

# HOUSE BILL No. 5951

May 9, 2018, Introduced by Rep. Marino and referred to the Committee on Elections and Ethics.

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 358, 362, 370, and 699 (MCL 168.358, 168.362, 168.370, and 168.699), section 358 as amended by 1999 PA 16, section 362 as amended by 1980 PA 112, section 370 as amended by 2014 PA 94, and section 699 as amended by 2012 PA 523; and to repeal acts and parts of acts.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 358. (1) In every township, there ~~shall~~ **MUST** 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~~ **THERE MUST** be  
5       elected by ballot ~~all of~~ the following township officers:

1 (a) A supervisor.

2 (b) A clerk.

3 (c) A treasurer.

4 (d) ~~Two trustees.~~ **NOT MORE THAN 4 TRUSTEES, AS PROVIDED UNDER**  
5 **SUBSECTION (4).**

6 (e) Not more than 4 constables.

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

10 (g) If a township takes the actions provided in section 1 of  
11 former 1931 PA 271 or section 6 of 1905 PA 157, MCL 41.426, the  
12 number of park commission members provided for under section 6 of  
13 1905 PA 157, MCL 41.426.

14 (2) Except as otherwise provided in this subsection, the order  
15 of offices on the township portion of the ballots ~~shall~~ **MUST** be the  
16 same as the order in which the officers are listed in subsection  
17 (1). Free public library directors ~~shall~~ **AND PARK COMMISSION**  
18 **MEMBERS MUST** be listed on the nonpartisan portion of the ballot.

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

1 of constables to be elected ~~is~~**WAS** not made by the township board  
2 by the deadline under this subsection for the 1992 general  
3 election, the number of constables to be elected ~~shall~~**MUST** be the  
4 same number that was elected in that township in the 1988 general  
5 November election until a resolution is adopted to provide for the  
6 election of a different number of constables.

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

1 the signatures of not less than 10% of the registered and qualified  
2 electors of the township, as shown by the registration records at  
3 the close of registration for the last general November election,  
4 asking that the question be submitted.

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

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

16 Sec. 362. (1) ~~The term of office of township trustees elected~~  
17 ~~in 1978 shall be 2 years.~~ The term of office of all township  
18 officers listed in section 358 ~~shall be~~**IS** 4 years ~~beginning in the~~  
19 ~~1980 general election, and in all subsequent elections at which~~  
20 township officials are elected. All township officers' terms ~~shall~~  
21 commence at 12 noon on November 20 next following their election  
22 and they ~~shall~~**MUST** qualify before assuming the duties of their  
23 office. Each township officer shall hold office until a successor  
24 is elected and qualified, but not beyond January 1 following the  
25 election. Failure of an elected township official to qualify by  
26 January 1 following the official's election ~~shall create~~**CREATES** a  
27 vacancy ~~which shall~~**THAT MUST** be filled as provided in section 370

1 **OR 370A, AS APPLICABLE.** All elective township officers ~~other than~~  
2 ~~those listed in section 358, shall~~ **MUST** be elected at the November  
3 election immediately preceding the expiration of their term and  
4 ~~shall~~ **MUST** commence the duties of their office on November 20 but  
5 not before they qualify following their election.

6 (2) A township officer elected in the general election shall  
7 remain in office for the full term if the officer failed to take  
8 the oath of office within the time prescribed by law and was  
9 subsequently appointed by the township board to the office for  
10 which the officer ran, **BUT THE OFFICER MUST TAKE THE OATH OF OFFICE**  
11 **BEFORE EXECUTING ANY OF THE DUTIES OF THAT OFFICE.**

12 Sec. 370. (1) Except as provided in section 370a or subsection  
13 (2), if a vacancy occurs in an elective or appointive township  
14 office, the vacancy ~~shall~~ **MUST** be filled by appointment by the  
15 township board, and the person appointed ~~shall~~ **MUST** hold the office  
16 for the remainder of the unexpired term.

