

# HOUSE BILL No. 5336

February 1, 2012, Introduced by Reps. Johnson, MacMaster, Daley and Haveman and referred to the Committee on Redistricting and Elections.

A bill to amend 1954 PA 116, entitled  
"Michigan election law,"  
by amending sections 191, 195, 200, 203, 204, 205, 206, 206a,  
209, 697, 699, and 706 (MCL 168.191, 168.195, 168.200, 168.203,  
168.204, 168.205, 168.206, 168.206a, 168.209, 168.697, 168.699,  
and 168.706), section 191 as amended by 1999 PA 218, section 200  
as amended by 1998 PA 364, section 209 as amended by 1990 PA 7,  
section 699 as amended by 2005 PA 71, and section 706 as amended  
by 1985 PA 160, and by adding chapter XA.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 191. (1) A person ~~shall~~**IS** not ~~be~~ eligible to the  
2 office of county clerk, county treasurer, register of deeds,  
3 ~~prosecuting attorney, sheriff, drain commissioner, surveyor, or~~  
4 coroner if the person is not a registered and qualified elector

1 of the county in which election is sought by the filing deadline.

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

6 Sec. 195. ~~When any~~**IF A** candidate of a political party for  
7 ~~any of the following offices: Prosecuting attorney, sheriff, THE~~  
8 **OFFICE OF** county clerk, county treasurer, register of deeds,  
9 drain commissioner, coroner, or surveyor, ~~as the case may be,~~  
10 after having qualified as a candidate, ~~shall die,~~**DIES** after the  
11 last day for qualifying, leaving ~~such~~**THE** party without a  
12 candidate for the offices named above, a candidate to fill the  
13 vacancy ~~thereby caused~~ may be selected by the members of the  
14 county committee of ~~such~~**THE** candidate's political party. ~~, and~~  
15 ~~the~~**THE** name of the candidate ~~so~~ selected shall be transmitted to  
16 the county officials required by law to print and distribute  
17 ballots, and ~~such~~**THOSE** county officials shall cause to be  
18 printed a sufficient number of gummed labels or stickers bearing  
19 the name of the candidate, which shall be distributed to the  
20 various voting precincts within their respective counties. ~~, and~~  
21 ~~the~~**THE** board of election inspectors of each ~~such~~ precinct shall  
22 cause 1 of ~~such~~**THE** stickers to be placed on each ballot over the  
23 name of the candidate who has died before ~~such~~**THE** ballot is  
24 handed to the elector.

25 Sec. 200. (1) A county clerk, a county treasurer, a register  
26 of deeds, ~~a prosecuting attorney, a sheriff, a drain~~  
27 commissioner, and a surveyor shall be elected at the 2000 general

1 November election and every fourth year after that. However, in a  
2 county in which 1 of these offices is abolished or combined as  
3 provided by law, no person shall be elected to that office in  
4 that county.

5 (2) Subject to subsections (3), (4), and (5), a county board  
6 of commissioners may by resolution combine the offices of county  
7 clerk and register of deeds in 1 office of the clerk register or  
8 separate the office of the clerk register into the offices of  
9 county clerk and register of deeds. A combination or separation  
10 of offices shall not take effect before the expiration of the  
11 current term of the affected offices.

12 (3) Before adopting a resolution to combine the offices of  
13 county clerk and register of deeds or separate the office of  
14 clerk register into the offices of county clerk and register of  
15 deeds, a county board of commissioners shall study the question  
16 of combining or separating the offices. The mandatory  
17 requirements of this subsection may be satisfied by conducting a  
18 public hearing pursuant to subsection (4).

19 (4) The county board of commissioners as a whole body shall  
20 hold not ~~less~~ **FEWER** than 1 public hearing, held subject to the  
21 open meetings act, 1976 PA 267, MCL 15.261 to 15.275, on the  
22 question of combining or separating the offices of county clerk  
23 and register of deeds. The county board of commissioners may vote  
24 on the question as a regularly scheduled agenda item not less  
25 than 10 days or more than 30 days after the last public hearing  
26 held by the county board of commissioners on the question.

