



# SENATE BILL No. 1114

April 27, 1994, Introduced by Senator CARL and referred  
to the Committee on Local Government and Urban  
Development

A bill to amend sections 367, 370, and 974 of Act No 116 of  
the Public Acts of 1954, entitled  
"Michigan election law,"  
section 370 as amended by Act No 83 of the Public Acts of 1990,  
being sections 168 367, 168 370, and 168 974 of the Michigan  
Compiled Laws

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT

1 Section 1 Sections 367, 370, and 974 of Act No 116 of the  
2 Public Acts of 1954, section 370 as amended by Act No 83 of the  
3 Public Acts of 1990, being sections 168 367, 168 370, and 168 974  
4 of the Michigan Compiled Laws, are amended to read as follows  
5 Sec 367 (1) Resignation of a township officer shall be in  
6 writing, signed by the officer resigning, and addressed to the  
7 township board, and shall be delivered to and filed by the  
8 township clerk

1 (2) THE RESIGNING TOWNSHIP OFFICER IS NOT ELIGIBLE TO BE  
2 APPOINTED OR ELECTED TO ANY EXISTING OR NEWLY CREATED TOWNSHIP  
3 OFFICE FOR THE REMAINDER OF THE UNEXPIRED TERM OF THE RESIGNING  
4 TOWNSHIP OFFICER

5 Sec 370 (1) Except as provided in subsection (2), if a  
6 vacancy occurs in an elective or appointive township office, the  
7 vacancy shall be filled by appointment by A QUORUM OF THE ELECTED  
8 TOWNSHIP BOARD MEMBERS SERVING ON the township board, and the  
9 person appointed shall hold the office for the remainder of the  
10 unexpired term

11 (2) If 1 or more vacancies ~~occur~~ in an elective township  
12 office ~~that~~ cause the number of members serving on the township  
13 board to be less than the minimum number of board members that is  
14 required to constitute a quorum for the transaction of business  
15 by the board, the board of county election commissioners shall  
16 make temporary appointment of the number of members required to  
17 constitute a quorum for the transaction of business by the town-  
18 ship board An official appointed under this subsection shall  
19 hold the office only until the official's successor is elected or  
20 appointed and qualified An official who is temporarily  
21 appointed under this subsection shall not vote on ~~the~~ AN  
22 appointment ~~of himself or herself~~ to FILL A VACANCY IN an elec-  
23 tive or appointive township office

24 (3) If a township official submits a written resignation  
25 from an elective township office for circumstances other than a  
26 resignation related to a recall election, which specifies a date  
27 and time at which the resignation is effective, the township

1 board, within 30 days before that effective date and time, may  
2 appoint a person to fill the vacancy at the effective date and  
3 time of the resignation The resigning official shall not vote  
4 on the appointment AND, FOR THE PURPOSES OF SUBSECTION (1), SHALL  
5 NOT BE CONSIDERED AN ELECTED TOWNSHIP BOARD MEMBER SERVING ON THE  
6 BOARD FOR THE PURPOSES OF THIS SUBSECTION, "RESIGNATION RELATED  
7 TO A RECALL" MEANS A RESIGNATION FOLLOWING THE DETERMINATION OF  
8 THE BOARD OF COUNTY ELECTION COMMISSIONERS UNDER SECTION 952 THAT  
9 THE REASONS FOR RECALL STATED IN A RECALL PETITION ARE OF SUFFI-  
10 CIENT CLARITY

11 (4) Except as provided in subsection (5), if the township  
12 board does not make an appointment under subsection (3), or if a  
13 vacancy occurs in an elective township office and the vacancy is  
14 not filled by the township board or the board of county election  
15 commissioners within 45 days after the beginning of the vacancy,  
16 the county clerk of the county in which the township is located  
17 shall notify the governor of the fact The governor shall call a  
18 special election to fill the vacancy The governor shall provide  
19 for the date for the filing of the petitions ~~—which—~~ THIS date  
20 shall also be the last date to register for the special primary  
21 election Notwithstanding section 358a, the special primary or  
22 special general election may be held within 60 days of a state  
23 primary or a state general election A special primary or  
24 SPECIAL GENERAL election called by the governor under authority  
25 of this section shall not affect the rights of a qualified elec-  
26 tor to register for any other election A person elected to fill  
27 a vacancy shall serve for the remainder of the unexpired term

1       (5) Subsection (4) ~~shall~~ DOES not apply to the office of  
2 township constable    If a vacancy occurs in the office of town-  
3 ship constable, the township board shall determine if and when  
4 the vacancy shall be filled    If the township board does not fill  
5 the vacancy, the office of township constable shall remain vacant  
6 until the next general or special election in which the township  
7 offices are filled

8       Sec    974    (1) An officer who was recalled shall not be a  
9 candidate to fill the vacancy created by the recall ~~nor~~ AND  
10 SHALL NOT be appointed to fill a vacancy in an elective OR  
11 APPOINTIVE office in the electoral district or governmental unit  
12 from which the recall was made during the term of office from  
13 which the officer was recalled

14       (2) An officer who has resigned subsequent to the filing of  
15 a recall petition shall not be appointed to fill a vacancy in AN  
16 elective office in that electoral district or governmental unit  
17 during the term of the office from which the officer resigned

18       (3) If an officer resigns subsequent to the filing of peti-  
19 tions to recall that officer from office, it shall not be neces-  
20 sary for the office with which the recall petitions have been  
21 filed to proceed under sections 961 and 963

22       (4) If an officer whose recall is sought resigns after the  
23 calling of a recall election, the election shall not be held