HOUSE BILL NO. 5701

May 01, 2024, Introduced by Reps. Koleszar, Paiz, Rheingans, Hope, Brabec, Andrews, Conlin, MacDonell, Price, Morgan, Glanville, Byrnes, Haadsma and Tsernoglou and referred to the Committee on Elections.

A bill to amend 1895 PA 3, entitled "The general law village act,"

by amending sections 4, 5, and 13 of chapter II and section 3 of chapter V (MCL 62.4, 62.5, 62.13, and 65.3), sections 4 and 5 of chapter II and section 3 of chapter V as amended by 2012 PA 551 and section 13 of chapter II as amended by 2003 PA 305.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

CHAPTER II

Sec. 4. Unless otherwise provided by ordinance, the president,

clerk, and treasurer hold their respective offices for the term of

years and until their successors are elected and qualified. The

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- 1 term of office for a president, clerk, or treasurer elected at the
- 2 village's regular election begins on November 20 December 1 after
- 3 the officer's election and qualification.
- 4 Sec. 5. Except as otherwise provided in this section, 3
- 5 village trustees shall must be elected at each biennial village
- 6 election for the term of 4 years and until their successors are
- 7 qualified. As an alternative, if provided by an ordinance adopted
- 8 by the village, all 6 village trustees shall must be elected at the
- 9 biennial village elections for the term of 2 years and until their
- 10 successors are qualified. The term of office for a trustee elected
- 11 at the village's regular election begins on November 20 December 1
- 12 after the officer's election and qualification.
- 13 Sec. 13. (1) A vacancy occurring in the office of president,
- 14 trustee, or any other elective office shall must be filled by
- 15 appointment by the council, and the appointee shall hold office
- 16 until the next regular village election. All vacancies in any other
- 17 office shall must be filled by the president, by and with the
- 18 consent of the council.
- 19 (2) If by reason of removal, death, resignation, or otherwise,
- 20 the membership of the council is reduced to less than a quorum, the
- 21 remaining council members shall call a special election for the
- 22 purpose of filling all vacancies in the office of trustee, if a
- 23 petition signed by not less than 10% of the qualified voters of the
- 24 village is filed with the village clerk within 10 days after the
- 25 vacancy or vacancies occur. If a petition is not filed within the
- 26 time stated, period required under this subsection, then the
- 27 remaining council members may either call a special election, or
- 28 may appoint a sufficient number of trustees to constitute with the
- 29 members in office a quorum of the council, who shall then fill the

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- 1 remaining vacancies as provided in this section.
- 2 (3) If all the officers and trustees of a village have died
- 3 die or moved move from the village, and no successors have been
- 4 elected or appointed to fill the vacancies, the township clerk of
- 5 the township within which the village is situated shall, upon
- 6 petition of 10% of the qualified voters residing in the village,
- 7 call a special election for the election of the officers and
- 8 trustees of the village to be held on a regular election date as
- 9 established under section 641 of the Michigan election law, 1954 PA
- 10 116, MCL 168.641. The township shall perform all of the other
- 11 duties with respect to the election as the village might have done
- 12 had the vacancies not existed, including the preparation of
- 13 ballots, the appointment of election inspectors, the counting and
- 14 canvassing of the ballots, and the certification of the persons
- 15 elected to the offices for which the election was held. The
- 16 expenses of the election shall must be paid by the village as
- 17 provided in section 642 of the Michigan election law, 1954 PA 116,
- **18** MCL 168.642.
- 19 (4) Notwithstanding any ordinance to the contrary, an
- 20 individual elected to fill a vacancy shall not take the oath of
- 21 office until the results have been certified by the appropriate
- 22 board of canvassers.
- 23 CHAPTER V
- Sec. 3. (1) On November 20 December 1 of each year, or as soon
- 25 after that date as possible, the council shall appoint 1 of their
- 26 number president pro tempore of the council.
- 27 (2) In the absence of the president, the president pro tempore
- 28 presides at the council meetings, and exercises the powers and
- 29 duties of president. In the absence of the president and president

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- 1 pro tempore, the member with the longest current period of
- 2 continuous service on the council presides unless otherwise
- 3 provided by council rules.