

SENATE BILL No. 577

October 10, 1989, Introduced by Senator CROPSEY and referred to the Committee on Local Government and Veterans.

A bill to amend sections 252, 254, 255, 257, 258, 259, 260, 261, 262, 263, 264, and 267 of Act No. 116 of the Public Acts of 1954, entitled

"Michigan election law,"

being sections 168.252, 168.254, 168.255, 168.257, 168.258, 168.259, 168.260, 168.261, 168.262, 168.263, 168.264, and 168.267 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 252, 254, 255, 257, 258, 259, 260, 261,
2 262, 263, 264, and 267 of Act No. 116 of the Public Acts of 1954,
3 being sections 168.252, 168.254, 168.255, 168.257, 168.258,
4 168.259, 168.260, 168.261, 168.262, 168.263, 168.264, and 168.267
5 of the Michigan Compiled Laws, are amended to read as follows:

6 Sec. 252. ~~No~~ A person ~~shall be~~ IS NOT eligible ~~to~~ FOR
7 the office of county road commissioner ~~who shall not have~~

1 UNLESS HE OR SHE HAS been a citizen of the United States and a
2 qualified and registered elector of the county OR, IF APPLICABLE,
3 THE DISTRICT in which election is sought for at least 1 year
4 ~~next preceding his~~ BEFORE THE election. ~~, nor shall he be a~~
5 A member of the county board of ~~supervisors~~ COMMISSIONERS IS
6 NOT ELIGIBLE FOR THE OFFICE OF COUNTY ROAD COMMISSIONER.

7 Sec. 254. To obtain the printing of the name of a person as
8 a candidate for nomination by a political party for the office of
9 county road commissioner under a particular party heading upon
10 the official primary ballots, there shall be filed with the
11 county clerk of ~~each~~ THE county nominating petitions signed by
12 a number of qualified and registered electors residing within the
13 county OR, IF APPLICABLE, THE DISTRICT, equal to not less than 1%
14 ~~nor~~ OR more than 4% of the number of votes cast by the party in
15 the county OR DISTRICT for secretary of state at the last
16 ~~preceding~~ general November election in which a secretary of
17 state was elected. Nominating petitions shall be in the form
18 prescribed in section ~~544~~ 544C. The county clerk shall receive
19 nominating petitions up to 4 p.m. ~~—~~ of the ninth Tuesday pre-
20 ceding the August primary in which county road commissioners are
21 to be elected. To obtain the printing of the name of a candidate
22 of a political party under the particular party's heading upon
23 the primary election ballots in the various voting precincts of
24 the county OR DISTRICT, there may be filed by each candidate, in
25 lieu of filing nominating petitions ~~as herein~~ provided IN THIS
26 SECTION, a filing fee of \$100.00 to be paid to the county clerk.
27 Payment of the fee and certification of the ~~candidate's~~ name OF

1 THE CANDIDATE paying the fee shall be governed by the same
 2 provisions as in the case of nominating petitions. The fee shall
 3 be deposited in the general fund of the county and shall be
 4 returned to ~~all~~ candidates who ~~shall be~~ ARE nominated and to
 5 ~~a like~~ AN EQUAL number of candidates who are next highest in
 6 order ~~thereto~~ in the number of votes received in the primary
 7 election. ~~and in case~~ IF 2 or more candidates ~~shall~~ tie in
 8 having the lowest number of votes allowing a refund ~~hereunder~~
 9 UNDER THIS SECTION, the sum of \$100.00 shall be divided or pro-
 10 rated among them. The deposits of all other defeated candidates,
 11 as well as the deposits of all candidates who ~~may~~ withdraw or
 12 ~~be~~ ARE disqualified, shall be forfeited, and the candidates
 13 shall be notified of the forfeitures. Deposits forfeited under
 14 this section shall be paid into and credited to the general fund
 15 of the county.

