE SENATOR OR STATE REPRESENTATIVE DOES NOT COMPLY
24 WITH THE REQUIREMENT OF SUBSECTION (1), THAT CANDIDATE IS
25 DISQUALIFIED AS A CANDIDATE FOR STATE SENATOR OR STATE
26 REPRESENTATIVE FOR THAT ELECTION AND THAT CANDIDATE'S NAME SHALL
27 NOT BE CERTIFIED FOR PRINTING ON THE GENERAL NOVEMBER ELECTION

1 BALLOT.

2 (3) THE REQUIREMENT UNDER SUBSECTION (1) FOR A CANDIDATE TO
3 PROVIDE SATISFACTORY EVIDENCE OF UNITED STATES CITIZENSHIP ONLY
4 APPLIES TO A CANDIDATE WHO IS A CANDIDATE FOR STATE SENATOR OR
5 STATE REPRESENTATIVE FOR THE FIRST TIME.