

SENATE BILL No. 82

January 25, 2005, Introduced by Senators CASSIS, SWITALSKI, GARCIA and GOSCHKA
and referred to the Committee on Government Operations.

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, section 321 as
amended by 2003 PA 302, and section 381 as amended by 2004 PA 290.

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 person
3 is not a registered and qualified elector of this state ~~by~~ **NOT**

1 **LESS THAN 30 DAYS BEFORE** the date the person is nominated for the
2 office.

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 ~~to~~ **FOR** the offices of secretary of state or attorney general for a
6 period of 20 years after conviction.

7 Sec. 161. (1) A person ~~shall~~ **IS** not ~~be~~ eligible ~~to~~ **FOR**
8 the office of state senator or representative unless the person is
9 a citizen of the United States and, **BY NOT LESS THAN 30 DAYS BEFORE**
10 **THE FILING DEADLINE**, a registered and qualified elector of the
11 district he or she represents, ~~by the filing deadline,~~ as
12 provided in section 7 of article ~~4~~ **IV** of the state constitution
13 of 1963.

14 (2) A person who has been convicted of a violation of section
15 12a(1) of 1941 PA 370, MCL 38.412a, ~~shall~~ **IS** not ~~be~~ eligible
16 ~~to~~ **FOR** the office of state senator or representative for a period
17 of 20 years after conviction.

18 Sec. 191. (1) A person ~~shall~~ **IS** not ~~be~~ eligible ~~to~~ **FOR**
19 the office of county clerk, county treasurer, register of deeds,
20 prosecuting attorney, sheriff, drain commissioner, surveyor, or
21 coroner if the person is not a registered and qualified elector of
22 the county in which election is sought ~~by~~ **NOT LESS THAN 30 DAYS**
23 **BEFORE** the filing deadline.

24 (2) A person who has been convicted of a violation of section
25 12a(1) of 1941 PA 370, MCL 38.412a, ~~shall~~ **IS** not ~~be~~ eligible
26 ~~to~~ **FOR** any of the offices enumerated in this section for a period
27 of 20 years after conviction.

1 Sec. 281. (1) A person ~~shall~~ **IS** not ~~be~~ eligible ~~to~~ **FOR**
2 membership on the state board of education, the board of regents of
3 the university of Michigan, the board of trustees of Michigan state
4 university, or the board of governors of Wayne state university if
5 the person is not a registered and qualified elector of this state
6 ~~en~~ **NOT LESS THAN 30 DAYS BEFORE** the date the person is nominated
7 for the office.

8 (2) A person who has been convicted of a violation of section
9 12a(1) of 1941 PA 370, MCL 38.412a, ~~shall~~ **IS** not ~~be~~ eligible
10 ~~to~~ **FOR** membership on any of the boards enumerated in this section
11 for a period of 20 years after conviction.

12 Sec. 321. (1) Except as provided in **THIS SUBSECTION,**
13 subsection (3), and sections 327, 641, 642, **642A**, and 644g, the
14 qualifications, nomination, election, appointment, term of office,
15 and removal from office of a city officer shall be in accordance
16 with the charter provisions governing the city. **IN ADDITION TO THE**
17 **CHARTER PROVISIONS, A PERSON IS NOT ELIGIBLE FOR A CITY OFFICE IF**
18 **THE PERSON IS NOT A REGISTERED AND QUALIFIED ELECTOR OF THE CITY IN**
19 **WHICH ELECTION IS SOUGHT NOT LESS THAN 30 DAYS BEFORE THE FILING**
20 **DEADLINE OR DATE OF APPOINTMENT TO THE OFFICE.**

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

26 (3) If the membership of the legislative body of a city
27 governed by the home rule city act, 1909 PA 279, MCL 117.1 to

1 117.38, is reduced to less than a quorum, unless another method of
2 appointing members of the legislative body is provided by the city
3 charter, members of the legislative body are appointed as provided
4 in this subsection. The board of county election commissioners of
5 the county in which the largest portion of the population of the
6 city resides shall appoint the number of members of the legislative
7 body required to constitute a quorum for the transaction of
8 business by the legislative body. A member of the legislative body
9 appointed under this subsection shall hold the office only until
10 the member's successor is elected and qualified. The successor
11 shall be elected at a special or regular election on the next
12 regular election date that is not less than 60 days after the
13 appointment is made. The successor shall serve for the balance of
14 the unexpired term. A member who is appointed under this subsection
15 shall not vote on the appointment of himself or herself to an
16 elective or appointive city office.