27 (5) Not later than the sixth Tuesday before the deadline for

1 filing the nominating petitions for the office of county clerk,  
 2 register of deeds, or clerk register, the county board of  
 3 commissioners may by a vote of 2/3 of the commissioners elected  
 4 and serving combine the offices of county clerk and register of  
 5 deeds or separate the office of the clerk register. The  
 6 resolution shall become effective upon the commencement of the  
 7 next term of office of the county clerk, register of deeds, or  
 8 clerk register after the adoption of the resolution.

9       Sec. 203. The term of office of the county clerk, county  
 10 treasurer, register of deeds, ~~prosecuting attorney, sheriff,~~  
 11 drain commissioner, surveyor, and coroner ~~shall begin~~ **BEGINS** on  
 12 January 1 next following the election ~~,—~~and continues until a  
 13 successor is elected and qualified, except that in counties  
 14 having a population of 1,000,000 or more the term of office of  
 15 the county treasurer ~~shall begin~~ **BEGINS** on July 1 next following  
 16 the election.

17       Sec. 204. Every person elected to an office named in section  
 18 200, ~~of this act,~~ before entering upon the duties of his **OR HER**  
 19 office, shall take and subscribe to the oath as provided in  
 20 section 1 of article ~~11~~ **XI** of the state constitution **OF 1963** and  
 21 ~~, with the exception of the prosecuting attorney,~~ shall give bond  
 22 in the amount and manner prescribed by law and shall deposit ~~said~~  
 23 **THE** oath with the county clerk and ~~said~~ **THE** bond with the county  
 24 treasurer. The county treasurer shall file his **OR HER** bond with  
 25 the county clerk.

26       Sec. 205. ~~Any~~ **A** person ~~duly~~ elected to any of the county  
 27 offices named in section 200 ~~of this act~~ who desires to resign

1 shall file a written notice containing the effective date of ~~such~~  
 2 **THE** resignation with the presiding or senior judge of probate,  
 3 the county clerk, and the prosecuting attorney of ~~said~~**THE**  
 4 county. ~~± Provided, That if~~ **IF** the county clerk ~~or the~~  
 5 ~~prosecuting attorney~~ desires to resign, he **OR SHE** shall file a  
 6 written notice containing the effective date of ~~such~~**THE**  
 7 resignation with the presiding judge of that judicial circuit.

8 Sec. 206. The office of county clerk, county treasurer,  
 9 register of deeds, ~~prosecuting attorney, sheriff, drain~~  
 10 commissioner, surveyor, or coroner in any county in this state  
 11 ~~shall become~~ **BECOMES** vacant upon the happening of any of the  
 12 following events:

13 (A) Death of the incumbent. ~~± his~~

14 (B) **THE INCUMBENT'S** resignation. ~~± his~~

15 (C) **THE INCUMBENT'S** removal from office for cause. ~~± his~~

16 (D) **THE INCUMBENT'S** ceasing to be a resident of the county  
 17 in which his **OR HER** office is located. ~~± his~~

18 (E) **THE INCUMBENT'S** conviction of an infamous crime or an  
 19 offense involving the violation of his **OR HER** oath of office. ~~±~~  
 20 ~~the~~

21 (F) **THE** decision of a competent tribunal declaring ~~his~~**THE**  
 22 **INCUMBENT'S** election or appointment void. ~~± his~~

23 (G) **THE INCUMBENT'S** refusal or neglect to take and subscribe  
 24 to the constitutional oath of office and deposit the same in the  
 25 manner and within the time prescribed by law. ~~± or his~~

26 (H) **THE INCUMBENT'S** refusal or neglect to give bond in the  
 27 amount and manner and within the time prescribed by law.

1       Sec. 206a. ~~Whenever any~~ **IF A** person elected to the office of  
 2 county clerk, county treasurer, register of deeds, ~~prosecuting~~  
 3 ~~attorney, sheriff, drain commissioner, surveyor, or coroner in~~  
 4 any county ~~shall die~~ **DIES** before the commencement of the term for  
 5 which he **OR SHE** was elected, there ~~shall be~~ **IS** a vacancy for the  
 6 term to which ~~such~~ **THE** person was elected ~~to~~ **AND THE VACANCY**  
 7 **SHALL** be filled according to law. The vacancy shall be filled  
 8 within 15 days after the beginning of the term for which he **OR**  
 9 **SHE** was elected.

