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SFA**BILL ANALYSIS**

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House Bill 5078 (Substitute H-3 as passed by the House)
Sponsor: Representative Robert Brackenridge
House Committee: Local Government
Senate Committee: Local, Urban and State Affairs

Date Completed: 9-23-98

CONTENT

The bill would amend the Michigan Election Law to provide a procedure for county boards of commissioners to follow when either combining or separating the offices of county clerk and register of deeds. The bill also would prohibit a combination or separation of offices from taking effect before the current term of the affected offices expired.

Uniting or Separating an Office

The Law currently provides that a county board of supervisors may unite the offices of county clerk and register of deeds in one office or separate a combined office. Under the bill, a county board of commissioners by resolution could combine the offices of county clerk and register of deeds in one office of the clerk register or separate the office of clerk register into the offices of county clerk and register of deeds.

Before adopting a resolution to combine the offices of county clerk and register of deeds or separate the office of clerk register into the offices of county clerk and register of deeds, a county board of commissioners would have to study the question. A county board of commissioners as a whole body would have to hold at least one public hearing, subject to the Open Meetings Act, on the question of combining or separating the offices. Commissioners could vote on the question as a regularly scheduled agenda item not less than 10 or more than 30 days after the commissioners had held the last public hearing on the question.

Not later than the sixth Tuesday before the deadline for filing the nominating petitions for the office of county clerk, register of deeds, or clerk register, a county board of commissioners could by a two-thirds vote combine the offices of county clerk and register of deeds or separate the office of the clerk register. After the resolution was adopted, it would take effect on the beginning of the next term of office of the county clerk, register of deeds, or clerk register.

Election of County Officers

The Law requires that a county clerk, county treasurer, register of deeds, prosecuting attorney, sheriff, drain commissioner, surveyor, and two coroners be elected at each general November election. In a county where these offices have been or may be abolished, as provided by law, no person can be elected to that office. The bill would require that persons be elected to these offices at the 2000 general November election and every fourth year after that, and would delete reference to coroners. In addition, the bill would prohibit a person from being elected to one of these offices in a county where the office had been abolished or combined.

The bill also would add to the list of officers that must be elected at the general November elections when required by law, a judge or judges of the district court, and a clerk and a register of deeds or a clerk register. The bill also would delete from these provisions references to a circuit court commissioner or commissioners.

MCL 168.200 & 168.643

Legislative Analyst: L. Arasim

FISCAL IMPACT

The bill would have no fiscal impact on State government. The bill would have an indeterminate fiscal impact on local government.

Fiscal Analyst: E. Limbs