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ELECTED COUNTY EXECUTIVE: FILLING VACANCY

House Bill 5351
Sponsor: Rep. Craig DeRoche
Committee: Local Government and
Urban Policy

Complete to 12-4-03

A SUMMARY OF HOUSE BILL 5351 AS INTRODUCED 12-4-03

House Bill 5351 would amend Public Act 139 of 1973, which concerns the forms of county government, to clarify the procedures that would be used to fill the vacancy in the position of an county executive caused by death or resignation.

Currently under the law, when the office of elected county executive becomes vacant due to resignation or death, it is filled by appointment of the board of county commissioners until the next general election. Then a new county executive is elected at the next general election, following procedures outlined in the act. The newly elected county executive serves a term equal to the balance of the term for which the county executive who resigned or died was elected. House Bill 5351 would eliminate this provision.

Instead, House Bill 5351 specifies that if a vacancy occurred in the office of the elected county executive due to death or resignation, the chief deputy would take the constitutional oath of office and serve as the county executive until the county board of commissioner appointed a successor, or until a special election was held. If the commissioners elected to appoint a successor, the appointment would be made no later than 30 days from the date of the death or resignation, and the appointed person would serve until the next general election. If the commissioner did not make an appointment within the required 30 days, then a special election would be held at the earliest possible date allowed by law.

If the chief deputy was unable to serve as the county executive due to death or resignation, the next highest ranking deputy would take the oath of office and serve as the county executive until the commissioners appointed a successor, or until a special election was held.

The bill specifies that a new county executive would be elected at the next general election, as provided in section nine of the act, and the newly elected executive would serve a term equal to the balance of the term for which the county executive who died or resigned was elected.

Within 10 days after being sworn in, the county executive would be required to appoint a chief deputy, and could also appoint additional deputies whom he or she considered necessary to perform the functions and duties of the office. The executive would be required to file a statement with the county clerk identifying the individual appointed as chief deputy, as well as all other individuals appointed as deputy or assistant deputy, and identify their ranking order. However, the executive could revoke the appointments at any time.

House Bill 5351 (12-4-03)

Finally, if the county executive were absent or unable to perform the duties of the office, then the chief deputy would perform those duties until the elected executive could resume his or her work.

MCL 45.559 and 45.560

Analyst: J. Hunault

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.