10       Sec. 209. If a vacancy occurs in an elective or appointive  
 11 county office, it shall be filled in the following manner:

12       (1) If the vacancy is in the office of county clerk, ~~or~~  
 13 ~~prosecuting attorney,~~ it shall be filled by appointment by the  
 14 judge or judges of that judicial circuit.

15       (2) If the vacancy is in any other county office **NAMED IN**  
 16 **SECTION 200**, the presiding or senior judge of probate, the county  
 17 clerk, and the prosecuting attorney shall appoint a suitable  
 18 person to fill the vacancy.

19       (3) A person appointed shall take and subscribe to the oath  
 20 as provided in section 1 of article XI of the state constitution  
 21 of 1963, give bond in the manner required by law, and hold office  
 22 for the remainder of the unexpired term and until a successor is  
 23 elected and qualified. However, if the next general November  
 24 election is to be held more than 182 days after the vacancy  
 25 occurs, and it is not the general November election at which a  
 26 successor in office would be elected if there were no vacancy,  
 27 the person appointed shall hold office only until a successor is

1 elected at the next general November election in the manner  
2 provided by law and qualifies for office. The successor shall  
3 hold the office for the remainder of the unexpired term.

#### 4 CHAPTER XA

##### 5 PROSECUTING ATTORNEY AND SHERIFF

6 SEC. 212. (1) A PERSON IS NOT ELIGIBLE TO THE OFFICE OF  
7 PROSECUTING ATTORNEY OR SHERIFF IF THE PERSON IS NOT A REGISTERED  
8 AND QUALIFIED ELECTOR OF THE COUNTY IN WHICH THE ELECTION IS  
9 SOUGHT BY THE FILING DEADLINE.

10 (2) A PERSON WHO HAS BEEN CONVICTED OF A VIOLATION OF  
11 SECTION 12A(1) OF 1941 PA 370, MCL 38.412A, IS NOT ELIGIBLE TO  
12 ANY OF THE OFFICES ENUMERATED IN THIS SECTION FOR A PERIOD OF 20  
13 YEARS AFTER CONVICTION.

14 SEC. 213. A GENERAL NONPARTISAN PRIMARY ELECTION SHALL BE  
15 HELD IN EVERY COUNTY OF THIS STATE ON THE TUESDAY AFTER THE FIRST  
16 MONDAY IN AUGUST BEFORE EVERY GENERAL NOVEMBER ELECTION AT WHICH  
17 A PROSECUTING ATTORNEY AND SHERIFF ARE TO BE ELECTED, AT WHICH  
18 TIME THE QUALIFIED AND REGISTERED ELECTORS MAY VOTE FOR  
19 NONPARTISAN CANDIDATES FOR THE OFFICES OF PROSECUTING ATTORNEY  
20 AND SHERIFF. IF UPON THE EXPIRATION OF THE TIME FOR FILING  
21 PETITIONS OR A FILING FEE FOR THE PRIMARY ELECTION OF THE  
22 PROSECUTING ATTORNEY AND SHERIFF IN ANY COUNTY IT APPEARS THAT  
23 THERE ARE NOT TO EXCEED TWICE THE NUMBER OF CANDIDATES AS THERE  
24 ARE PERSONS TO BE ELECTED, THEN THE COUNTY CLERK SHALL CERTIFY TO  
25 THE COUNTY BOARD OF ELECTION COMMISSIONERS THE NAME OF THE  
26 CANDIDATE FOR PROSECUTING ATTORNEY OR SHERIFF WHOSE PETITIONS  
27 HAVE BEEN PROPERLY FILED AND THAT CANDIDATE SHALL BE THE NOMINEE

1 FOR THE OFFICE OF PROSECUTING ATTORNEY OR SHERIFF AND SHALL BE SO  
2 CERTIFIED. AS TO THAT OFFICE, THERE SHALL BE NO PRIMARY ELECTION  
3 AND THIS OFFICE SHALL BE OMITTED FROM THE PRIMARY BALLOT.

