

# SENATE BILL No. 1390

September 14, 2004, Introduced by Senators CASSIS, BIRKHOLZ, TOY and JACOBS and referred to the Committee on Government Operations.

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 71, 161, 191, 281, 321, 342, 381, 391, 409, 411, 426b, 431, and 467 (MCL 168.71, 168.161, 168.191, 168.281, 168.321, 168.342, 168.381, 168.391, 168.409, 168.411, 168.426b, 168.431, and 168.467), sections 71, 161, 191, 281, 342, 391, 409, 411, 426b, 431, and 467 as amended by 1999 PA 218, section 321 as amended by 2003 PA 302, and section 381 as amended by 2004 PA 290.

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

1       Sec. 71. (1) A person ~~shall~~ **is** not ~~be~~ eligible ~~to~~ **for**  
2 the offices of secretary of state or attorney general if the  
3 person is not a registered and qualified elector of this state  
4 ~~by~~ **not less than 30 days before** the date the person is  
5 nominated for the office.

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1 (2) A person who has been convicted of a violation of section  
2 12a(1) of 1941 PA 370, MCL 38.412a, ~~shall~~ **is** not ~~be~~ eligible  
3 ~~to~~ **for** the offices of secretary of state or attorney general  
4 for a period of 20 years after conviction.

5 Sec. 161. (1) A person ~~shall~~ **is** not ~~be~~ eligible ~~to~~  
6 **for** the office of state senator or representative unless the  
7 person is a citizen of the United States and, **by not less than 30**  
8 **days before the filing deadline**, a registered and qualified  
9 elector of the district he or she represents, ~~by the filing~~  
10 ~~deadline~~, as provided in section 7 of article ~~4~~ **IV** of the  
11 state constitution of 1963.

12 (2) A person who has been convicted of a violation of section  
13 12a(1) of 1941 PA 370, MCL 38.412a, ~~shall~~ **is** not ~~be~~ eligible  
14 ~~to~~ **for** the office of state senator or representative for a  
15 period of 20 years after conviction.

16 Sec. 191. (1) A person ~~shall~~ **is** not ~~be~~ eligible ~~to~~  
17 **for** the office of county clerk, county treasurer, register of  
18 deeds, prosecuting attorney, sheriff, drain commissioner,  
19 surveyor, or coroner if the person is not a registered and  
20 qualified elector of the county in which election is sought ~~by~~  
21 **not less than 30 days before** the filing deadline.

22 (2) A person who has been convicted of a violation of section  
23 12a(1) of 1941 PA 370, MCL 38.412a, ~~shall~~ **is** not ~~be~~ eligible  
24 ~~to~~ **for** any of the offices enumerated in this section for a  
25 period of 20 years after conviction.

26 Sec. 281. (1) A person ~~shall~~ **is** not ~~be~~ eligible ~~to~~  
27 **for** membership on the state board of education, the board of

1 regents of the university of Michigan, the board of trustees of  
2 Michigan state university, or the board of governors of Wayne  
3 state university if the person is not a registered and qualified  
4 elector of this state ~~on~~ **not less than 30 days before** the date  
5 the person is nominated for the office.

6 (2) A person who has been convicted of a violation of section  
7 12a(1) of 1941 PA 370, MCL 38.412a, ~~shall~~ **is** not ~~be~~ eligible  
8 ~~to~~ **for** membership on any of the boards enumerated in this  
9 section for a period of 20 years after conviction.

10 Sec. 321. (1) Except as provided in **this subsection,**  
11 subsection (3), and sections 327, 641, 642, **642a,** and 644g, the  
12 qualifications, nomination, election, appointment, term of  
13 office, and removal from office of a city officer shall be in  
14 accordance with the charter provisions governing the city. **In**  
15 **addition to the charter provisions, a person is not eligible for**  
16 **a city office if the person is not a registered and qualified**  
17 **elector of the city in which election is sought not less than 30**  
18 **days before the filing deadline or date of appointment to the**  
19 **office.**

20 (2) Within 3 days after the last day on which a candidate for  
21 a city office may withdraw, the city clerk shall deliver to the  
22 county clerk of the county in which the city is located a list  
23 setting forth the name and address of each candidate for a city  
24 office.

