

Act No. 83
Public Acts of 1990
Approved by the Governor
May 25, 1990
Filed with the Secretary of State
May 25, 1990

**STATE OF MICHIGAN
85TH LEGISLATURE
REGULAR SESSION OF 1990**

Introduced by Reps. Hoekman, Gnodtke, Weeks, Pitoniak, Alley, Sofio, Ouwinga, Miller, Power, Muxlow, Giese and Bender

ENROLLED HOUSE BILL No. 5195

AN ACT to amend sections 370 and 370a of Act No. 116 of the Public Acts of 1954, entitled "An act to reorganize, consolidate and add to the election laws; to provide for election officials and prescribe their powers and duties; to provide for the nomination and election of candidates for public office; to provide for the resignation, removal and recall of certain public officers; to provide for the filling of vacancies in public office; to provide for and regulate primaries and elections; to provide for the purity of elections; to guard against the abuse of the elective franchise; to define violations of this act; to prescribe the penalties therefor; and to repeal certain acts and all other acts inconsistent herewith," section 370 as amended by Act No. 226 of the Public Acts of 1983 and section 370a as amended by Act No. 7 of the Public Acts of 1990, being sections 168.370 and 168.370a of the Michigan Compiled Laws.

The People of the State of Michigan enact:

Section 1. Sections 370 and 370a of Act No. 116 of the Public Acts of 1954, section 370 as amended by Act No. 226 of the Public Acts of 1983 and section 370a as amended by Act No. 7 of the Public Acts of 1990, being sections 168.370 and 168.370a of the Michigan Compiled Laws, are amended to read as follows:

Sec. 370. (1) Except as provided in subsection (2), if a vacancy occurs in an elective or appointive township office, the vacancy shall be filled by appointment by the township board, and the person appointed shall hold the office for the remainder of the unexpired term.

(2) If 1 or more vacancies occur in an elective township office that cause the number of members serving on the township board to be less than the minimum number of board members that is required to constitute a quorum for the transaction of business by the board, the board of county election commissioners shall make temporary appointment of the number of members required to constitute a quorum for the transaction of business by the township board. An official appointed under this subsection shall hold the office only until the official's successor is elected or appointed and qualified. An official who is temporarily appointed under this subsection shall not vote on the appointment of himself or herself to an elective or appointive township office.

(3) If a township official submits a written resignation from an elective township office for circumstances other than a resignation related to a recall election, which specifies a date and time at which the resignation is effective, the township board, within 30 days before that effective date and time, may appoint a person to fill the vacancy at the effective date and time of the resignation. The resigning official shall not vote on the appointment.

(4) Except as provided in subsection (5), if the township board does not make an appointment under subsection (3), or if a vacancy occurs in an elective township office and the vacancy is not filled by the township board or the board of county election commissioners within 45 days after the beginning of the vacancy, the county clerk of the county in which the township is located shall notify the governor of the fact. The governor shall call a special election to fill the vacancy. The governor shall provide for the date for the filing of the petitions, which date shall also be the last date to register for the special primary election. Notwithstanding section 358a, the special primary or special general election may be held within 60 days of a state primary or a state general election. A special primary or election called by the governor under authority of this section shall not affect the rights of a qualified elector to register for any other election. A person elected to fill a vacancy shall serve for the remainder of the unexpired term.

(5) Subsection (4) shall not apply to the office of township constable. If a vacancy occurs in the office of township constable, the township board shall determine if and when the vacancy shall be filled. If the township board does not fill the vacancy, the office of township constable shall remain vacant until the next general or special election in which the township offices are filled.

Sec. 370a. Notwithstanding the provisions of section 370, if a vacancy occurs in an elective or appointive township office, which vacancy is filled by appointment by the township board or the board of county election commissioners and the next general November election is to be held more than 182 days after the vacancy occurs, which election is not the general November election at which a successor in office would be elected if no vacancy, then the person appointed shall hold office only until a successor is elected at the next general November election in the manner provided by law and qualifies for office. The successor shall hold the office for the remainder of the unexpired term.

This act is ordered to take immediate effect.

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Clerk of the House of Representatives.

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Secretary of the Senate.

Approved.....

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Governor.