4 SEC. 213A. (1) SUBJECT TO SUBSECTION (2), TO OBTAIN THE  
5 PRINTING OF THE NAME OF A PERSON AS A CANDIDATE FOR NOMINATION  
6 FOR THE OFFICE OF PROSECUTING ATTORNEY OR SHERIFF UPON THE  
7 OFFICIAL NONPARTISAN PRIMARY BALLOTS, THERE SHALL BE FILED WITH  
8 THE COUNTY CLERK NOMINATING PETITIONS SIGNED BY A NUMBER OF  
9 QUALIFIED AND REGISTERED ELECTORS RESIDING WITHIN THE COUNTY AS  
10 DETERMINED UNDER SECTION 544F. NOMINATING PETITIONS SHALL BE IN  
11 THE FORM PRESCRIBED IN SECTION 544A. THE COUNTY CLERK SHALL  
12 RECEIVE NOMINATING PETITIONS UP TO 4 P.M. OF THE TWELFTH TUESDAY  
13 BEFORE THE AUGUST PRIMARY.

14 (2) INSTEAD OF FILING NOMINATING PETITIONS, A CANDIDATE FOR  
15 PROSECUTING ATTORNEY OR SHERIFF MAY PAY A FILING FEE OF \$100.00  
16 TO THE COUNTY CLERK. PAYMENT OF THE FILING FEE AND CERTIFICATION  
17 OF THE CANDIDATE'S NAME PAYING THE FILING FEE SHALL BE GOVERNED  
18 BY THE SAME PROVISIONS AS IN THE CASE OF NOMINATING PETITIONS.  
19 THE FEE SHALL BE DEPOSITED IN THE GENERAL FUND OF THE COUNTY.

20 (3) THE NOMINATING PETITION SIGNATURES FILED UNDER THIS  
21 SECTION ARE SUBJECT TO CHALLENGE AS PROVIDED IN SECTION 552.

22 SEC. 214. AFTER THE FILING OF A NOMINATING PETITION OR  
23 FILING FEE BY OR ON BEHALF OF A PROPOSED CANDIDATE FOR THE OFFICE  
24 OF PROSECUTING ATTORNEY OR SHERIFF, THE PROPOSED CANDIDATE IS NOT  
25 PERMITTED TO WITHDRAW UNLESS HE OR SHE SERVES A WRITTEN NOTICE OF  
26 WITHDRAWAL ON THE COUNTY CLERK OR HIS OR HER DULY AUTHORIZED  
27 AGENT NOT LATER THAN 4 P.M., EASTERN STANDARD TIME, IN THE



1 AFTERNOON OF THE THIRD DAY AFTER THE LAST DAY FOR FILING THE  
2 NOMINATING PETITION OR FILING FEE. IF THE THIRD DAY FALLS ON A  
3 SATURDAY, SUNDAY, OR LEGAL HOLIDAY, THE NOTICE OF WITHDRAWAL MAY  
4 BE SERVED ON THE COUNTY CLERK UP TO 4 P.M., EASTERN STANDARD  
5 TIME, ON THE NEXT SECULAR DAY.

6 SEC. 215. THE CANDIDATES FOR THE OFFICES OF PROSECUTING  
7 ATTORNEY AND SHERIFF RECEIVING THE LARGEST NUMBER OF VOTES AT A  
8 PRIMARY ELECTION, TO A NUMBER EQUAL TO TWICE THE NUMBER OF PLACES  
9 TO BE FILLED AS SET FORTH IN THE REPORT OF THE BOARD OF COUNTY  
10 CANVASSERS, BASED ON THE RETURNS FROM THE VARIOUS ELECTION  
11 PRECINCTS OR AS DETERMINED BY THE BOARD OF COUNTY CANVASSERS AS  
12 THE RESULT OF A RECOUNT, SHALL BE DECLARED THE NOMINEES FOR THE  
13 OFFICES OF PROSECUTING ATTORNEY AND SHERIFF AT THE NEXT NOVEMBER  
14 ELECTION. THE BOARD OF COUNTY CANVASSERS SHALL CERTIFY THE  
15 NOMINATIONS TO THE COUNTY ELECTION COMMISSION.

16 SEC. 215A. (1) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION,  
17 A PROSECUTING ATTORNEY AND SHERIFF SHALL BE ELECTED IN EACH  
18 COUNTY IN WHICH A PROSECUTING ATTORNEY AND SHERIFF ARE TO BE  
19 ELECTED BY LAW.

