

MICHIGAN ELECTION LAW (EXCERPT)

Act 116 of 1954

CHAPTER X

PROSECUTING ATTORNEY; SHERIFF; COUNTY CLERK; COUNTY TREASURER; REGISTER OF DEEDS; DRAIN COMMISSIONER; CORONERS; SURVEYOR

168.191 County officers; eligibility.

Sec. 191. A person is not eligible to the office of county clerk, county treasurer, register of deeds, prosecuting attorney, sheriff, drain commissioner, surveyor, or coroner if the person is not a registered and qualified elector of the county in which election is sought by the filing deadline.

History: 1954, Act 116, Eff. June 1, 1955;—Am. 1982, Act 505, Eff. Mar. 30, 1983;—Am. 1999, Act 218, Eff. Mar. 10, 2000;—Am. 2018, Act 120, Eff. Dec. 31, 2018.

Popular name: Election Code

168.192 Candidates for county offices; nomination at primary.

Sec. 192. A general primary election of all political parties shall be held in every county of this state on the Tuesday succeeding the first Monday in August preceding the general November election at which the officers named in section 191 of this act are to be elected, at which time the qualified and registered electors of each political party may vote for party candidates for the offices. This section shall not apply to parties required to nominate candidates at caucuses or conventions.

History: 1954, Act 116, Eff. June 1, 1955;—Am. 1963, 2nd Ex. Sess., Act 35, Eff. Mar. 24, 1964.

Popular name: Election Code

168.193 Candidate for county offices; nominating petitions; signatures; form; nonrefundable filing fee in lieu of nominating petitions; deposit and use of fee.

Sec. 193. (1) To obtain the printing of the name of an individual as a candidate for nomination by a political party for an office named in section 191 under a particular party heading upon the official primary ballots, there must be filed with the county clerk nominating petitions signed by a number of qualified and registered electors residing within the county as determined under section 544f. Nominating petitions must be in the form prescribed in section 544c. The county clerk shall receive nominating petitions up to 4 p.m. of the fifteenth Tuesday before the August primary.

(2) To obtain the printing of the name of a candidate of a political party under the particular party's heading upon the primary election ballots in the various voting precincts of the county, there may be filed by the candidate, in lieu of filing nomination petitions, a nonrefundable filing fee of \$100.00 to be paid to the county clerk. Payment of the fee and certification of the candidate's name paying the fee are governed by the same provisions as in the case of nominating petitions. The fee must be deposited in the general fund of the county and must be used only for the purchase and maintenance of voting equipment.

History: 1954, Act 116, Eff. June 1, 1955;—Am. 1963, 2nd Ex. Sess., Act 35, Eff. Mar. 24, 1964;—Am. 1976, Act 3, Imd. Eff. Feb. 3, 1976;—Am. 1990, Act 7, Imd. Eff. Feb. 12, 1990;—Am. 1996, Act 583, Eff. Mar. 31, 1997;—Am. 1999, Act 218, Eff. Mar. 10, 2000;—Am. 2012, Act 276, Eff. Aug. 16, 2012;—Am. 2021, Act 146, Imd. Eff. Dec. 27, 2021.

Popular name: Election Code

168.194 Candidates for nomination; withdrawal, notice.

Sec. 194. After the filing of a nominating petition or filing fee by or in behalf of a proposed candidate for any of the offices named in section 191 of this act, such candidate shall not be permitted to withdraw unless a written notice of withdrawal is served on the county clerk or his duly authorized agent not later than 4 o'clock, eastern standard time, in the afternoon of the third day after the last day for filing such petition or filing fee, as in this act provided, unless the third day falls on a Saturday, Sunday or legal holiday, in which case the notice of withdrawal may be served on the clerk up to 4 o'clock, eastern standard time, on the next secular day.

History: 1954, Act 116, Eff. June 1, 1955;—Am. 1959, Act 173, Eff. Mar. 19, 1960.

