

# HOUSE BILL No. 5995

June 9, 2004, Introduced by Rep. Huizenga and referred to the Committee on Local Government and Urban Policy.

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending section 381 (MCL 168.381), as amended by 2003 PA 302.

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

1       Sec. 381. (1) Except as provided in subsection (2) and  
2 sections 383, 641, 642, and 644g, the qualifications, nomination,  
3 election, appointment, term of office, and removal from office of  
4 a village officer shall be as determined by the charter  
5 provisions governing the village.

6       (2) If the membership of the village council of a village  
7 governed by the general law village act, 1895 PA 3, MCL 61.1 to  
8 74.25, is reduced to less than a quorum of 4 and a special  
9 election for the purpose of filling all vacancies in the office  
10 of trustee is called under section 13 of chapter II of the

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1 general law village act, 1895 PA 3, MCL 62.13, temporary  
2 appointments of trustees shall be made as provided in this  
3 subsection. The board of county election commissioners of the  
4 county in which the largest portion of the population of the  
5 village is situated shall make temporary appointment of the  
6 number of trustees required to constitute a quorum for the  
7 transaction of business by the village council. A trustee  
8 appointed under this subsection shall hold the office only until  
9 the trustee's successor is elected and qualified. A trustee who  
10 is temporarily appointed under this subsection shall not vote on  
11 the appointment of himself or herself to an elective or  
12 appointive village office.

13 (3) Notwithstanding another provision of law or charter to  
14 the contrary, an appointment to an elective or appointive village  
15 office made by a quorum constituted by temporary appointments  
16 under this subsection expires upon the election and qualification  
17 of trustees under the special election called to fill the  
18 vacancies in the office of trustee.

19 (4) **Filing for a village office shall be with the township**  
20 **clerk if the township is conducting the election or if the**  
21 **village is located in more than 1 township with the township in**  
22 **which the largest number of the registered electors of the**  
23 **village reside.**