20 (2) IF THERE ARE FEWER NOMINEES FOR THE OFFICE OF  
21 PROSECUTING ATTORNEY OR SHERIFF THAN THERE ARE PERSONS TO BE  
22 ELECTED BECAUSE OF THE DEATH OR DISQUALIFICATION OF A NOMINEE  
23 LESS THAN 66 DAYS BEFORE THE GENERAL NOVEMBER ELECTION, THEN A  
24 PERSON SHALL NOT BE ELECTED AT THAT GENERAL NOVEMBER ELECTION TO  
25 THAT OFFICE FOR WHICH THERE IS NO NOMINEE.

26 SEC. 216. A PROSECUTING ATTORNEY AND SHERIFF SHALL BE  
27 ELECTED AT THE 2012 GENERAL NOVEMBER ELECTION AND EVERY FOURTH

1 YEAR AFTER THAT.

2 SEC. 217. THE BOARD OF COUNTY CANVASSERS SHALL DETERMINE  
3 WHICH CANDIDATES FOR THE OFFICES NAMED IN SECTION 212 RECEIVED  
4 THE GREATEST NUMBER OF VOTES AND SHALL DECLARE THOSE CANDIDATES  
5 ELECTED. THE BOARD OF COUNTY CANVASSERS SHALL MAKE AND SUBSCRIBE  
6 ON ITS STATEMENT OF RETURNS A CERTIFICATE OF THE DETERMINATION  
7 AND DELIVER THE CERTIFICATE TO THE COUNTY CLERK WITHIN 14 DAYS  
8 AFTER THE DATE OF THE ELECTION.

9 SEC. 217A. THE COUNTY CLERK SHALL FILE IN HIS OR HER OFFICE  
10 AND PRESERVE THE ORIGINAL STATEMENT AND DETERMINATION OF THE  
11 BOARD OF CANVASSERS OF THE RESULTS OF THE ELECTION AND SHALL  
12 EXECUTE AND CAUSE TO BE DELIVERED TO THE PERSONS DECLARED ELECTED  
13 TO THE OFFICES NAMED IN SECTION 212 A PROPERLY CERTIFIED  
14 CERTIFICATE OF ELECTION, CERTIFIED BY HIM OR HER UNDER THE SEAL  
15 OF THE COUNTY. THE COUNTY CLERK MAY CAUSE A COPY OF THE  
16 CERTIFICATE OF DETERMINATION AND THE STATEMENT OF THE VOTES CAST  
17 AT THE ELECTION FOR THE OFFICES TO BE PUBLISHED IN AT LEAST 1  
18 NEWSPAPER PRINTED OR CIRCULATED, OR BOTH, IN THAT COUNTY.

19 SEC. 217B. THE TERM OF OFFICE OF THE PROSECUTING ATTORNEY  
20 AND SHERIFF BEGINS ON JANUARY 1 NEXT FOLLOWING AN ELECTION AND  
21 CONTINUES UNTIL A SUCCESSOR IS ELECTED AND QUALIFIED.

22 SEC. 218. (1) A PERSON ELECTED AS SHERIFF, BEFORE ENTERING  
23 UPON THE DUTIES OF HIS OR HER OFFICE, SHALL TAKE AND SUBSCRIBE TO  
24 THE OATH AS PROVIDED IN SECTION 1 OF ARTICLE XI OF THE STATE  
25 CONSTITUTION OF 1963 AND SHALL GIVE BOND IN THE AMOUNT AND MANNER  
26 PRESCRIBED BY LAW AND SHALL DEPOSIT THE OATH WITH THE COUNTY  
27 CLERK AND THE BOND WITH THE COUNTY TREASURER.

1 (2) A PERSON ELECTED AS PROSECUTING ATTORNEY, BEFORE  
2 ENTERING UPON THE DUTIES OF HIS OR HER OFFICE, SHALL TAKE AND  
3 SUBSCRIBE TO THE OATH AS PROVIDED IN SECTION 1 OF ARTICLE XI OF  
4 THE STATE CONSTITUTION OF 1963 AND SHALL DEPOSIT THE OATH WITH  
5 THE COUNTY CLERK.

