

HOUSE BILL No. 5195

October 18, 1989, Introduced by Reps. Hoekman, Gnodtke, Weeks, Pitoniak, Alley, Sofio, Ouwinga, Miller, Power, Muxlow, Giese and Bender and referred to the Committee on Elections.

A bill to amend sections 370 and 370a of Act No. 116 of the Public Acts of 1954, entitled

"Michigan election law,"

section 370 as amended by Act No. 226 of the Public Acts of 1983, being sections 168.370 and 168.370a of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

5 Sec. 370. (1) ~~if~~ EXCEPT AS PROVIDED IN SUBSECTION (2),
6 IF a vacancy occurs in an elective or appointive township office,
7 the vacancy shall be filled by appointment by the township board,

1 and the person appointed shall hold the office for the remainder
2 of the unexpired term.

3 (2) IF 1 OR MORE VACANCIES OCCUR IN AN ELECTIVE TOWNSHIP
4 OFFICE THAT CAUSES THE NUMBER OF MEMBERS SERVING ON THE TOWNSHIP
5 BOARD TO BE LESS THAN THE MINIMUM NUMBER OF BOARD MEMBERS THAT IS
6 REQUIRED TO CONSTITUTE A QUORUM FOR THE TRANSACTION OF BUSINESS
7 BY THE BOARD, THE COUNTY BOARD OF COMMISSIONERS SHALL APPOINT THE
8 NUMBER OF MEMBERS REQUIRED TO CONSTITUTE A QUORUM FOR THE TRANS-
9 ACTION OF BUSINESS BY THE TOWNSHIP BOARD. A PERSON APPOINTED
10 UNDER THIS SUBSECTION SHALL HOLD THE OFFICE FOR THE REMAINDER OF
11 THE UNEXPIRED TERM.

12 (3) ~~-(2)-~~ If a township official submits a written resigna-
13 tion from an elective township office for circumstances other
14 than a resignation related to a recall election, which specifies
15 a date and time at which the resignation is effective, the town-
16 ship board, within 30 days before that effective date and time,
17 may appoint a person to fill the vacancy at the effective date
18 and time of the resignation. The resigning official shall not
19 vote on the appointment.

20 (4) ~~-(3)-~~ Except as provided in subsection ~~-(4)-~~ (5), if the
21 township board does not make an appointment under subsection
22 ~~-(2)-~~ (3), or if a vacancy occurs in an elective township office
23 and the vacancy is not filled by the township board OR THE COUNTY
24 BOARD OF COMMISSIONERS within 45 days after the beginning of the
25 vacancy, the county clerk of the county in which the township is
26 located shall notify the governor of the fact. The governor
27 shall call a special election to fill the vacancy. The governor

1 shall provide for the date for the filing of the petitions, which
 2 date shall also be the last date to register for the special pri-
 3 mary election. Notwithstanding section 358a, the special primary
 4 or special general election may be held within 60 days of a state
 5 primary or a state general election. A special primary or elec-
 6 tion called by the governor under authority of this section shall
 7 not affect the rights of a qualified elector to register for any
 8 other election. A person elected to fill a vacancy shall serve
 9 for the remainder of the unexpired term.

10 (5) ~~(4)~~ Subsection ~~(3)~~ (4) shall not apply to the office
 11 of township constable. If a vacancy occurs in the office of
 12 township constable, the township board shall determine if and
 13 when the vacancy shall be filled. If the township board does not
 14 fill the vacancy, the office of township constable shall remain
 15 vacant until the next general or special election in which the
 16 township offices are filled.

17 Sec. 370a. Notwithstanding the provisions of section 370,
 18 when a vacancy occurs in any elective or appointive township
 19 office and it is filled by appointment by the township board OR
 20 THE COUNTY BOARD OF COMMISSIONERS and the next general election
 21 is to be held more than 150 days after the vacancy occurs ~~—~~ and
 22 it is not the general election at which a successor in office
 23 would be elected if there had been no vacancy, the person
 24 appointed shall hold office only until a successor is elected at
 25 ~~such~~ THAT general election ~~—~~ held more than 150 days after
 26 the vacancy occurs ~~—~~ in the manner provided by law and

1 qualifies for office. ~~Such~~ THE successor shall hold the office
2 for the remainder of the unexpired term.