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COMBINING, SEPARATING COUNTY CLERK/REGISTER OF DEEDS OFFICES

House Bill 5078

Sponsor: Rep. Robert Brackenridge

Committee: Local Government

Complete to 5-8-98

A SUMMARY OF HOUSE BILL 5078 AS INTRODUCED 9-23-97

Under the Michigan Election Law, a county board of commissioners may unite the offices of county clerk and register of deeds, or may separate the two offices. The bill would amend the act to provide a process for combining or separating those offices, and to specify that such a combination or separation of the offices could not take effect before the expiration of the current term of the affected offices.

Under the bill, before adopting a resolution to combine or separate the offices of county clerk and register of deeds, a county board of commissioners would have to appoint a committee to study the question. The committee would consist of: the county clerk and the register of deeds, or, if the offices are combined, the person holding the office (the "clerk register"); two members of the county board of commissioners; a county resident who is a member in good standing of the State Bar of Michigan; a county resident who is a licensed title insurance salesperson or who is employed in the banking and finance industry, and who is chosen from a list of three such residents submitted to the board by the register of deeds (or the clerk register); a county resident who is a city or township clerk involved in administering elections, who is chosen from a list of three such residents submitted by the county clerk (or the clerk register); and one county resident appointed by each major political party.

The committee would have to hold at least one public hearing on the question of separating or combining the two offices. Within 30 days after being appointed, or at a later date determined by the county board, the committee would have to report to the county board on its findings on the effects of combining or separating the offices, and its recommendations. After receiving the committee's recommendations, the county board could vote to combine or separate the offices. The resolution would have to be passed no later than the sixth Tuesday before the deadline for filing nominating petitions for the offices, and would take effect beginning with the commencement of the next term of office of the county clerk, register of deeds, or clerk register. It would take a 2/3 vote of the commissioners to combine the two offices, and it would take a majority vote to separate the office of clerk register into the offices of county clerk and register of deeds.

MCL 168.200 and 168.643

Analyst: D. Martens

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.