

HOUSE BILL NO. 5013

September 24, 2019, Introduced by Reps. Marino, Hornberger, Paquette and Yaroch and referred to the Committee on Elections and Ethics.

A bill to amend 1954 PA 116, entitled
"Michigan election law,"
by amending section 370 (MCL 168.370), as amended by 2014 PA 94.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 370. (1) Except as provided in section 370a or subsection
2 (2), if a vacancy occurs in an elective or appointive township
3 office, the vacancy ~~shall~~**must** be filled by appointment by the
4 township board, and the ~~person~~**individual** appointed ~~shall~~**must** hold
5 the office for the remainder of the unexpired term.



1 (2) If 1 or more vacancies occur in an elective township
 2 office that cause the number of members serving on the township
 3 board to be less than the minimum number of board members that is
 4 required to constitute a quorum for the transaction of business by
 5 the board, the board of county election commissioners shall make
 6 temporary appointment of the number of members required to
 7 constitute a quorum for the transaction of business by the township
 8 board. **An official who is temporarily appointed under this**
 9 **subsection must be a resident and qualified elector of the township**
 10 **and must also be from the same political party as the officer whom**
 11 **he or she is replacing.** An official appointed under this subsection
 12 ~~shall hold~~ holds the office only until the official's successor is
 13 elected or appointed and qualified. An official who is temporarily
 14 appointed under this subsection shall not vote on the appointment
 15 of himself or herself to an elective or appointive township office.

16 (3) If a township official submits a written resignation from
 17 an elective township office, for circumstances other than a
 18 resignation related to a recall election, that specifies a date and
 19 time when the resignation is effective, the township board, within
 20 30 days before that effective date and time, may appoint ~~a person~~
 21 **an individual** to fill the vacancy at the effective date and time of
 22 the resignation. The resigning official shall not vote on the
 23 appointment.

24 (4) Except as provided in subsection (5), if the township
 25 board does not make an appointment under subsection (3), or if a
 26 vacancy occurs in an elective township office and the vacancy is
 27 not filled by the township board or the board of county election
 28 commissioners within 45 days after the beginning of the vacancy,
 29 the county clerk of the county in which the township is located



1 shall call a special election within 5 calendar days to fill the
 2 vacancy. Not later than 4 p.m. on the fifteenth calendar day after
 3 the county clerk calls a special election under this section, the
 4 township party committee for each political party in the township
 5 shall submit a nominee to fill the vacancy. The special election
 6 ~~shall~~ **must** be held on the next regular election date that is not
 7 less than 60 days after the deadline for submitting nominees under
 8 this section or 70 days after the deadline for submitting nominees
 9 under this section if the next regular election date is the even
 10 year August primary or the general November election. Notice of the
 11 special election ~~shall~~ **must** be given in the same manner required by
 12 section 653a. A special election called under this section does not
 13 affect the rights of a qualified elector to register for any other
 14 election. ~~A person~~ **An individual** elected to fill a vacancy ~~shall~~
 15 **must be a qualified elector of the township and must** serve for the
 16 remainder of the unexpired term.

17 (5) Subsection (4) does not apply to the office of township
 18 constable. If a vacancy occurs in the office of township constable,
 19 the township board shall determine if and when the vacancy ~~shall~~
 20 **must** be filled by appointment. If the township board does not fill
 21 the vacancy by appointment, the office of township constable ~~shall~~
 22 ~~remain~~ **remains** vacant until the next general or special election in
 23 which township offices are filled.

24 Enacting section 1. This amendatory act takes effect January
 25 2, 2021.

26 Enacting section 2. This amendatory act does not take effect
 27 unless all of the following bills of the 100th Legislature are
 28 enacted into law:

29 (a) Senate Bill No. ____ or House Bill No. 5012 (request no.



1 03220'19 *).

2 (b) Senate Bill No. _____ or House Bill No. 5011 (request no.
3 03220'19 a *).

4 (c) Senate Bill No. _____ or House Bill No. 5010 (request no.
5 03945'19).

6 (d) Senate Bill No. _____ or House Bill No. 5018 (request no.
7 03947'19).