Popular name: Election Code

168.195 Candidate for county offices; death; selection of candidate to fill vacancy; ballots.

Sec. 195. If a candidate of a political party for prosecuting attorney, sheriff, county clerk, county treasurer, register of deeds, drain commissioner, coroner, or surveyor, after having qualified as a candidate, dies after the last day for qualifying, leaving the political party without a candidate for that office, a candidate to fill the vacancy may be selected by the members of the county committee of the candidate's political party, and the

name of the candidate selected shall be transmitted to the county officials required by law to print and distribute ballots. The name of the candidate shall be printed on the ballots, but if the ballots have been printed, the county officials shall have the ballots reprinted with the candidate's name on the ballots and the reprinted ballots shall be distributed to the various voting precincts within their respective counties.

History: 1954, Act 116, Eff. June 1, 1955;—Am. 1966, Act 322, Imd. Eff. July 19, 1966;—Am. 2012, Act 276, Eff. Aug. 16, 2012.

Popular name: Election Code

168.196 Candidates for nomination; write-in.

Sec. 196. If for any reason the number of candidates of a political party for any 1 or more of the offices named in section 191 is equal to less than the total number to be nominated by the political party, a blank space or spaces shall be provided on each of the official primary ballots that affords every elector of the political party an opportunity to vote for as many candidates for the office as are to be nominated by the political party by writing in the name or names of his or her selection.

History: 1954, Act 116, Eff. June 1, 1955;—Am. 2012, Act 276, Eff. Aug. 16, 2012.

Popular name: Election Code

168.197 Candidates for county offices; nomination, certification.

Sec. 197. The candidates of each political party for the offices named in section 191 of this act receiving the greatest number of votes cast for said offices, as set forth in the reports of the board of county canvassers, based on the returns from the various election precincts, or as determined by said board as the result of a recount, shall be declared the nominees of that political party for said offices at the next ensuing November election. The board of county canvassers shall forthwith certify such nominations to the county election commission.

History: 1954, Act 116, Eff. June 1, 1955.

Popular name: Election Code

168.198 Withdrawal of candidate after nomination for office; replacement of candidate dying before election; vacancy.

Sec. 198. (1) If a candidate of a political party files a nominating petition or filing fee for a county office and has been nominated for the office by a political party, the candidate is not permitted to withdraw unless he or she has moved from the county or has become physically unfit.

(2) If a candidate of a political party files a nominating petition or filing fee for the office of county commissioner and has been nominated for that office by a political party, the candidate is not permitted to withdraw unless he or she has moved from the county or from the district from which he or she was nominated or has become physically unfit.

(3) If the person who has been nominated as the candidate of a political party for a county office or the office of county commissioner dies before the date of the election for that office, the county executive committee of the party whose candidate has died shall select, by majority vote, a replacement for that person. The name of the replacement selected shall be transmitted to the election officials responsible for the preparation and distribution of ballots, and the name of the replacement shall be affixed to each ballot in place of the name of the original candidate.

(4) A vacancy shall not be filled by a county executive committee except as provided in this section.

(5) This prohibition shall not be construed to prohibit the withdrawal of a candidate who was nominated without having filed a nominating petition or filing fee and whose name has been written or placed on the ballot of a political party.

History: 1954, Act 116, Eff. June 1, 1955;—Am. 1974, Act 273, Imd. Eff. Oct. 2, 1974;—Am. 2012, Act 276, Eff. Aug. 16, 2012.

Popular name: Election Code

168.199 Candidates for county offices; death, withdrawal or disqualification; new candidate, selection, certification; ballots.

Sec. 199. Whenever a candidate of a political party, after having been nominated to any office named in section 191 of this act, shall die, withdraw as provided in section 198, remove from the county, or become disqualified for any reason, the county committee of such party shall meet forthwith and, by a majority vote of the members thereof, shall select a candidate to fill the vacancy thereby caused. The name of the candidate so selected shall be immediately certified by the chairman and the secretary of said committee to the county clerk and to the board of county election commissioners, whose duty it is to prepare the official ballots and who shall cause to be printed or placed upon such ballots, in the proper place, the name of the candidate so selected to fill such vacancy.

