

# HOUSE BILL No. 4078

January 22, 2007, Introduced by Rep. Opsommer and referred to the Committee on Intergovernmental, Urban and Regional Affairs.

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 358 and 362 (MCL 168.358 and 168.362), section 358 as amended by 1999 PA 16 and section 362 as amended by 1980 PA 112.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 358. (1) In every township, there shall be a general  
2 November election in each even-numbered year for the election of  
3 officers and the submission of propositions, as provided by law. At  
4 the 1980 general November election, there shall be elected by  
5 ballot all of the following township officers:

6           (a) A supervisor.

7           (b) A clerk.

1 (c) A treasurer.

2 (d) Two trustees.

3 (e) Not more than 4 constables.

4 (f) If authorized by law and after a township takes the  
5 actions provided in section 11 of 1877 PA 164, MCL 397.211, 6 free  
6 public library directors.

7 (g) If a township takes the actions provided in section 1 of  
8 former 1931 PA 271 or section 6 of 1905 PA 157, MCL 41.426, the  
9 number of park commission members provided for under section 6 of  
10 1905 PA 157, MCL 41.426.

11 (2) Except as otherwise provided in this subsection, the order  
12 of offices on the township portion of the ballots shall be the same  
13 as the order in which the officers are listed in subsection (1).  
14 Free public library directors shall be listed on the nonpartisan  
15 portion of the ballot.

16 (3) Subject to the limitation in subsection (1), the number of  
17 constables to be elected at the 1992 general November election and  
18 each general November election at which township offices are  
19 regularly to be elected after 1992 shall be determined by the  
20 township board by resolution not less than 6 months before the  
21 township primary election preceding the general November election.  
22 The resolution that specifies the number of constables to be  
23 elected applies in that township until a subsequent resolution is  
24 adopted altering that number. If a determination as to the number  
25 of constables to be elected is not made by the township board by  
26 the deadline under this subsection for the 1992 general election,  
27 the number of constables to be elected shall be the same number

1 that was elected in that township in the 1988 general November  
2 election until a resolution is adopted to provide for the election  
3 of a different number of constables.

4 (4) In a township having a population of 5,000 or more, or  
5 having 3,000 or more qualified and registered electors as shown by  
6 the registration records at the close of registration for the last  
7 preceding general November election, there may be elected 4  
8 trustees. In other townships there shall be 2 trustees. A township  
9 shall not elect 4 trustees unless the election of additional  
10 trustees is approved by the voters at a general November election  
11 or by a majority of the voters attending at an annual meeting. The  
12 township board of a township having a population of 5,000 or more,  
13 or having 3,000 or more qualified and registered electors, shall  
14 cause the question of electing additional trustees to be voted on  
15 at the first general November election or annual meeting following  
16 the township's qualifying for additional trustees. If a majority of  
17 the electors voting on the question vote in favor of electing 4  
18 trustees, the township shall thereafter elect 4 trustees. If a  
19 majority of the electors voting on the question do not vote in  
20 favor of electing 4 trustees, the township board may resubmit the  
21 question at a subsequent general November election or annual  
22 meeting or the question shall be submitted at the first general  
23 November election or annual meeting held not less than 84 days  
24 following the submission of a petition containing the signatures of  
25 not less than 10% of the registered and qualified electors of the  
26 township, as shown by the registration records at the close of  
27 registration for the last general November election, asking that

1 the question be submitted.

2 (5) At the first general November election in a township held  
3 not less than 4 months after the provisions of this section  
4 relative to additional trustees are adopted by a township, there  
5 shall be elected the number of trustees necessary to make a total  
6 of 4 trustees. If the additional trustees are elected at a general  
7 November election that is not a regular township election, the  
8 additional trustees shall hold office only until a successor is  
9 elected at the next regular township election and qualifies for  
10 office.

11 (6) This section does not prohibit townships electing 4  
12 trustees as of September 13, 1958 from continuing to do so.

