

SENATE BILL No. 945

January 11, 2006, Introduced by Senators TOY, HARDIMAN, GILBERT, SANBORN and McMANUS
and referred to the Committee on Local, Urban and State Affairs.

A bill to amend 1954 PA 116, entitled
"Michigan election law,"
by amending sections 200 and 209 (MCL 168.200 and 168.209), section
200 as amended by 1998 PA 364 and section 209 as amended by 1990 PA
7.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 200. (1) A county clerk, a county treasurer, a register
2 of deeds, a prosecuting attorney, a sheriff, a drain commissioner,
3 and a surveyor shall be elected at the 2000 general November
4 election and every fourth year after that. However, in a county in
5 which 1 of these offices is abolished or combined **OR BECOMES AN**
6 **APPOINTED POSITION** as provided by law, no person shall be elected
7 to that office in that county.

(2) Subject to subsections ~~—(3), (4), and (5)—~~ (4), (5), AND (6), a county board of commissioners may by resolution combine the offices of county clerk and register of deeds in 1 office of the clerk register or separate the office of the clerk register into the offices of county clerk and register of deeds. A combination or separation of offices shall not take effect before the expiration of the current term of the affected offices.

(3) SUBJECT TO SUBSECTIONS (4), (5), AND (6), IN A COUNTY WITH A POPULATION OF 500,000 OR MORE, THE COUNTY BOARD OF COMMISSIONERS MAY BY RESOLUTION CONVERT THE POSITION OF DRAIN COMMISSIONER FROM AN ELECTED OFFICE TO AN APPOINTED POSITION. THE APPOINTMENT SHALL BE MADE BY THE BOARD OF COMMISSIONERS. A RESOLUTION UNDER THIS SUBSECTION SHALL NOT TAKE EFFECT UNTIL THERE IS AN OPEN VACANCY IN THE OFFICE OF DRAIN COMMISSIONER.

(4) ~~—(3)—~~ 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—~~ UNDER SUBSECTION (2) OR (3), a county board of commissioners shall study the question of combining or separating the offices UNDER SUBSECTION (2) OR CREATING AN APPOINTED POSITION UNDER SUBSECTION (3). The mandatory requirements of this subsection may be satisfied by conducting a public hearing ~~pursuant to~~ UNDER subsection ~~—(4)—~~ (5).

(5) ~~—(4)—~~ The county board of commissioners as a whole body shall hold not less than 1 public hearing, held subject to the open meetings act, 1976 PA 267, MCL 15.261 to 15.275, on the question of combining or separating the offices ~~of county clerk and register~~

~~of deeds~~ UNDER SUBSECTION (2) OR CREATING AN APPOINTED POSITION UNDER SUBSECTION (3). The county board of commissioners may vote on the question as a regularly scheduled agenda item not less than 10 days or more than 30 days after the last public hearing held by the county board of commissioners on the question.

(6) ~~—(5) Not~~ THE VOTE REQUIRED UNDER SUBSECTION (5) SHALL BE HELD NOT later than the sixth Tuesday before the deadline for filing the nominating petitions for the office of DRAIN COMMISSIONER, county clerk, register of deeds, or clerk register ~~—, the county board of commissioners may by a vote of 2/3 of the commissioners elected and serving combine the offices of county clerk and register of deeds or separate the office of the clerk register~~ AND SHALL REQUIRE A VOTE OF 2/3 OF THE COMMISSIONERS ELECTED AND SERVING TO PASS THE RESOLUTION.

(7) The resolution UNDER SUBSECTION (2) shall become effective upon the commencement of the next term of office of the county clerk, register of deeds, or clerk register after the adoption of the resolution.

Sec. 209. If a vacancy occurs in an elective or appointive county office, it shall be filled in the following manner:

(A) ~~—(1)—~~ If the vacancy is in the office of county clerk or prosecuting attorney, it shall be filled by appointment by the judge or judges of that judicial circuit.

(B) IF THE VACANCY IS IN THE OFFICE OF COUNTY DRAIN COMMISSIONER, IT SHALL BE FILLED BY APPOINTMENT BY THE MAJORITY VOTE OF THE COUNTY BOARD OF COMMISSIONERS UNDER EITHER THIS SECTION OR SECTION 200(3). THIS SUBDIVISION SHALL NOT BE CONSTRUED TO

1 AFFECT OR LIMIT THE POWERS AND DUTIES OF THE COUNTY BOARD OF
2 COMMISSIONERS OTHERWISE PROVIDED BY LAW REGARDING THE OFFICE OF
3 COUNTY DRAIN COMMISSIONER.

4 (C) ~~—(2)—~~ If the vacancy is in any other county office, the
5 presiding or senior judge of probate, the county clerk, and the
6 prosecuting attorney shall appoint a suitable person to fill the
7 vacancy.

8 (D) ~~—(3)—~~ A person appointed shall take and subscribe to the
9 oath as provided in section 1 of article XI of the state
10 constitution of 1963, give bond in the manner required by law, and
11 hold office for the remainder of the unexpired term and until a
12 successor is elected and qualified. ~~However, if~~ IF the next
13 general November election is to be held more than 182 days after
14 the vacancy occurs, and it is not the general November election at
15 which a successor in office would be elected if there were no
16 vacancy, the person appointed shall hold office only until a
17 successor is elected at the next general November election in the
18 manner provided by law and qualifies for office. The successor
19 shall hold the office for the remainder of the unexpired term.