25 (3) If the membership of the legislative body of a city  
26 governed by the home rule city act, 1909 PA 279, MCL 117.1 to  
27 117.38, is reduced to less than a quorum, unless another method

1 of appointing members of the legislative body is provided by the  
2 city charter, members of the legislative body are appointed as  
3 provided in this subsection. The board of county election  
4 commissioners of the county in which the largest portion of the  
5 population of the city resides shall appoint the number of  
6 members of the legislative body required to constitute a quorum  
7 for the transaction of business by the legislative body. A  
8 member of the legislative body appointed under this subsection  
9 shall hold the office only until the member's successor is  
10 elected and qualified. The successor shall be elected at a  
11 special or regular election on the next regular election date  
12 that is not less than 60 days after the appointment is made. The  
13 successor shall serve for the balance of the unexpired term. A  
14 member who is appointed under this subsection shall not vote on  
15 the appointment of himself or herself to an elective or  
16 appointive city office.

17 (4) Notwithstanding another provision of law or charter to  
18 the contrary, an appointment to an elective or appointive city  
19 office made by a quorum constituted by appointments under this  
20 section expires upon the election and qualification of a  
21 sufficient number of members of the legislative body so that the  
22 elected members constitute a quorum.

23 Sec. 342. (1) A person ~~shall~~ **is** not ~~be~~ eligible ~~to~~  
24 **for** a township office unless the person is a registered and  
25 qualified elector of the township in which election is sought  
26 ~~by~~ **not less than 30 days before** the filing deadline. A person  
27 ~~shall~~ **is** not ~~be~~ eligible for membership on the board of

1 review unless, in addition to the qualifications for eligibility  
2 to a township office, the person is a landowner and taxpayer in  
3 the township.

4 (2) A person who has been convicted of a violation of section  
5 12a(1) of 1941 PA 370, MCL 38.412a, ~~shall~~ **is** not ~~be~~ eligible  
6 for election or appointment to an elective or appointive township  
7 office for a period of 20 years after conviction.

8 Sec. 381. (1) Except as provided in subsection (2) and  
9 sections 383, 641, 642, and 644g, the qualifications, nomination,  
10 election, appointment, term of office, and removal from office of  
11 a village officer shall be as determined by the charter  
12 provisions governing the village. **In addition to the charter**  
13 **provisions, a person is not eligible for a village office if the**  
14 **person is not a registered and qualified elector of the village**  
15 **in which election is sought not less than 30 days before the**  
16 **filing deadline or date of appointment to the office.**

17 (2) If the membership of the village council of a village  
18 governed by the general law village act, 1895 PA 3, MCL 61.1 to  
19 74.25, is reduced to less than a quorum of 4 and a special  
20 election for the purpose of filling all vacancies in the office  
21 of trustee is called under section 13 of chapter II of the  
22 general law village act, 1895 PA 3, MCL 62.13, temporary  
23 appointments of trustees shall be made as provided in this  
24 subsection. The board of county election commissioners of the  
25 county in which the largest portion of the population of the  
26 village is situated shall make temporary appointment of the  
27 number of trustees required to constitute a quorum for the

1 transaction of business by the village council. A trustee  
2 appointed under this subsection shall hold the office only until  
3 the trustee's successor is elected and qualified. A trustee who  
4 is temporarily appointed under this subsection shall not vote on  
5 the appointment of himself or herself to an elective or  
6 appointive village office.

7 (3) Notwithstanding another provision of law or charter to  
8 the contrary, an appointment to an elective or appointive village  
9 office made by a quorum constituted by temporary appointments  
10 under this subsection expires upon the election and qualification  
11 of trustees under the special election called to fill the  
12 vacancies in the office of trustee.

13 Sec. 391. (1) A person ~~shall~~ **is** not ~~be~~ eligible ~~to~~  
14 **for** the office of justice of the supreme court unless the person  
15 is a registered and qualified elector of this state ~~by~~ **not less**  
16 **than 30 days before** the filing deadline or the date the person  
17 files the affidavit of candidacy, is licensed to practice law in  
18 this state, and at the time of election or appointment is less  
19 than 70 years of age.