History: 1954, Act 116, Eff. June 1, 1955.

Popular name: Election Code

168.200 County officers; election; combination or separation of offices of county clerk and register of deeds.

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

(2) Subject to subsections (3), (4), and (5), 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) 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, a county board of commissioners shall study the question of combining or separating the offices. The mandatory requirements of this subsection may be satisfied by conducting a public hearing pursuant to subsection (4).

(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. 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.

(5) Not later than the sixth Tuesday before the deadline for filing the nominating petitions for the office of 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. The resolution 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.

History: 1954, Act 116, Eff. June 1, 1955;—Am. 1998, Act 364, Imd. Eff. Oct. 20, 1998.

Popular name: Election Code

168.201 County officers; certificate of determination by board of county canvassers.

Sec. 201. The board of county canvassers shall determine which candidates for the offices named in section 191 of this act received the greatest number of votes and shall declare such candidates to be duly elected. The said board shall forthwith make and subscribe on its statement of returns a certificate of such determination and deliver same to the county clerk within 14 days following the date of the election.

History: 1954, Act 116, Eff. June 1, 1955.

Popular name: Election Code

168.202 County officers; certificate of election; publication of certificate of determination and statement of votes.

Sec. 202. The county clerk shall file in his or her office and preserve the original statement and determination of the board of county canvassers of the results of the election and shall immediately execute and cause to be delivered to the persons declared elected to the offices named in section 200 a properly certified certificate of election, certified by him or her under the seal of the county. The county clerk may cause a copy of the certificate of determination, together with a statement of the votes cast at the election for the offices, to be published in at least 1 newspaper printed or circulated, or both, in that county.

History: 1954, Act 116, Eff. June 1, 1955;—Am. 1985, Act 162, Eff. Mar. 31, 1986.

Popular name: Election Code

168.203 County officers; terms of office.

Sec. 203. The term of office of the county clerk, county treasurer, register of deeds, prosecuting attorney, sheriff, drain commissioner, surveyor and coroner shall begin on January 1 next following the election, and continues until a successor is elected and qualified, except that in counties having a population of 1,000,000 or more the term of office of the county treasurer shall begin on July 1 next following the election.

History: 1954, Act 116, Eff. June 1, 1955;—Am. 1963, 2nd Ex. Sess., Act 35, Eff. Mar. 24, 1964;—Am. 1964, Act 185, Imd. Eff. May 20, 1964.

Popular name: Election Code

168.204 County officers; oath of office, bond, deposit.

Sec. 204. Every person elected to an office named in section 200 of this act, before entering upon the duties of his office, shall take and subscribe to the oath as provided in section 1 of article 11 of the state constitution and, with the exception of the prosecuting attorney, shall give bond in the amount and manner prescribed by law and shall deposit said oath with the county clerk and said bond with the county treasurer. The county treasurer shall file his bond with the county clerk.

History: 1954, Act 116, Eff. June 1, 1955;—Am. 1963, 2nd Ex. Sess., Act 35, Eff. Mar. 24, 1964.

Popular name: Election Code

168.205 County officers; resignation, notice.

Sec. 205. Any person duly elected to any of the county offices named in section 200 of this act who desires to resign shall file a written notice containing the effective date of such resignation with the presiding or senior judge of probate, the county clerk and the prosecuting attorney of said county: Provided, That if the county clerk or the prosecuting attorney desires to resign, he shall file a written notice containing the effective date of such resignation with the presiding judge of that judicial circuit.

History: 1954, Act 116, Eff. June 1, 1955.

Popular name: Election Code

168.206 County offices; vacancy, creation.

Sec. 206. The office of county clerk, county treasurer, register of deeds, prosecuting attorney, sheriff, drain commissioner, surveyor or coroner in any county in this state shall become vacant upon the happening of any of the following events: Death of the incumbent; his resignation; his removal from office for cause; his ceasing to be a resident of the county in which his office is located; his conviction of an infamous crime or an offense involving the violation of his oath of office; the decision of a competent tribunal declaring his election or appointment void; his refusal or neglect to take and subscribe to the constitutional oath of office and deposit the same in the manner and within the time prescribed by law; or his refusal or neglect to give bond in the amount and manner and within the time prescribed by law.

