



HOUSE BILL No. 4690

April 4, 1995, Introduced by Reps. Hill, Cherry, Rhead, Bodem and Middleton and referred to the Committee on Local Government.

A bill to amend sections 251, 252, 253, 254, 255, 257, 258, and 264 of Act No. 116 of the Public Acts of 1954, entitled as amended

"Michigan election law,"

section 254 as amended by Act No. 7 of the Public Acts of 1990, being sections 168.251, 168.252, 168.253, 168.254, 168.255, 168.257, 168.258, and 168.264 of the Michigan Compiled Laws; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 251, 252, 253, 254, 255, 257, 258, and
2 264 of Act No. 116 of the Public Acts of 1954, section 254 as
3 amended by Act No. 7 of the Public Acts of 1990, being
4 sections 168.251, 168.252, 168.253, 168.254, 168.255, 168.257,
5 168.258, and 168.264 of the Michigan Compiled Laws, are amended
6 to read as follows:

1 Sec. 251. (1) This chapter ~~shall not be applicable in~~
2 ~~counties~~ APPLIES TO A COUNTY in which the county road commis-
3 sioners are ~~appointed by the board of county supervisors~~
4 ELECTED.

5 (2) COUNTY ROAD COMMISSIONERS SHALL BE ELECTED AT THE GEN-
6 ERAL NOVEMBER ELECTION FROM SINGLE-MEMBER DISTRICTS. FOR THE
7 PURPOSES OF THIS CHAPTER, THE ELECTION OF A COUNTY ROAD COMMIS-
8 SIONER SHALL BE CONSIDERED TO BE A SEPARATE ELECTION IN EACH
9 DISTRICT.

10 (3) AS USED IN THIS CHAPTER, "DISTRICT" MEANS A COUNTY ROAD
11 COMMISSIONER ELECTION DISTRICT AS ESTABLISHED PURSUANT TO CHAPTER
12 IV OF ACT NO. 283 OF THE PUBLIC ACTS OF 1909, BEING SECTIONS
13 224.1 TO 224.32 OF THE MICHIGAN COMPILED LAWS.

14 Sec. 252. ~~No person shall~~ TO be eligible ~~to~~ FOR the
15 office of county road commissioner, ~~who shall not have been a~~
16 ~~citizen of the United States and~~ A PERSON SHALL BE a qualified
17 and registered elector of the county AND A RESIDENT OF THE
18 DISTRICT in which election is sought for ~~at least~~ NOT LESS THAN
19 1 year ~~next preceding his~~ IMMEDIATELY BEFORE THE election ~~7~~
20 ~~nor shall he be a member of the county board of supervisors~~ AND
21 FOR THE DURATION OF HIS OR HER TERM OF OFFICE. A MEMBER OF THE
22 COUNTY BOARD OF COMMISSIONERS IS NOT ELIGIBLE FOR THE OFFICE OF
23 COUNTY ROAD COMMISSIONER.

24 Sec. 253. (1) A general NONPARTISAN primary election ~~of~~
25 ~~all political parties~~ shall be held IN EACH COUNTY on the
26 Tuesday succeeding the first Monday in August preceding every
27 general November election, ~~in which county road commissioners~~

1 ~~are elected,~~ at which time the qualified and registered electors
 2 ~~of each political party~~ may vote for ~~party~~ NONPARTISAN candi-
 3 dates for the office of county road commissioner.

4 (2) IF, UPON THE EXPIRATION OF THE TIME FOR FILING NOMINAT-
 5 ING PETITIONS FOR THE PRIMARY ELECTION OF A COUNTY ROAD COMMIS-
 6 SIONER, THERE ARE NOT MORE THAN 2 CANDIDATES, THE COUNTY CLERK
 7 SHALL CERTIFY TO THE COUNTY BOARD OF ELECTION COMMISSIONERS THE
 8 NAMES OF THOSE CANDIDATES AND THOSE CANDIDATES SHALL BE THE NOMI-
 9 NEES FOR THE OFFICE OF COUNTY ROAD COMMISSIONER. THERE SHALL NOT
 10 BE A PRIMARY ELECTION FOR THAT OFFICE AND THAT OFFICE SHALL BE
 11 OMITTED FROM THE NONPARTISAN PRIMARY BALLOT.