6 SEC. 218A. (1) A PERSON ELECTED AS SHERIFF WHO DESIRES TO  
7 RESIGN SHALL FILE A WRITTEN NOTICE CONTAINING THE EFFECTIVE DATE  
8 OF THE RESIGNATION WITH THE PRESIDING OR SENIOR JUDGE OF PROBATE,  
9 THE COUNTY CLERK, AND THE PROSECUTING ATTORNEY.

10 (2) A PERSON ELECTED AS PROSECUTING ATTORNEY WHO DESIRES TO  
11 RESIGN SHALL FILE A WRITTEN NOTICE CONTAINING THE EFFECTIVE DATE  
12 OF THE RESIGNATION WITH THE PRESIDING JUDGE OF THAT JUDICIAL  
13 DISTRICT.

14 SEC. 219. THE OFFICE OF PROSECUTING ATTORNEY OR SHERIFF IN  
15 ANY COUNTY OF THIS STATE BECOMES VACANT UPON THE HAPPENING OF ANY  
16 OF THE FOLLOWING EVENTS:

17 (A) DEATH OF THE INCUMBENT.

18 (B) THE INCUMBENT'S RESIGNATION.

19 (C) THE INCUMBENT'S REMOVAL FROM OFFICE FOR CAUSE.

20 (D) THE INCUMBENT'S CEASING TO BE A RESIDENT OF THE COUNTY  
21 IN WHICH HIS OR HER OFFICE IS LOCATED.

22 (E) THE INCUMBENT'S CONVICTION FOR A CRIME OR AN OFFENSE  
23 INVOLVING THE VIOLATION OF HIS OR HER OATH OF OFFICE.

24 (F) THE DECISION OF A COMPETENT TRIBUNAL DECLARING THE  
25 INCUMBENT'S ELECTION OR APPOINTMENT VOID.

26 (G) THE INCUMBENT'S REFUSAL OR NEGLECT TO TAKE AND SUBSCRIBE  
27 TO THE CONSTITUTIONAL OATH OF OFFICE AND DEPOSIT THE SAME IN THE

1 MANNER AND WITHIN THE TIME PRESCRIBED BY LAW.

2 (H) THE INCUMBENT'S REFUSAL OR NEGLECT TO GIVE BOND IN THE  
3 AMOUNT AND MANNER AND WITHIN THE TIME PRESCRIBED BY LAW.

4 SEC. 219A. IF A PERSON ELECTED TO THE OFFICE OF PROSECUTING  
5 ATTORNEY OR SHERIFF IN ANY COUNTY DIES BEFORE THE BEGINNING OF  
6 THE TERM FOR WHICH HE OR SHE WAS ELECTED, THERE IS A VACANCY FOR  
7 THE TERM TO WHICH THE PERSON WAS ELECTED AND THE VACANCY SHALL BE  
8 FILLED ACCORDING TO LAW. THE VACANCY SHALL BE FILLED WITHIN 15  
9 DAYS AFTER THE BEGINNING OF THE TERM FOR WHICH HE OR SHE WAS  
10 ELECTED.

11 SEC. 219B. (1) THE GOVERNOR MAY REMOVE AN OFFICER NAMED IN  
12 SECTION 212 IF THE GOVERNOR IS SATISFIED FROM THE EVIDENCE  
13 SUBMITTED THAT THE OFFICER IS GUILTY OF OFFICIAL MISCONDUCT,  
14 WILLFUL NEGLECT OF DUTY, EXTORTION, OR HABITUAL DRUNKENNESS, OR  
15 HAS BEEN CONVICTED OF BEING DRUNK, OR IF IT APPEARS BY A  
16 CERTIFIED COPY OF THE JUDGMENT OF A COURT OF RECORD OF THIS STATE  
17 THAT THE OFFICER, AFTER HIS OR HER ELECTION OR APPOINTMENT, HAS  
18 BEEN CONVICTED OF A FELONY.

19 (2) BEFORE THE GOVERNOR REMOVES AN OFFICER UNDER THIS  
20 SECTION, ALL OF THE FOLLOWING PROCEDURES SHALL BE FOLLOWED:

21 (A) CHARGES HAVE BEEN EXHIBITED TO THE GOVERNOR IN WRITING  
22 SPECIFYING THE GROUNDS FOR REMOVAL. THE CHARGES SHALL BE  
23 ACCOMPANIED BY ANY SUPPORTING EVIDENCE AND BY THE AFFIDAVIT OF  
24 THE PERSON MAKING THE CHARGES VERIFYING THAT THE PERSON BELIEVES  
25 THE CHARGES TO BE TRUE.