16 Sec. 255. ~~When any~~ IF A QUALIFIED candidate of a politi-
 17 cal party for the office of county road commissioner ~~after~~
 18 ~~having qualified as a candidate, shall die,~~ DIES after the last
 19 day for qualifying, leaving ~~such~~ THE party ~~without a~~
 20 ~~candidate~~ WITH FEWER CANDIDATES for the office of county road
 21 commissioner THAN THERE ARE PERSONS TO BE ELECTED IN THE COUNTY
 22 OR, IF APPLICABLE, THE DISTRICT, a candidate to fill the vacancy
 23 ~~thereby caused~~ may be selected by the members of the county
 24 committee of ~~such~~ THE candidate's political party. ~~for the~~
 25 ~~county, and the~~ THE name of the candidate so selected shall be
 26 transmitted to the county officials required by law to print and
 27 distribute ballots, and such county officials shall cause to be

1 printed a sufficient number of gummed labels or stickers bearing
 2 the name of the candidate, which shall be distributed to the var-
 3 ious voting precincts within ~~their respective~~ THE county ~~—, and~~
 4 a OR, IF APPLICABLE, THE DISTRICT. THE board of election
 5 inspectors of each such precinct shall cause 1 of ~~such~~ THE
 6 LABELS OR stickers to be placed on each ballot over the name of
 7 the candidate who ~~has~~ died before ~~such~~ THE ballot is handed
 8 to the elector.

9 Sec. 257. If ~~for any reason~~ there ~~is no candidate~~ ARE
 10 FEWER CANDIDATES of a political party for county road commis-
 11 sioner ~~—, a blank space~~ IN THE COUNTY OR, IF APPLICABLE, A DIS-
 12 TRICT THAN THERE ARE PERSONS TO BE ELECTED, THERE shall be pro-
 13 vided on each of the official primary ballots ~~which will~~ A SUF-
 14 FICIENT NUMBER OF BLANK SPACES TO afford every elector of ~~said~~
 15 THAT party IN THE COUNTY OR DISTRICT an opportunity to vote for
 16 ~~a candidate for such office~~ THE SAME NUMBER OF CANDIDATES FOR
 17 THE OFFICE AS THERE ARE PERSONS TO BE ELECTED by writing in the
 18 name of his or her selection or by the use of a slip or paster.

19 Sec. 258. The ~~candidate~~ CANDIDATES of each political
 20 party for the office of county road commissioner, EQUAL IN NUMBER
 21 TO THE NUMBER OF PERSONS TO BE ELECTED TO THAT OFFICE IN THE
 22 COUNTY OR, IF APPLICABLE, THE DISTRICT, receiving the greatest
 23 number of votes cast for candidates for ~~said~~ THAT office, as
 24 set forth in the report of the board of county canvassers, based
 25 on the returns from the various election precincts, or as deter-
 26 mined by ~~said~~ THE board as the result of a recount, shall be
 27 declared the ~~nominee~~ NOMINEES of that political party for

1 ~~said~~ THAT office at the next ensuing November election, and the
 2 board of county canvassers shall ~~forthwith~~ IMMEDIATELY certify
 3 ~~such nomination~~ THE NOMINATIONS to the county election
 4 commission.

5 Sec. 259. ~~When~~ IF a candidate of any political party ~~has~~
 6 ~~filed~~ FILES nominating petitions or A filing fee for ~~such~~ THE
 7 office OF COUNTY ROAD COMMISSIONER and ~~has been~~ IS nominated
 8 for ~~said~~ THE office by ~~said~~ THE party, he OR SHE shall not be
 9 permitted to withdraw unless he ~~has removed~~ OR SHE REMOVES from
 10 the county OR, IF APPLICABLE, THE DISTRICT, or has become physi-
 11 cally unfit. No vacancy shall be filled by the county committee
 12 except for the causes and ~~as herein~~ IN THE MANNER specified ~~+~~
 13 ~~Provided, That~~ IN THIS ACT. HOWEVER, this prohibition ~~shall~~
 14 ~~not be construed to~~ DOES NOT prohibit the withdrawal of ~~any~~ A
 15 candidate who has been nominated without having filed a nominat-
 16 ing petition or filing fee, and whose name has been written or
 17 placed on the ballot of ~~any~~ A political party.

