

# HOUSE BILL NO. 5701

May 01, 2024, Introduced by Reps. Koleszar, Paiz, Rheingans, Hope, Brabec, Andrews, Conlin, MacDonell, Price, Morgan, Glanville, Byrnes, Haadsma and Tsernoglou and referred to the Committee on Elections.

A bill to amend 1895 PA 3, entitled "The general law village act," by amending sections 4, 5, and 13 of chapter II and section 3 of chapter V (MCL 62.4, 62.5, 62.13, and 65.3), sections 4 and 5 of chapter II and section 3 of chapter V as amended by 2012 PA 551 and section 13 of chapter II as amended by 2003 PA 305.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

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CHAPTER II

Sec. 4. Unless otherwise provided by ordinance, the president, clerk, and treasurer hold their respective offices for the term of 2 years and until their successors are elected and qualified. The

1 term of office for a president, clerk, or treasurer elected at the  
 2 village's regular election begins on ~~November 20~~ **December 1** after  
 3 the officer's election and qualification.

4 Sec. 5. Except as otherwise provided in this section, 3  
 5 village trustees ~~shall~~ **must** be elected at each biennial village  
 6 election for the term of 4 years and until their successors are  
 7 qualified. As an alternative, if provided by an ordinance adopted  
 8 by the village, all 6 village trustees ~~shall~~ **must** be elected at the  
 9 biennial village elections for the term of 2 years and until their  
 10 successors are qualified. The term of office for a trustee elected  
 11 at the village's regular election begins on ~~November 20~~ **December 1**  
 12 after the officer's election and qualification.

13 Sec. 13. **(1)** A vacancy occurring in the office of president,  
 14 trustee, or any other elective office ~~shall~~ **must** be filled by  
 15 appointment by the council, and the appointee shall hold office  
 16 until the next regular village election. All vacancies in any other  
 17 office ~~shall~~ **must** be filled by the president, by and with the  
 18 consent of the council.

19 **(2)** If by reason of removal, death, resignation, or otherwise,  
 20 the membership of the council is reduced to less than a quorum, the  
 21 remaining council members shall call a special election for the  
 22 purpose of filling all vacancies in the office of trustee, if a  
 23 petition signed by not less than 10% of the qualified voters of the  
 24 village is filed with the village clerk within 10 days after the  
 25 vacancy or vacancies occur. If a petition is not filed within the  
 26 time ~~stated,~~ **period required under this subsection**, then the  
 27 remaining council members may either call a special election, or  
 28 may appoint a sufficient number of trustees to constitute with the  
 29 members in office a quorum of the council, who shall then fill the

1 remaining vacancies as provided in this section.

2 (3) If all the officers and trustees of a village ~~have died~~  
 3 **die** or ~~moved~~ **move** from the village, and no successors have been  
 4 elected or appointed to fill the vacancies, the township clerk of  
 5 the township within which the village is situated shall, upon  
 6 petition of 10% of the qualified voters residing in the village,  
 7 call a special election for the election of the officers and  
 8 trustees of the village to be held on a regular election date as  
 9 established under section 641 of the Michigan election law, 1954 PA  
 10 116, MCL 168.641. The township shall perform all of the other  
 11 duties with respect to the election as the village might have done  
 12 had the vacancies not existed, including the preparation of  
 13 ballots, the appointment of election inspectors, the counting and  
 14 canvassing of the ballots, and the certification of the persons  
 15 elected to the offices for which the election was held. The  
 16 expenses of the election ~~shall~~ **must** be paid by the village as  
 17 provided in section 642 of the Michigan election law, 1954 PA 116,  
 18 MCL 168.642.

19 (4) **Notwithstanding any ordinance to the contrary, an**  
 20 **individual elected to fill a vacancy shall not take the oath of**  
 21 **office until the results have been certified by the appropriate**  
 22 **board of canvassers.**

23 CHAPTER V

24 Sec. 3. (1) On ~~November 20~~ **December 1** of each year, or as soon  
 25 after that date as possible, the council shall appoint 1 of their  
 26 number president pro tempore of the council.

27 (2) In the absence of the president, the president pro tempore  
 28 presides at the council meetings, and exercises the powers and  
 29 duties of president. In the absence of the president and president

- 1 pro tempore, the member with the longest current period of
- 2 continuous service on the council presides unless otherwise
- 3 provided by council rules.