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

23 Sec. 342. (1) A person ~~shall~~ **IS** not ~~be~~ eligible ~~to~~ **FOR** a
24 township office unless the person is a registered and qualified
25 elector of the township in which election is sought ~~by~~ **NOT LESS**
26 **THAN 30 DAYS BEFORE** the filing deadline. A person ~~shall~~ **IS** not
27 ~~be~~ eligible for membership on the board of review unless, in

1 addition to the qualifications for eligibility to a township
2 office, the person is a landowner and taxpayer in 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 subsection (2) and
8 sections 383, 641, 642, and 644g, the qualifications, nomination,
9 election, appointment, term of office, and removal from office of a
10 village officer shall be as determined by the charter provisions
11 governing the village. **IN ADDITION TO THE CHARTER PROVISIONS, A**
12 **PERSON IS NOT ELIGIBLE FOR A VILLAGE OFFICE IF THE PERSON IS NOT A**
13 **REGISTERED AND QUALIFIED ELECTOR OF THE VILLAGE IN WHICH ELECTION**
14 **IS SOUGHT NOT LESS THAN 30 DAYS BEFORE THE FILING DEADLINE OR DATE**
15 **OF APPOINTMENT TO THE OFFICE.**

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

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

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

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

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

22 Sec. 409. (1) A person ~~shall~~ **IS** not ~~be~~ eligible for the
23 office of judge of the court of appeals unless the person is a
24 registered and qualified elector of the appellate court district in
25 which election is sought ~~by~~ **NOT LESS THAN 30 DAYS BEFORE** the
26 filing deadline or the date the person files the affidavit of
27 candidacy, is licensed to practice law in this state, and, at the

1 time of election or appointment, is less than 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 court of
5 appeals for a period of 20 years after conviction.

6 Sec. 411. (1) A person ~~shall~~ **IS** not ~~be~~ eligible ~~to~~ **FOR**
7 the office of judge of the circuit court unless the person is a
8 registered and qualified elector of the judicial circuit in which
9 election is sought ~~by~~ **NOT LESS THAN 30 DAYS BEFORE** the filing
10 deadline or the date the person files the affidavit of candidacy,
11 as provided in section ~~11~~ **22** of article VI of the state
12 constitution of 1963, is licensed to practice law in this state,
13 and, at the time of election, is less than 70 years of age.

14 (2) A person who has been convicted of a violation of section
15 12a(1) of 1941 PA 370, MCL 38.412a, ~~shall~~ **IS** not ~~be~~ eligible
16 for election or appointment to the office of judge of the circuit
17 court for a period of 20 years after conviction.

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

26 (2) A person who has been convicted of a violation of section
27 12a(1) of 1941 PA 370, MCL 38.412a, ~~shall~~ **IS** not ~~be~~ eligible

1 for election or appointment to the office of judge of a municipal
2 court of record as described in section 426a for a period of 20
3 years after conviction.

4 Sec. 431. (1) A person ~~shall~~ **IS** not ~~be~~ eligible ~~to~~ **FOR**
5 the office of judge of probate unless the person is a registered
6 and qualified elector of the county in which election is sought by
7 **NOT LESS THAN 30 DAYS BEFORE** the filing deadline or the date the
8 person files the affidavit of candidacy, as provided in section ~~16~~
9 **22** of article VI of the state constitution of 1963, is licensed to
10 practice law in this state except as provided in section 7 of the
11 schedule and temporary provisions of the state constitution of
12 1963, and, at the time of election, is less than 70 years of age.

13 (2) A person who has been convicted of a violation of section
14 12a(1) of 1941 PA 370, MCL 38.412a, ~~shall~~ **IS** not ~~be~~ eligible
15 for election or appointment to the office of judge of probate for a
16 period of 20 years after conviction.

17 Sec. 467. (1) A person ~~shall~~ **IS** not ~~be~~ eligible for the
18 office of judge of the district court unless the person is a
19 registered and qualified elector of the judicial district and
20 election division in which election is sought ~~by~~ **NOT LESS THAN 30**
21 **DAYS BEFORE** the filing deadline or the date the person files the
22 affidavit of candidacy, is licensed to practice law in this state,
23 and, at the time of election or appointment, is less than 70 years
24 of age.

25 (2) A person who has been convicted of a violation of section
26 12a(1) of 1941 PA 370, MCL 38.412a, ~~shall~~ **IS** not ~~be~~ eligible
27 for election or appointment to the office of judge of the district

1 court for a period of 20 years after conviction.