20 (2) A person who has been convicted of a violation of section  
21 12a(1) of 1941 PA 370, MCL 38.412a, ~~shall~~ **is** not ~~be~~ eligible  
22 for election or appointment to the office of justice of the  
23 supreme court for a period of 20 years after conviction.

24 Sec. 409. (1) A person ~~shall~~ **is** not ~~be~~ eligible for the  
25 office of judge of the court of appeals unless the person is a  
26 registered and qualified elector of the appellate court district  
27 in which election is sought ~~by~~ **not less than 30 days before** the

1 filing deadline or the date the person files the affidavit of  
2 candidacy, is licensed to practice law in this state, and, at the  
3 time of election or appointment, is less than 70 years of age.

4 (2) A person who has been convicted of a violation of section  
5 12a(1) of 1941 PA 370, MCL 38.412a, ~~shall~~ **is** not ~~be~~ eligible  
6 for election or appointment to the office of judge of the court  
7 of appeals for a period of 20 years after conviction.

8 Sec. 411. (1) A person ~~shall~~ **is** not ~~be~~ eligible ~~to~~  
9 **for** the office of judge of the circuit court unless the person is  
10 a registered and qualified elector of the judicial circuit in  
11 which election is sought ~~by~~ **not less than 30 days before** the  
12 filing deadline or the date the person files the affidavit of  
13 candidacy, as provided in section ~~11~~ **22** of article VI of the  
14 state constitution of 1963, is licensed to practice law in this  
15 state, and, at the time of election, is less than 70 years of  
16 age.

17 (2) A person who has been convicted of a violation of section  
18 12a(1) of 1941 PA 370, MCL 38.412a, ~~shall~~ **is** not ~~be~~ eligible  
19 for election or appointment to the office of judge of the circuit  
20 court for a period of 20 years after conviction.

21 Sec. 426b. (1) A person ~~shall~~ **is** not ~~be~~ eligible ~~to~~  
22 **for** the office of judge of a municipal court of record as  
23 described in section 426a unless the person is a registered and  
24 qualified elector of the municipality in which election is sought  
25 ~~by~~ **not less than 30 days before** the filing deadline or the date  
26 the person files the affidavit of candidacy, is licensed to  
27 practice law in this state, and, at the time of election, is less

1 than 70 years of age.

2 (2) A person who has been convicted of a violation of section  
3 12a(1) of 1941 PA 370, MCL 38.412a, ~~shall~~ **is** not ~~be~~ eligible  
4 for election or appointment to the office of judge of a municipal  
5 court of record as described in section 426a for a period of 20  
6 years after conviction.

7 Sec. 431. (1) A person ~~shall~~ **is** not ~~be~~ eligible ~~to~~  
8 **for** the office of judge of probate unless the person is a  
9 registered and qualified elector of the county in which election  
10 is sought by **not less than 30 days before** the filing deadline or  
11 the date the person files the affidavit of candidacy, as provided  
12 in section ~~16~~ **22** of article VI of the state constitution of  
13 1963, is licensed to practice law in this state except as  
14 provided in section 7 of the schedule and temporary provisions of  
15 the state constitution of 1963, and, at the time of election, is  
16 less than 70 years of age.

17 (2) A person who has been convicted of a violation of section  
18 12a(1) of 1941 PA 370, MCL 38.412a, ~~shall~~ **is** not ~~be~~ eligible  
19 for election or appointment to the office of judge of probate for  
20 a period of 20 years after conviction.

21 Sec. 467. (1) A person ~~shall~~ **is** not ~~be~~ eligible for the  
22 office of judge of the district court unless the person is a  
23 registered and qualified elector of the judicial district and  
24 election division in which election is sought ~~by~~ **not less than**  
25 **30 days before** the filing deadline or the date the person files  
26 the affidavit of candidacy, is licensed to practice law in this  
27 state, and, at the time of election or appointment, is less than

1 70 years of age.

2 (2) A person who has been convicted of a violation of section  
3 12a(1) of 1941 PA 370, MCL 38.412a, ~~shall~~ **is** not ~~be~~ eligible  
4 for election or appointment to the office of judge of the  
5 district court for a period of 20 years after conviction.