

# SENATE BILL NO. 1173

September 20, 2022, Introduced by Senators WOZNIAK and ANANICH and referred to the Committee on Elections.

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 205 and 209 (MCL 168.205 and 168.209), section 209 as amended by 2014 PA 94.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1           Sec. 205. ~~(1) Any person duly~~ **Except as otherwise provided in**  
2 **subsection (2), if an individual** elected to any of the county  
3 offices named in section 200, ~~of this act who~~ **other than county**  
4 **clerk or prosecuting attorney,** desires to resign, **that individual**

1 shall file a written notice containing the effective date of ~~such~~  
 2 **the** resignation with the presiding or senior judge of probate, the  
 3 county clerk, and the prosecuting attorney of ~~said-that~~ county. ÷  
 4 ~~Provided, That if~~

5 (2) For a county that is a charter county under 1966 PA 293,  
 6 MCL 45.501 to 45.521, or an optional unified form of county  
 7 government under 1973 PA 139, MCL 45.551 to 45.573, that has an  
 8 elected county executive, if an individual elected to any of the  
 9 county offices named in section 200, other than county clerk or  
 10 prosecuting attorney, desires to resign, that individual shall file  
 11 a written notice containing the effective date of the resignation  
 12 with the county executive, the chairperson of the county board of  
 13 commissioners, the presiding or senior judge of probate, the county  
 14 clerk, and the prosecuting attorney of that county.

15 (3) If an individual elected as the county clerk or the  
 16 prosecuting attorney desires to resign, ~~he-that~~ **individual** shall  
 17 file a written notice containing the effective date of ~~such-the~~  
 18 resignation with the presiding judge **or judges** of that judicial  
 19 circuit.

20 Sec. 209. (1) If a vacancy occurs in an elective or appointive  
 21 county office, ~~it shall~~ **the vacancy must** be filled in the following  
 22 manner:

23 (a) ~~(1)-~~If the vacancy is in the office of county clerk or  
 24 prosecuting attorney, ~~it shall~~ **the vacancy must** be filled by  
 25 appointment by the judge or judges of that judicial circuit.

26 (b) ~~(2)-If~~ **Except as otherwise provided in this subdivision,**  
 27 **if** the vacancy is in any other county office, the presiding or  
 28 senior judge of probate, the county clerk, and the prosecuting  
 29 attorney shall appoint a suitable ~~person~~ **individual** to fill the

1 vacancy. If the vacancy is in any other county office in a county  
2 that is a charter county under 1966 PA 293, MCL 45.501 to 45.521,  
3 or an optional unified form of county government under 1973 PA 139,  
4 MCL 45.551 to 45.573, that has an elected county executive, the  
5 county executive, the chairperson of the county board of  
6 commissioners, the presiding or senior judge of probate, the county  
7 clerk, and the prosecuting attorney shall appoint a suitable  
8 individual to fill the vacancy.

9 (2) ~~(3) A person~~ **An individual** appointed under subsection (1)  
10 shall take and subscribe to the oath as provided in section 1 of  
11 article XI of the state constitution of 1963, give bond in the  
12 manner required by law, and hold office for the remainder of the  
13 unexpired term and until a successor is elected and qualified.  
14 However, if the vacancy occurs more than 7 days before the  
15 nominating petition filing deadline as provided in section 193 for  
16 the general November election that is not the general November  
17 election at which a successor in office would be elected if there  
18 were no vacancy, the ~~person~~ **individual** appointed shall hold office  
19 only until a successor is elected at the next general November  
20 election in the manner provided by law and qualifies for office.  
21 The successor shall hold the office for the remainder of the  
22 unexpired term.