17 (2) If 1 or more vacancies occur in an elective township  
18 office that cause the number of members serving on the township  
19 board to be less than the minimum number of board members that is  
20 required to constitute a quorum for the transaction of business by  
21 the board, the board of county election commissioners shall make  
22 temporary appointment of the number of members required to  
23 constitute a quorum for the transaction of business by the township  
24 board. **AN OFFICIAL WHO IS TEMPORARILY APPOINTED UNDER THIS**  
25 **SUBSECTION MUST BE A RESIDENT AND QUALIFIED ELECTOR OF THE TOWNSHIP**  
26 **AND MUST ALSO BE FROM THE SAME POLITICAL PARTY AS THE OFFICER WHOM**  
27 **HE OR SHE IS REPLACING.** An official appointed under this subsection

1 shall hold the office only until the official's successor is  
2 elected or appointed and qualified. An official who is temporarily  
3 appointed under this subsection shall not vote on the appointment  
4 of himself or herself to an elective or appointive township office.

5 (3) If a township official submits a written resignation from  
6 an elective township office, for circumstances other than a  
7 resignation related to a recall election, that specifies a date and  
8 time when the resignation is effective, the township board, within  
9 30 days before that effective date and time, may appoint a person  
10 to fill the vacancy at the effective date and time of the  
11 resignation. The resigning official shall not vote on the  
12 appointment.

13 (4) Except as provided in subsection (5), if the township  
14 board does not make an appointment under subsection (3), or if a  
15 vacancy occurs in an elective township office and the vacancy is  
16 not filled by the township board or the board of county election  
17 commissioners within 45 days after the beginning of the vacancy,  
18 the county clerk of the county in which the township is located  
19 shall call a special election within 5 calendar days to fill the  
20 vacancy. Not later than 4 p.m. on the fifteenth calendar day after  
21 the county clerk calls a special election under this section, the  
22 township party committee for each political party in the township  
23 shall submit a nominee to fill the vacancy. The special election  
24 ~~shall~~**MUST** be held on the next regular election date that is not  
25 less than 60 days after the deadline for submitting nominees under  
26 this section or 70 days after the deadline for submitting nominees  
27 under this section if the next regular election date is the even

1 year August primary or the general November election. Notice of the  
 2 special election ~~shall~~**MUST** be given in the same manner required by  
 3 section 653a. A special election called under this section does not  
 4 affect the rights of a qualified elector to register for any other  
 5 election. A person elected to fill a vacancy ~~shall~~**MUST BE A**  
 6 **QUALIFIED ELECTOR OF THE TOWNSHIP AND MUST** serve for the remainder  
 7 of the unexpired term.

8 (5) Subsection (4) does not apply to the office of township  
 9 constable. If a vacancy occurs in the office of township constable,  
 10 the township board shall determine if and when the vacancy ~~shall~~  
 11 **MUST** be filled by appointment. If the township board does not fill  
 12 the vacancy by appointment, the office of township constable ~~shall~~  
 13 ~~remain~~**REMAINS** vacant until the next general or special election in  
 14 which township offices are filled.

15 Sec. 699. At any regular election, the names of the several  
 16 nonpartisan offices to be voted for ~~shall~~**MUST** be placed on a  
 17 separate portion of the ballot containing no party designation in  
 18 the following order: justices of the supreme court, judges of the  
 19 court of appeals, judges of the circuit court, judges of the  
 20 probate court, judges of the district court, community college  
 21 board of trustees member, intermediate school district board  
 22 member, city officers, the following village officers in  
 23 substantially the following order in the year in which elections  
 24 for the offices are held: president, clerk, treasurer, and  
 25 trustees, and in a year in which an election for the office is  
 26 held, local school district board member, metropolitan district  
 27 officer, ~~and~~ district library board member, **FREE PUBLIC LIBRARY**

**1   DIRECTOR, AND TOWNSHIP PARK COMMISSION MEMBER.**

**2**Enacting section 1. Section 341 of the Michigan election law,  
**3**1954 PA 116, MCL 168.341, is repealed.