

HOUSE BILL No. 6078

July 6, 2004, Introduced by Reps. Waters, Richardville and Hardman and referred to the Committee on Local Government and Urban Policy.

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 71, 161, 191, 281, 321, 342, 381, 391, 409, 411, 426b, 431, and 467 (MCL 168.71, 168.161, 168.191, 168.281, 168.321, 168.342, 168.381, 168.391, 168.409, 168.411, 168.426b, 168.431, and 168.467), sections 71, 161, 191, 281, 342, 391, 409, 411, 426b, 431, and 467 as amended by 1999 PA 218 and sections 321 and 381 as amended by 2003 PA 302.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 71. (1) A person ~~shall~~ **is** not ~~be~~ eligible ~~to~~ **for**
 2 the offices of secretary of state or attorney general if the
 3 person is not a registered and qualified elector of this state
 4 ~~by~~ **not less than 30 days before** the date the person is
 5 nominated for the office.

6 (2) A person who has been convicted of a violation of section

1 12a(1) of 1941 PA 370, MCL 38.412a, ~~shall~~ **is** not ~~be~~ eligible
2 ~~to~~ **for** the offices of secretary of state or attorney general
3 for a period of 20 years after conviction.

4 Sec. 161. (1) A person ~~shall~~ **is** not ~~be~~ eligible ~~to~~
5 **for** the office of state senator or representative unless the
6 person is a citizen of the United States and a registered and
7 qualified elector of the district he or she represents, ~~by the~~
8 ~~filing deadline,~~ as provided in section 7 of article ~~4~~ **IV** of
9 the state constitution of 1963, **not less than 30 days before the**
10 **filing deadline.**

11 (2) A person who has been convicted of a violation of section
12 12a(1) of 1941 PA 370, MCL 38.412a, ~~shall~~ **is** not ~~be~~ eligible
13 ~~to~~ **for** the office of state senator or representative for a
14 period of 20 years after conviction.

15 Sec. 191. (1) A person ~~shall~~ **is** not ~~be~~ eligible ~~to~~
16 **for** the office of county clerk, county treasurer, register of
17 deeds, prosecuting attorney, sheriff, drain commissioner,
18 surveyor, or coroner if the person is not a registered and
19 qualified elector of the county in which election is sought ~~by~~
20 **not less than 30 days before** the filing deadline.

21 (2) A person who has been convicted of a violation of section
22 12a(1) of 1941 PA 370, MCL 38.412a, ~~shall~~ **is** not ~~be~~ eligible
23 ~~to~~ **for** any of the offices enumerated in this section for a
24 period of 20 years after conviction.

25 Sec. 281. (1) A person ~~shall~~ **is** not ~~be~~ eligible ~~to~~
26 **for** membership on the state board of education, the board of
27 regents of the university of Michigan, the board of trustees of

1 Michigan state university, or the board of governors of Wayne
2 state university if the person is not a registered and qualified
3 elector of this state ~~on~~ **not less than 30 days before** the date
4 the person is nominated for the office.

5 (2) A person who has been convicted of a violation of section
6 12a(1) of 1941 PA 370, MCL 38.412a, ~~shall~~ **is** not ~~be~~ eligible
7 ~~to~~ **for** membership on any of the boards enumerated in this
8 section for a period of 20 years after conviction.

9 Sec. 321. (1) Except as provided in **this subsection,**
10 subsection (3), and sections 327, 641, 642, and 644g, the
11 qualifications, nomination, election, appointment, term of
12 office, and removal from office of a city officer shall be in
13 accordance with the charter provisions governing the city. **In**
14 **addition to the charter provisions, a person is not eligible for**
15 **a city office if the person is not a registered and qualified**
16 **elector of the city in which election is sought not less than 30**
17 **days before the filing deadline or date of appointment to the**
18 **office.**

19 (2) Within 3 days after the last day on which a candidate for
20 a city office may withdraw, the city clerk shall deliver to the
21 county clerk of the county in which the city is located a list
22 setting forth the name and address of each candidate for a city
23 office.