26 (B) A COPY OF THE CHARGES ARE SERVED ON THE OFFICER. SERVICE  
27 SHALL BE MADE AS FOLLOWS:

1 (i) IF THE OFFICER CAN BE FOUND, BY HANDING TO THE OFFICER A  
2 COPY OF THE CHARGES, TOGETHER WITH ALL AFFIDAVITS OR EXHIBITS  
3 THAT MAY BE ATTACHED TO THE CHARGES.

4 (ii) IF THE OFFICER CANNOT BE FOUND, BY LEAVING A COPY OF THE  
5 CHARGES, TOGETHER WITH ALL AFFIDAVITS OR EXHIBITS THAT MAY BE  
6 ATTACHED TO THE CHARGES, WITH A PERSON OF SUITABLE AGE AT THE  
7 OFFICER'S LAST KNOWN PLACE OF RESIDENCE OR, IF A PERSON OF  
8 SUITABLE AGE IS NOT AVAILABLE, BY POSTING THE COPY OR COPIES IN A  
9 CONSPICUOUS PLACE AT THE OFFICER'S LAST KNOWN PLACE OF RESIDENCE.

10 (C) THE OFFICER SHALL BE GIVEN AN OPPORTUNITY TO RESPOND TO  
11 THE CHARGES.

12 (3) AN OFFICER REMOVED FROM OFFICE UNDER THIS SECTION IS NOT  
13 ELIGIBLE FOR ELECTION OR APPOINTMENT TO ANY OFFICE FOR A PERIOD  
14 OF 3 YEARS FROM THE DATE OF THE REMOVAL.

15 SEC. 219C. (1) IF A VACANCY OCCURS IN THE OFFICE OF  
16 PROSECUTING ATTORNEY, IT SHALL BE FILLED BY APPOINTMENT BY THE  
17 JUDGE OR JUDGES OF THAT JUDICIAL CIRCUIT.

18 (2) IF A VACANCY OCCURS IN THE OFFICE OF SHERIFF, THE  
19 PRESIDING OR SENIOR JUDGE OF PROBATE, THE COUNTY CLERK, AND THE  
20 PROSECUTING ATTORNEY SHALL APPOINT A SUITABLE PERSON TO FILL THE  
21 VACANCY.

22 (3) A PERSON APPOINTED SHALL TAKE AND SUBSCRIBE TO THE OATH  
23 AS PROVIDED IN SECTION 1 OF ARTICLE XI OF THE STATE CONSTITUTION  
24 OF 1963, GIVE BOND IN THE MANNER REQUIRED BY LAW, AND HOLD OFFICE  
25 FOR THE REMAINDER OF THE UNEXPIRED TERM AND UNTIL A SUCCESSOR IS  
26 ELECTED AND QUALIFIED. HOWEVER, IF THE NEXT GENERAL NOVEMBER  
27 ELECTION IS TO BE HELD MORE THAN 182 DAYS AFTER THE VACANCY

1 OCCURS AND IT IS NOT THE GENERAL NOVEMBER ELECTION AT WHICH A  
2 SUCCESSOR IN OFFICE WOULD BE ELECTED IF THERE WERE NO VACANCY,  
3 THE PERSON APPOINTED SHALL HOLD OFFICE ONLY UNTIL A SUCCESSOR IS  
4 ELECTED AT THE NEXT GENERAL NOVEMBER ELECTION IN THE MANNER  
5 PROVIDED BY LAW AND QUALIFIES FOR OFFICE. THE SUCCESSOR SHALL  
6 HOLD THE OFFICE FOR THE REMAINDER OF THE UNEXPIRED TERM.

7 SEC. 220. THE VOTES CAST FOR A CANDIDATE FOR ANY OF THE  
8 OFFICES NAMED IN SECTION 212 AT ANY PRIMARY OR ELECTION ARE  
9 SUBJECT TO RECOUNT AS PROVIDED IN CHAPTER XXXIII.