18 Sec. 260. ~~When the~~ IF A candidate of a political party,
 19 after having been nominated to the office of county road commis-
 20 sioner, ~~shall die, withdraw, remove~~ DIES, WITHDRAWS, REMOVES
 21 from the county OR, IF APPLICABLE, THE DISTRICT, or ~~become~~
 22 BECOMES disqualified, ~~for any reason,~~ the county committee of
 23 ~~such~~ THE party shall IMMEDIATELY meet ~~forthwith~~ and, by a
 24 majority vote of ~~the~~ ITS members, ~~thereof, shall~~ select a
 25 candidate to fill the vacancy. ~~thereby caused.~~ The name of the
 26 candidate ~~so~~ selected shall be immediately certified by the
 27 ~~chairman~~ CHAIRPERSON and the secretary of ~~said~~ THE committee

1 to the county clerk and to the board of county election
2 commissioners, ~~whose duty it is to prepare the official ballots~~
3 ~~and~~ who shall cause to be printed or placed upon such ballots,
4 in the proper place, the name of the candidate ~~so~~ selected to
5 fill ~~such~~ THE vacancy.

6 Sec. 261. ~~A county~~ COUNTY road ~~commissioner~~
7 COMMISSIONERS shall be elected at the general election. ~~to be~~
8 ~~held on the Tuesday succeeding the first Monday of November in~~
9 ~~every even numbered year.~~

10 Sec. 262. The board of county canvassers shall determine
11 ~~which candidate~~ THE CANDIDATES for county road commissioner,
12 EQUAL IN NUMBER TO THE NUMBER OF PERSONS TO BE ELECTED, WHO
13 received the greatest number of votes and shall declare such
14 ~~candidate~~ CANDIDATES to be duly elected. The ~~said~~ board
15 shall ~~forthwith~~ IMMEDIATELY make and subscribe on its statement
16 of returns a certificate of such determination and deliver ~~the~~
17 ~~same~~ IT to the county clerk.

18 Sec. 263. The county clerk shall file in his OR HER office
19 and preserve the original statement and determination of the
20 board of county canvassers of the results of the election and
21 shall ~~forthwith~~ IMMEDIATELY execute and cause to be delivered
22 to ~~the~~ EACH person ~~thereby~~ declared to be elected to the
23 office of county road commissioner a certificate of election,
24 certified by ~~him~~ THE CLERK under the seal of the county.

25 Sec. 264. ~~The~~ EXCEPT AS OTHERWISE PROVIDED IN SECTIONS 6
26 AND 7 OF CHAPTER IV OF ACT NO. 283 OF THE PUBLIC ACTS OF 1909,
27 BEING SECTIONS 224.6 AND 224.7 OF THE MICHIGAN COMPILED LAWS, THE

1 term of office for county road ~~commissioner~~ COMMISSIONERS shall
 2 be 4 OR 6 years, ~~beginning~~ AS DETERMINED BY RESOLUTION OF THE
 3 COUNTY BOARD OF COMMISSIONERS. THE TERM OF OFFICE OF A COUNTY
 4 ROAD COMMISSIONER SHALL BEGIN on the first day of January next
 5 following his OR HER election, and shall continue until a succes-
 6 sor ~~shall have been~~ IS elected and qualified.

7 Sec. 267. The office of county road commissioner ~~in any~~
 8 ~~county in this state~~ shall become vacant upon the happening of
 9 ~~any~~ 1 OR MORE of the following events: ~~Death of the incum-~~
 10 ~~bent; his~~

11 (A) THE INCUMBENT'S DEATH, resignation, ~~his~~ removal from
 12 office for cause, ~~his~~ ceasing to be a resident of the county
 13 OR, IF APPLICABLE, THE DISTRICT where his OR HER office is
 14 located, ~~his~~ OR conviction of an infamous crime ~~or~~ or an
 15 offense involving the violation of his OR HER oath of office. ~~or~~
 16 ~~the~~

17 (B) THE decision of a competent tribunal declaring ~~his~~ THE
 18 INCUMBENT'S election or appointment void. ~~his~~

19 (C) THE INCUMBENT'S refusal or neglect to take and subscribe
 20 to the constitutional oath of office and deposit ~~the same~~ IT in
 21 the manner and within the time prescribed by law ~~or~~ or ~~his~~
 22 ~~refusal or neglect~~ to give bond in the amount and manner and
 23 within the time prescribed by law.

24 Section 2. This amendatory act shall not take effect unless
 25 Senate Bill No. 578

26 of the 85th Legislature is enacted into law.