

Legislative Analysis



ELECTED COUNTY EXECUTIVE VACANCY

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House Bill 4068

Sponsor: Rep. Jeff Mayes

Committee: Intergovernmental, Urban, and Regional Affairs

Complete to 3-27-07

A SUMMARY OF HOUSE BILL 4068 AS INTRODUCED 1-22-07

The bill would amend Public Act 139 of 1973 (MCL 45.559), which describes the powers of county executives, in order to revise the procedure for filling a vacancy in the office of county executive, in the event of a death or resignation.

Currently under the law, a county executive is elected to office on a partisan basis for a four-year term in the same election as, and concurrent with, the terms of the county prosecuting attorney, county clerk, county register of deeds, county treasurer, county sheriff, elected county auditors, and county drain commissioner. House Bill 4068 would retain these provisions.

Current law specifies that if the office of elected county executive becomes vacant due to resignation or death, the board of county commissioners fills the vacancy by appointing a replacement who serves until the next general election. At that general election, a new county executive is elected, and serves a term equal to the balance of the term of the county executive who resigned or died. (A "general election" is the election held in November of even-numbered years.)

House Bill 4068 would modify these provisions, allowing the appointee to fill the vacancy for the remainder of the unexpired term. However, if a general election is to be held more than 182 days (that is, more than about six months) after the vacancy occurred, and it is not the general election at which a successor in office would be elected if there were no vacancy, then the appointee would hold the office only until a successor was elected and qualified at that next general election, with the elected successor holding office for the remainder of the unexpired term.

FISCAL IMPACT:

The bill would have no impact on State or local revenues.

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