

HOUSE BILL No. 5775

February 2, 2010, Introduced by Reps. Wayne Schmidt, McDowell and Neumann and referred to the Committee on Ethics and Elections.

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 252, 254, 267, and 269 (MCL 168.252, 168.254, 168.267, and 168.269), section 254 as amended by 1999 PA 218 and section 269 as amended by 1990 PA 7.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 252. (1) ~~No~~**A** person shall **NOT** be eligible to the office
 2 of county road commissioner ~~who shall not have been~~**UNLESS THE**
 3 **PERSON IS** a citizen of the United States and a qualified and
 4 registered elector of the county in which election is sought for at
 5 least 1 year ~~next preceding~~**BEFORE** his **OR HER** election. ~~, nor shall~~
 6 ~~he be a member of the county board of supervisors~~**IN ADDITION, A**
 7 **PERSON SHALL NOT BE ELIGIBLE TO THE OFFICE OF COUNTY ROAD**

1 COMMISSIONER IF HE OR SHE IS A MEMBER OF THE COUNTY BOARD OF
2 COMMISSIONERS.

3 (2) IN ADDITION TO THE REQUIREMENTS OF SUBSECTION (1), A
4 PERSON SEEKING TO REPRESENT A SINGLE-MEMBER DISTRICT IN THE OFFICE
5 OF COUNTY ROAD COMMISSIONER SHALL BE A RESIDENT OF THAT SINGLE-
6 MEMBER DISTRICT.

7 Sec. 254. (1) ~~To~~ EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION,
8 TO obtain the printing of the name of a person as a candidate for
9 nomination by a political party for the office of county road
10 commissioner under a particular party heading upon the official
11 primary ballots, there shall be filed with the county clerk of the
12 county nominating petitions signed by a number of qualified and
13 registered electors residing within the county as determined under
14 section 544f. IN A COUNTY WITH SINGLE-MEMBER DISTRICTS FOR THE
15 OFFICE OF COUNTY ROAD COMMISSIONER, TO OBTAIN THE PRINTING OF THE
16 NAME OF A PERSON AS A CANDIDATE FOR NOMINATION BY A POLITICAL PARTY
17 FOR THE OFFICE OF COUNTY ROAD COMMISSIONER UNDER A PARTICULAR PARTY
18 HEADING UPON THE OFFICIAL PRIMARY BALLOTS, THERE SHALL BE FILED
19 WITH THE COUNTY CLERK NOMINATING PETITIONS SIGNED BY A NUMBER OF
20 QUALIFIED AND REGISTERED ELECTORS RESIDING WITHIN THE SINGLE-MEMBER
21 DISTRICT OF THE COUNTY AS DETERMINED UNDER SECTION 544F. Nominating
22 petitions shall be in the form prescribed in section 544c. The
23 county clerk shall receive nominating petitions up to 4 p.m. of the
24 twelfth Tuesday ~~preceding~~ BEFORE the August primary in which county
25 road commissioners are to be elected.

26 (2) To obtain the printing of the name of a candidate of a
27 political party under the particular party's heading upon the

1 primary election ballots in the various voting precincts of the
 2 county, there may be filed by each candidate, in lieu of filing
 3 nominating petitions, a filing fee of \$100.00 to be paid to the
 4 county clerk. Payment of the fee and certification of the name of
 5 the candidate paying the fee shall be governed by the same
 6 provisions as in the case of nominating petitions. The fee shall be
 7 deposited in the general fund of the county and shall be returned
 8 to all candidates who are nominated and to an equal number of
 9 candidates who received the next highest number of votes in the
 10 primary election. If 2 or more candidates tie in having the lowest
 11 number of votes allowing a refund, the sum of \$100.00 shall be
 12 divided among them. The deposits of all other defeated candidates,
 13 as well as the deposits of candidates who withdraw or are
 14 disqualified, shall be forfeited and the candidates shall be
 15 notified of the forfeitures. Deposits forfeited under this section
 16 shall be paid into and credited to the general fund of the county.

17 Sec. 267. The office of county road commissioner in any county
 18 in this state shall become vacant upon the happening of any of the
 19 following events:

20 (A) Death of the incumbent. ~~his~~

21 (B) HIS OR HER resignation. ~~his~~

22 (C) HIS OR HER removal from office for cause. ~~his~~

23 (D) HIS OR HER ceasing to be a resident of the county where
 24 his OR HER office is located. ~~his~~

25 (E) IF REPRESENTING A SINGLE-MEMBER DISTRICT, MOVING HIS OR
 26 HER RESIDENCE OUTSIDE OF THE SINGLE-MEMBER DISTRICT.

27 (F) HIS OR HER conviction of an infamous crime ~~or~~ an offense

1 involving the violation of his **OR HER** oath of office. ~~the~~

2 (G) **THE** decision of a competent tribunal declaring his **OR HER**
3 election or appointment void. ~~his~~

4 (H) **HIS OR HER** refusal or neglect to take and subscribe to the
5 constitutional oath of office and deposit the same in the manner
6 and within the time prescribed by law. ~~or his~~

7 (I) **HIS OR HER** refusal or neglect to give bond in the amount
8 and manner and within the time prescribed by law.

9 Sec. 269. If a vacancy occurs in the office of county road
10 commissioner, a qualified person shall be appointed to fill the
11 vacancy by the county board of commissioners. **IF A VACANCY OCCURS**
12 **IN A SINGLE-MEMBER COUNTY ROAD COMMISSION DISTRICT, A QUALIFIED**
13 **PERSON FROM THAT SINGLE-MEMBER DISTRICT SHALL BE APPOINTED TO FILL**
14 **THE VACANCY BY THE COUNTY BOARD OF COMMISSIONERS.** The person so
15 appointed shall take the oath of office, give bond in the manner
16 required by law, and hold office for the remainder of the unexpired
17 term and until a successor is elected and qualified. However, in a
18 county in which county road commissioners are elected, if the next
19 general November election is to be held more than 182 days after
20 the vacancy occurs, and it is not the general November election at
21 which a successor in office would be elected if there were no
22 vacancy, the person appointed shall hold office only until a
23 successor is elected at the next general November election in the
24 manner provided by law and qualifies for office. The successor
25 shall hold the office for the remainder of the unexpired term.

26 Enacting section 1. This amendatory act does not take effect
27 unless all of the following bills of the 95th Legislature are

1 enacted into law:

2 (a) Senate Bill No. _____ or House Bill No. 5774 (request no.
3 02340'09).

4 (b) Senate Bill No. _____ or House Bill No. 5776 (request no.
5 02341'09).