12 Sec. 254. (1) To obtain the printing of the name of a
 13 person as a candidate for nomination ~~by a political party~~ for
 14 the office of county road commissioner ~~under a particular party~~
 15 heading upon the ~~official~~ NONPARTISAN primary ballots, there
 16 shall be filed with the county clerk of the county nominating
 17 petitions signed by a number of qualified and registered electors
 18 residing within the ~~county~~ DISTRICT equal to not less than 1/2
 19 OF 1% or more than ~~4%~~ 2% of the number of votes cast ~~by the~~
 20 ~~party~~ in the county for secretary of state at the last preceding
 21 general November election in which a secretary of state was
 22 elected. Nominating petitions shall be in the form prescribed in
 23 section 544c. The county clerk shall receive nominating peti-
 24 tions up to 4 p.m. of the twelfth Tuesday preceding the August
 25 primary. ~~in which county road commissioners are to be elected.~~

26 (2) To obtain the printing of the name of a candidate ~~of a~~
 27 ~~political party under the particular party's heading~~ upon the

1 NONPARTISAN primary election ballots in the various voting
2 precincts of ~~the county~~ A DISTRICT, there may be filed by each
3 candidate, in lieu of filing nominating petitions, a filing fee
4 of \$100.00 to be paid to the county clerk. Payment of the fee
5 and certification of the name of the candidate paying the fee
6 ~~shall be~~ ARE governed by the same provisions as ~~in the case~~
7 ~~of~~ nominating petitions. The fee shall be deposited in the gen-
8 eral fund of the county and shall be returned to ~~all~~ THE 2 can-
9 didates who are nominated and to ~~an equal number of~~ THE 2 can-
10 didates who received the next highest number of votes in the pri-
11 mary election. If 2 or more candidates tie in having the lowest
12 number of votes allowing a refund, the sum of \$100.00 shall be
13 divided among them. The deposits of all other defeated candi-
14 dates, as well as the deposits of candidates who withdraw or are
15 disqualified, ~~shall be~~ ARE forfeited, and THE COUNTY CLERK
16 SHALL NOTIFY the candidates ~~shall be notified~~ of the
17 forfeitures. Deposits forfeited under this section shall be paid
18 into and credited to the general fund of the county.

19 Sec. 255. ~~When any candidate of a political party for the~~
20 ~~office of county road commissioner, after having qualified as a~~
21 ~~candidate, shall die, after the last day for qualifying, leaving~~
22 ~~such party without a candidate for the office of county road com-~~
23 ~~missioner, a candidate to fill the vacancy thereby caused may be~~
24 ~~selected by the members of the county committee of such~~
25 ~~candidate's political party for the county, and the name of the~~
26 ~~candidate so selected shall be transmitted to the county~~
27 ~~officials required by law to print and distribute ballots, and~~