13 (7) THIS SUBSECTION APPLIES TO A TOWNSHIP OR CHARTER TOWNSHIP  
14 THAT PROVIDES BY RESOLUTION FOR STAGGERED TERMS OF OFFICE FOR ITS  
15 BOARD MEMBERS AS PROVIDED IN SECTION 70A OF 1846 RS 16, MCL 41.70A,  
16 OR SECTION 5A OF THE CHARTER TOWNSHIP ACT, 1947 PA 359, MCL 42.5A.  
17 AT THE FIRST GENERAL NOVEMBER ELECTION HELD AFTER THE ADOPTION OF A  
18 RESOLUTION PROVIDING FOR STAGGERED TERMS OF OFFICE, THE SUPERVISOR  
19 AND 1/2 OF THE TRUSTEES WHO HAVE THE HIGHEST NUMBER OF VOTES CAST  
20 SHALL BE ELECTED AND HOLD OFFICE FOR AN INITIAL TERM OF 6 YEARS.  
21 THE CLERK, TREASURER, AND REMAINING TRUSTEES WHO HAVE THE NEXT  
22 HIGHEST NUMBER OF VOTES CAST AT THAT FIRST GENERAL NOVEMBER  
23 ELECTION SHALL BE ELECTED AND HOLD OFFICE FOR AN INITIAL TERM OF 4  
24 YEARS. AFTER THE INITIAL TERMS OF OFFICE EXPIRE, BOARD MEMBERS  
25 SHALL BE ELECTED FOR A TERM OF OFFICE AS PROVIDED IN SECTION 362.

26 Sec. 362. (1) ~~The term of office of township trustees elected~~  
27 ~~in 1978 shall be 2 years. The term of office of all township~~

~~1 officers listed in section 358 shall be 4 years beginning in the~~  
~~2 1980 general election, and in all subsequent elections at which~~  
~~3 township officials are elected. All township officers' terms shall~~  
~~4 commence~~ **THE TERM OF OFFICE OF AN ELECTIVE TOWNSHIP OFFICER IS 4**  
~~5 YEARS, EXCEPT AS OTHERWISE PROVIDED IN SECTION 358(7). AN ELECTIVE~~  
~~6 TOWNSHIP OFFICER'S TERM COMMENCES~~ at 12 noon on November 20 ~~next~~  
~~7 following their~~ **THE OFFICER'S** election and ~~they~~ **THE OFFICER** shall  
~~8 qualify before assuming the duties of their~~ office. Each **ELECTIVE**  
~~9 township officer shall hold office until a successor is elected and~~  
~~10 qualified, but not beyond January 1 following the election. Failure~~  
~~11 of an elected~~ **ELECTIVE** township official **OFFICER** to qualify by  
~~12 January 1 following the official's~~ **OFFICER'S** election shall ~~create~~  
~~13~~ **CREATES** a vacancy ~~which~~ **THAT** shall be filled as provided in section  
~~14 370. All~~ **AN** elective township officers **OFFICER**, other than those  
~~15~~ **ONE** listed in section 358, shall be elected at the **GENERAL** November  
~~16 election immediately preceding~~ **BEFORE** the expiration of ~~their~~ **THE**  
~~17 term~~ **OF OFFICE** and shall commence the duties of ~~their~~ **THE** office on  
~~18 November 20 but not before they qualify~~ **THE OFFICER QUALIFIES**  
~~19 following their~~ **THE** election.

20 (2) A township officer elected in the general **NOVEMBER**  
 21 election shall remain in office for the full term if the officer  
 22 failed to take the oath of office within the time prescribed by law  
 23 and was subsequently appointed by the township board to the office  
 24 for which the officer ran.

25 Enacting section 1. This amendatory act does not take effect  
 26 unless all of the following bills of the 94th Legislature are  
 27 enacted into law:

1           (a) Senate Bill No. \_\_\_\_\_ or House Bill No. 4079 (request no.  
2 00856'07 a).

3           (b) Senate Bill No. \_\_\_\_\_ or House Bill No. 4080 (request no.  
4 00856'07 b).