History: 1954, Act 116, Eff. June 1, 1955.

Popular name: Election Code

168.206a County officers; death before commencement of term.

Sec. 206a. Whenever any person elected to the office of county clerk, county treasurer, register of deeds, prosecuting attorney, sheriff, drain commissioner, surveyor or coroner in any county shall die before the commencement of the term for which he was elected, there shall be a vacancy for the term to which such person was elected to be filled according to law. The vacancy shall be filled within 15 days after the beginning of the term for which he was elected.

History: Add. 1965, Act 156, Eff. Mar. 31, 1966.

Popular name: Election Code

168.207 County officers; removal from office; service of charges, hearing.

Sec. 207. The governor may remove any and all county officers named in section 200 of this chapter when he shall be satisfied from sufficient evidence submitted to him, as hereinafter provided, that such officer has been guilty of official misconduct, or of wilful neglect of duty, or of extortion, or habitual drunkenness, or has been convicted of being drunk, or whenever it shall appear by a certified copy of the judgment of a court of record of this state that such officer, after his election or appointment, shall have been convicted of a felony; but the governor shall take no action upon any such charges made to him against any such officer until the same shall have been exhibited to him in writing, verified by the affidavit of the party making them, that he believes the charges to be true. But no such officer shall be removed for such misconduct or neglect until charges thereof shall have been exhibited to the governor as above provided and a copy of the same served on such officer and an opportunity given him of being heard in his defense: Provided, That the service of such charges upon the person or persons complained against shall be made by handing to such person or persons a copy of such charges, together with all affidavits or exhibits which may be attached to the original petition if such person or persons can be found; and if not, by leaving a copy at the last place of residence of such person or persons, with some person of suitable age, if such person can be found; and if not, by posting it in some conspicuous place upon his last known place of residence. No officer who has been removed in accordance with the provisions of this section shall be eligible to election or appointment to any office for a period of 3 years from the date of such removal.

History: 1954, Act 116, Eff. June 1, 1955.

Popular name: Election Code

168.208 Repealed. 2014, Act 418, Imd. Eff. Dec. 30, 2014.

Compiler's note: The repealed section pertained to removal of county clerk by circuit court judge and circuit court commissioner.

168.209 County office; vacancy; manner of filling.

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

(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.

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

(3) A person appointed shall take and subscribe to the oath as provided in section 1 of article XI of the state constitution of 1963, give bond in the manner required by law, and hold office for the remainder of the unexpired term and until a successor is elected and qualified. However, if the vacancy occurs more than 7 days before the nominating petition filing deadline as provided in section 193 for the general November election that is not the general November election at which a successor in office would be elected if there were no vacancy, the person appointed shall hold office only until a successor is elected at the next general November election in the manner provided by law and qualifies for office. The successor shall hold the office for the remainder of the unexpired term.

History: 1954, Act 116, Eff. June 1, 1955;—Am. 1963, 2nd Ex. Sess., Act 35, Eff. Mar. 24, 1964;—Am. 1968, Act 156, Imd. Eff. June 17, 1968;—Am. 1990, Act 7, Imd. Eff. Feb. 12, 1990;—Am. 2014, Act 94, Imd. Eff. Apr. 3, 2014.

Popular name: Election Code

168.210 County officers; primary or election, recount of votes.

Sec. 210. The votes cast for any candidate for any of the offices named in section 200 of this act at any primary or election shall be subject to recount as provided in chapter 33 of this act.

History: 1954, Act 116, Eff. June 1, 1955.

Popular name: Election Code

168.211 County officers; recall.

Sec. 211. Any person elected to the offices named in section 200 of this act shall be subject to recall as provided in chapter 36 of this act.

History: 1954, Act 116, Eff. June 1, 1955.

Popular name: Election Code