24 (3) If the membership of the legislative body of a city
25 governed by the home rule city act, 1909 PA 279, MCL 117.1 to
26 117.38, is reduced to less than a quorum, unless another method
27 of appointing members of the legislative body is provided by the

1 city charter, members of the legislative body are appointed as
2 provided in this subsection. The board of county election
3 commissioners of the county in which the largest portion of the
4 population of the city resides shall appoint the number of
5 members of the legislative body required to constitute a quorum
6 for the transaction of business by the legislative body. A
7 member of the legislative body appointed under this subsection
8 shall hold the office only until the member's successor is
9 elected and qualified. The successor shall be elected at a
10 special or regular election on the next regular election date
11 that is not less than 60 days after the appointment is made. The
12 successor shall serve for the balance of the unexpired term. A
13 member who is appointed under this subsection shall not vote on
14 the appointment of himself or herself to an elective or
15 appointive city office.

16 (4) Notwithstanding another provision of law or charter to
17 the contrary, an appointment to an elective or appointive city
18 office made by a quorum constituted by appointments under this
19 section expires upon the election and qualification of a
20 sufficient number of members of the legislative body so that the
21 elected members constitute a quorum.

22 Sec. 342. (1) A person ~~shall~~ **is** not ~~be~~ eligible ~~to~~
23 **for** a township office unless the person is a registered and
24 qualified elector of the township in which election is sought
25 ~~by~~ **not less than 30 days before** the filing deadline. A person
26 ~~shall~~ **is** not ~~be~~ eligible for membership on the board of
27 review unless, in addition to the qualifications for eligibility

1 to a township office, the person is a landowner and taxpayer in
2 the township.

3 (2) A person who has been convicted of a violation of section
4 12a(1) of 1941 PA 370, MCL 38.412a, ~~shall~~ **is** not ~~be~~ eligible
5 for election or appointment to an elective or appointive township
6 office for a period of 20 years after conviction.

7 Sec. 381. (1) Except as provided in **this subsection,**
8 subsection (2), and sections 383, 641, 642, and 644g, the
9 qualifications, nomination, election, appointment, term of
10 office, and removal from office of a village officer shall be as
11 determined by the charter provisions governing the village. **In**
12 **addition to the charter provisions, a person is not eligible for**
13 **a village office if the person is not a registered and qualified**
14 **elector of the village in which election is sought not less than**
15 **30 days before the filing deadline or date of appointment to the**
16 **office.**

17 (2) If the membership of the village council of a village
18 governed by the general law village act, 1895 PA 3, MCL 61.1 to
19 74.25, is reduced to less than a quorum of 4 and a special
20 election for the purpose of filling all vacancies in the office
21 of trustee is called under section 13 of chapter II of the
22 general law village act, 1895 PA 3, MCL 62.13, temporary
23 appointments of trustees shall be made as provided in this
24 subsection. The board of county election commissioners of the
25 county in which the largest portion of the population of the
26 village is situated shall make temporary appointment of the
27 number of trustees required to constitute a quorum for the

1 transaction of business by the village council. A trustee
2 appointed under this subsection shall hold the office only until
3 the trustee's successor is elected and qualified. A trustee who
4 is temporarily appointed under this subsection shall not vote on
5 the appointment of himself or herself to an elective or
6 appointive village office.

7 (3) Notwithstanding another provision of law or charter to
8 the contrary, an appointment to an elective or appointive village
9 office made by a quorum constituted by temporary appointments
10 under this subsection expires upon the election and qualification
11 of trustees under the special election called to fill the
12 vacancies in the office of trustee.

13 Sec. 391. (1) A person ~~shall~~ **is** not ~~be~~ eligible ~~to~~
14 **for** the office of justice of the supreme court unless the person
15 is a registered and qualified elector of this state ~~by~~ **not less**
16 **than 30 days before** the filing deadline or the date the person
17 files the affidavit of candidacy, is licensed to practice law in
18 this state, and at the time of election or appointment is less
19 than 70 years of age.

