

HOUSE BILL NO. 4939

September 11, 2019, Introduced by Reps. Garza, Liberati, Tyrone Carter, Brenda Carter, Haadsma, Hope, Cambensy, Coleman, Lasinski, Kennedy, Elder, Yancey, Gay-Dagnogo, Pagan, Stone, Berman, Eisen and Howell and referred to the Committee on Elections and Ethics.

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 321, 322, and 381 (MCL 168.321, 168.322, and 168.381), section 321 as amended by 2018 PA 627, section 322 as amended by 2015 PA 103, and section 381 as amended by 2018 PA 120.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 321. (1) Except as provided in ~~subsection (3)~~ **this**
2 **section** and sections 322, 327, 641, 642, 644e, 644f, 644g, and
3 646a, the qualifications, nomination, election, appointment, term



1 of office, and removal from office of a city officer must be in
2 accordance with the charter provisions governing the city.

3 **(2) Notwithstanding any charter provision, instead of filing**
4 **nominating petitions, a candidate for a city office may pay a**
5 **nonrefundable filing fee of \$100.00 to the city clerk. If a filing**
6 **fee is paid by the due date for filing nominating petitions, the**
7 **payment of the filing fee has the same effect as the filing of**
8 **nominating petitions. The filing fee must be deposited in the**
9 **general fund of the city.**

10 **(3) ~~(2)~~—**Within 3 days after the last day on which a candidate
11 for a city office may withdraw, the city clerk shall deliver to the
12 county clerk of the county in which the city is located a list
13 setting forth the name and address of each candidate for a city
14 office.

15 **(4) ~~(3)~~—**If the membership of the legislative body of a city
16 governed by the home rule city act, 1909 PA 279, MCL 117.1 to
17 117.38, is reduced to less than a quorum, unless another method of
18 appointing members of the legislative body is provided by the city
19 charter, members of the legislative body are appointed as provided
20 in this subsection. The board of county election commissioners of
21 the county in which the largest portion of the population of the
22 city resides shall appoint the number of members of the legislative
23 body required to constitute a quorum for the transaction of
24 business by the legislative body. A member of the legislative body
25 appointed under this subsection shall hold the office only until
26 the member's successor is elected and qualified. The successor
27 shall be elected at a special or regular election on the next
28 regular election date that is not less than 60 days after the
29 appointment is made. The successor shall serve for the balance of



1 the unexpired term. A member who is appointed under this subsection
2 shall not vote on the appointment of himself or herself to an
3 elective or appointive city office.

4 **(5) ~~(4)~~—**Notwithstanding another provision of law or charter to
5 the contrary, an appointment to an elective or appointive city
6 office made by a quorum constituted by appointments under this
7 section expires upon the election and qualification of a sufficient
8 number of members of the legislative body so that the elected
9 members constitute a quorum.

10 Sec. 322. **(1)** If a charter provides for nomination by caucus
11 or by filing a petition or affidavit directly for the May election,
12 the candidate filing deadline or certification deadline is 4 p.m.
13 on the fifteenth Tuesday before the May election.

14 **(2) Notwithstanding any charter provision, instead of filing**
15 **nominating petitions, a candidate for a city office may pay a**
16 **nonrefundable filing fee of \$100.00 to the city clerk. If a filing**
17 **fee is paid by the due date for filing nominating petitions, the**
18 **payment of the filing fee has the same effect as the filing of**
19 **nominating petitions. The filing fee must be deposited in the**
20 **general fund of the city.**

21 Sec. 381. (1) Except as provided in this section and sections
22 383, 641, 642, 642a, and 644g, the qualifications, nomination,
23 election, appointment, term of office, and removal from office of a
24 village officer must be as determined by the charter provisions
25 governing the village.

26 (2) If the membership of the village council of a village
27 governed by the general law village act, 1895 PA 3, MCL 61.1 to
28 74.25, is reduced to less than a quorum of 4 and a special election
29 for the purpose of filling all vacancies in the office of trustee



1 is called under section 13 of chapter II of the general law village
2 act, 1895 PA 3, MCL 62.13, temporary appointments of trustees must
3 be made as provided in this subsection. The board of county
4 election commissioners of the county in which the largest portion
5 of the population of the village is situated shall make temporary
6 appointment of the number of trustees required to constitute a
7 quorum for the transaction of business by the village council. A
8 trustee appointed under this subsection shall hold the office only
9 until the trustee's successor is elected and qualified. A trustee
10 who is temporarily appointed under this subsection shall not vote
11 on the appointment of himself or herself to an elective or
12 appointive village office.

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

19 (4) Filing for a village office must be with the township
20 clerk if the township is conducting the election or if the village
21 is located in more than 1 township with the township in which the
22 largest number of the registered electors of the village reside.
23 Nominating petitions for village offices must be filed with the
24 appropriate township clerk by 4 p.m. on the fifteenth Tuesday
25 before the general November election.

26 **(5) Notwithstanding any charter provision, instead of filing**
27 **nominating petitions, a candidate for a village office may pay a**
28 **nonrefundable filing fee of \$100.00 to the appropriate township**
29 **clerk. If a filing fee is paid by the due date for filing**



1 nominating petitions, the payment of the filing fee has the same
2 effect as the filing of nominating petitions. The filing fee must
3 be deposited in the general fund of the village.

4 (6) After a nominating petition **or filing fee** is filed for a
5 candidate for a village office, the candidate is not permitted to
6 withdraw unless a written withdrawal notice, signed by the
7 candidate, is filed with the appropriate township clerk not later
8 than 4 p.m. of the third day after the last day for filing the
9 nominating petition **or filing fee**.