~~1 such county officials shall cause to be printed a sufficient~~
~~2 number of gummed labels or stickers bearing the name of the can-~~
~~3 didate which shall be distributed to the various voting precincts~~
~~4 within their respective county, and a board of election inspec-~~
~~5 tors of each such precinct shall cause 1 of such stickers to be~~
~~6 placed on each ballot over the name of the candidate who has died~~
~~7 before such ballot is handed to the elector.~~ IF, AFTER THE DEAD-
8 LINE FOR FILING NOMINATING PETITIONS UNDER SECTION 254, THERE ARE
9 NO CANDIDATES FOR NOMINATION OR NOMINEES FOR THE OFFICE OF COUNTY
10 ROAD COMMISSIONER IN A DISTRICT BECAUSE OF THE DEATH OR DISQUALI-
11 FICATION OF A CANDIDATE MORE THAN 65 DAYS BEFORE THE GENERAL
12 NOVEMBER ELECTION OR BECAUSE OF THE WITHDRAWAL OF A CANDIDATE
13 UNDER SECTION 256, THEN A PERSON, WHETHER OR NOT AN INCUMBENT,
14 MAY QUALIFY AS A NOMINEE FOR THAT OFFICE AT THE GENERAL NOVEMBER
15 ELECTION BY FILING NOMINATING PETITIONS AS REQUIRED BY SECTION
16 254. HOWEVER, THE FILING SHALL BE MADE BEFORE 4 P.M. ON THE
17 TWENTY-FIRST DAY FOLLOWING THE DEATH OR DISQUALIFICATION OF THE
18 CANDIDATE OR 4 P.M. ON THE SIXTIETH DAY PRECEDING THE GENERAL
19 NOVEMBER ELECTION, WHICHEVER IS EARLIER, AND THE MINIMUM NUMBER
20 OF SIGNATURES REQUIRED IS 1,000 OR 1/2 THE MINIMUM NUMBER
21 REQUIRED UNDER SECTION 254, WHICHEVER IS LESS.

22 Sec. 257. ~~If for any reason there is no candidate of a~~
23 ~~political party for county road commissioner, a blank space shall~~
24 ~~be provided on each of the official primary ballots which will~~
25 ~~afford every elector of said party an opportunity to vote for a~~
26 ~~candidate for such office by writing in the name of his or her~~
27 ~~selection or by the use of a slip or paster.~~ IF THERE ARE NO

1 NOMINEES FOR THE OFFICE OF COUNTY ROAD COMMISSIONER IN A DISTRICT
2 BECAUSE OF THE DEATH OR DISQUALIFICATION OF A NOMINEE LESS THAN
3 66 DAYS BEFORE THE GENERAL NOVEMBER ELECTION, THEN A PERSON SHALL
4 NOT BE ELECTED AT THAT GENERAL NOVEMBER ELECTION TO THE OFFICE OF
5 COUNTY ROAD COMMISSIONER AND THE VACANCY SHALL BE FILLED AS PRO-
6 VIDED IN SECTION 269.

7 Sec. 258. The ~~candidate of each political party~~ 2
8 CANDIDATES for the office of county road commissioner receiving
9 the greatest number of votes ~~cast for candidates for said~~
10 ~~office~~ IN A DISTRICT, as set forth in the report of the board of
11 county canvassers, based on the returns from the various election
12 precincts, or as determined by ~~said~~ THE board OF COUNTY
13 CANVASSERS as the result of a recount, shall be declared the
14 ~~nominee of that political party~~ NOMINEES for ~~said~~ THE office
15 at the next ~~ensuing~~ GENERAL November election, and the board of
16 county canvassers shall ~~forthwith~~ IMMEDIATELY certify ~~such~~
17 ~~nomination~~ THE NOMINATIONS to the county election commission.

18 Sec. 264. The term of office for county road commissioner
19 ~~shall be 6 years, beginning on the first day of January next~~
20 ~~following his election, and shall continue until a successor~~
21 ~~shall have been elected and qualified~~ SHALL BE AS PROVIDED IN
22 SECTION 6 OF CHAPTER IV OF ACT NO. 283 OF THE PUBLIC ACTS OF
23 1909, BEING SECTION 224.6 OF THE MICHIGAN COMPILED LAWS.

24 Section 2. Sections 259, 260, 261, 265, 267, and 269 of Act
25 No. 116 of the Public Acts of 1954, being sections 168.259,
26 168.260, 168.261, 168.265, 168.267, and 168.269 of the Michigan
27 Compiled Laws, are repealed.

1 Section 3. This amendatory act shall not take effect unless
2 Senate Bill No. _____ or House Bill No. 4689 (request
3 no. 02099'95 *) of the 88th Legislature is enacted into law.