20 (2) A person who has been convicted of a violation of section
21 12a(1) of 1941 PA 370, MCL 38.412a, ~~shall~~ **is** not ~~be~~ eligible
22 for election or appointment to the office of justice of the
23 supreme court for a period of 20 years after conviction.

24 Sec. 409. (1) A person ~~shall~~ **is** not ~~be~~ eligible for the
25 office of judge of the court of appeals unless the person is a
26 registered and qualified elector of the appellate court district
27 in which election is sought ~~by~~ **not less than 30 days before** the

1 filing deadline or the date the person files the affidavit of
2 candidacy, is licensed to practice law in this state, and, at the
3 time of election or appointment, is less than 70 years of age.

4 (2) A person who has been convicted of a violation of section
5 12a(1) of 1941 PA 370, MCL 38.412a, ~~shall~~ **is** not ~~be~~ eligible
6 for election or appointment to the office of judge of the court
7 of appeals for a period of 20 years after conviction.

8 Sec. 411. (1) A person ~~shall~~ **is** not ~~be~~ eligible ~~to~~
9 **for** the office of judge of the circuit court unless the person is
10 a registered and qualified elector of the judicial circuit in
11 which election is sought ~~by~~ **not less than 30 days before** the
12 filing deadline or the date the person files the affidavit of
13 candidacy, as provided in section 11 of article VI of the state
14 constitution of 1963, is licensed to practice law in this state,
15 and, at the time of election, is less than 70 years of age.

16 (2) A person who has been convicted of a violation of section
17 12a(1) of 1941 PA 370, MCL 38.412a, ~~shall~~ **is** not ~~be~~ eligible
18 for election or appointment to the office of judge of the circuit
19 court for a period of 20 years after conviction.

20 Sec. 426b. (1) A person ~~shall~~ **is** not ~~be~~ eligible ~~to~~
21 **for** the office of judge of a municipal court of record as
22 described in section 426a unless the person is a registered and
23 qualified elector of the municipality in which election is sought
24 ~~by~~ **not less than 30 days before** the filing deadline or the date
25 the person files the affidavit of candidacy, is licensed to
26 practice law in this state, and, at the time of election, is less
27 than 70 years of age.

1 (2) A person who has been convicted of a violation of section
2 12a(1) of 1941 PA 370, MCL 38.412a, ~~shall~~ **is** not ~~be~~ eligible
3 for election or appointment to the office of judge of a municipal
4 court of record as described in section 426a for a period of 20
5 years after conviction.

6 Sec. 431. (1) A person ~~shall~~ **is** not ~~be~~ eligible ~~to~~
7 **for** the office of judge of probate unless the person is a
8 registered and qualified elector of the county in which election
9 is sought, ~~by~~ **as provided in section 16 of article VI of the**
10 **state constitution of 1963, not less than 30 days before** the
11 filing deadline or the date the person files the affidavit of
12 candidacy, ~~as provided in section 16 of article VI of the state~~
13 ~~constitution of 1963,~~ is licensed to practice law in this state
14 except as provided in section 7 of the schedule and temporary
15 provisions of the state constitution of 1963, and, at the time of
16 election, is less than 70 years of age.

17 (2) A person who has been convicted of a violation of section
18 12a(1) of 1941 PA 370, MCL 38.412a, ~~shall~~ **is** not ~~be~~ eligible
19 for election or appointment to the office of judge of probate for
20 a period of 20 years after conviction.

21 Sec. 467. (1) A person ~~shall~~ **is** not ~~be~~ eligible for the
22 office of judge of the district court unless the person is a
23 registered and qualified elector of the judicial district and
24 election division in which election is sought ~~by~~ **not less than**
25 **30 days before** the filing deadline or the date the person files
26 the affidavit of candidacy, is licensed to practice law in this
27 state, and, at the time of election or appointment, is less than

1 70 years of age.

2 (2) A person who has been convicted of a violation of section
3 12a(1) of 1941 PA 370, MCL 38.412a, ~~shall~~ **is** not ~~be~~ eligible
4 for election or appointment to the office of judge of the
5 district court for a period of 20 years after conviction.