

HOUSE BILL NO. 5287

September 14, 2021, Introduced by Rep. Martin and referred to the Committee on Local Government and Municipal Finance.

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 370 and 719 (MCL 168.370 and 168.719), section 370 as amended by 2014 PA 94 and section 719 as amended by 2018 PA 120.

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

1 township board, and the ~~person~~**individual** appointed shall hold the
2 office for the remainder of the unexpired term.

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

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

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

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

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

23 Sec. 719. The election commission of each city and township
 24 shall perform those duties relative to the preparation, printing,
 25 and delivery of ballots as are required by law of the boards of
 26 county election commissioners. The duties and privileges enjoined
 27 and granted by this act upon and to the various committees of the
 28 different political organizations are prescribed for ~~city or~~
 29 ~~township-county~~ committees in matters pertaining to any city or

1 township election, except that it is not necessary for a ~~city or~~
2 ~~township~~ **county** committee of a political party or organization to
3 furnish a heading for the ballots other than to designate the name
4 of the party or political organization that they represent. In
5 cities and townships, the names of candidates for city or township
6 offices must be given by the **county** committees of the various
7 political organizations to the board of election commissioners of
8 the city or township not less than 18 days before each election,
9 but it is not necessary for any **county** party committee to give to
10 the board of election commissioners the name of any candidate
11 nominated at an official primary election. The proof of the ballot
12 must be open to public inspection at the office of the township or
13 city clerk not less than 15 days before the election.