10 SEC. 220A. A PERSON ELECTED TO AN OFFICE NAMED IN SECTION  
11 212 IS SUBJECT TO RECALL AS PROVIDED IN CHAPTER XXXVI.

12 Sec. 697. At the general November election, the names of the  
13 several offices to be voted for shall be placed on the ballot  
14 substantially in the following order in the years in which  
15 elections for ~~such~~**THOSE** offices are held: Electors of president  
16 and vice-president of the United States; governor and lieutenant  
17 governor; secretary of state; attorney general; United States  
18 senator; representative in congress; senator and representative  
19 in the state legislature; members of the state board of  
20 education; regents of the university of Michigan; trustees of  
21 Michigan state university; governors of Wayne state university;  
22 county executive; ~~prosecuting attorney; sheriff; clerk;~~  
23 treasurer; register of deeds; auditor in counties electing an  
24 auditor; mine inspector in counties electing a mine inspector;  
25 county road commissioners; drain commissioners; coroners; and  
26 surveyor. The following township officers shall be placed on the  
27 same ballot as above described in substantially the following

order in the year in which elections for ~~such~~**THOSE** offices are held: supervisor, clerk, treasurer, trustees, and constables.

Sec. 699. At any regular election, the names of the several nonpartisan offices to be voted for shall be placed on a separate portion of the ballot containing no party designation in the following order: justices of the supreme court, judges of the court of appeals, judges of the circuit court, judges of the probate court, judges of the district court, **PROSECUTING ATTORNEY, SHERIFF**, city officers, the following village officers in substantially the following order in the year in which elections for the offices are held: president, clerk, treasurer, and trustees, and in a year in which an election for the office is held, local school district board member, community college board of trustees member, intermediate school district board member, and district library board member.

Sec. 706. The arrangement of the ballot containing the names of candidates for office shall conform as nearly as possible to the following plan, and shall contain the specific instructions there set forth and no others:

#### OFFICIAL BALLOT

County of ..... Date .....

INSTRUCTIONS - To vote a straight party ticket make a cross (X) or check mark (✓) in the circle under the name of your party. Nothing further need be done. To vote for a candidate not on your party ticket, make a cross (X) or a check mark (✓) in the square [ ] before the candidate's name. Candidates for president and vice-

1 president must be voted for as a unit, and the vote cannot be  
 2 split. Candidates for governor and lieutenant governor must be  
 3 voted for as a unit, and the vote cannot be split.

4 If 2 or more candidates are to be elected to the same office  
 5 and you desire to vote for candidates not on your party ticket,  
 6 make a cross (X) or a check mark (✓) in the square [ ] before the  
 7 names of the candidates for whom you desire to vote on the other  
 8 ticket, and strike out an equal number of names on your party  
 9 ticket, for that office.

10 If you do not desire to vote any party ticket, do not make a  
 11 cross (X) or check mark (✓) in the circle at the head of any  
 12 ticket, but make a cross (X) or a check mark (✓) in the square [ ]  
 13 before the name of each candidate for whom you desire to vote.

14 If you wish to vote for a candidate not on any ticket, write  
 15 or place the name of that candidate on your ballot opposite the  
 16 name of the office.

17 Before leaving the booth, fold the ballot so that the face  
 18 of the ballot is not exposed and so that the numbered corner is  
 19 visible.

20				
21	Name of	Vignette	Vignette	Vignette
22	Offices	with	with	with
23	Voted For:	Name of Party	Name of Party	Name of Party
24		[ ]	[ ]	[ ]
25				
26		Name of	Name of	Name of
27	PRESIDENTIAL	Candidate for	Candidate for	Candidate for
28	Electors of	President.	President.	President.
29	President			
30	and Vice-	[ ]Name of	[ ]Name of	[ ]Name of
31	President of	Candidate for	Candidate for	Candidate for
32	the United	Vice-President.	Vice-President.	Vice-President.
33	States			



1				
2		Governor	Governor	Governor
3	STATE	Name of	Name of	Name of
4	Governor and	Candidate	Candidate	Candidate
5	Lieutenant	[ ] Lieut. Governor	[ ] Lieut. Governor	[ ] Lieut. Governor
6	Governor	Name of	Name of	Name of
7		Candidate	Candidate	Candidate
8				
9		Secretary of	Secretary of	Secretary of
10		State	State	State
11	Secretary of	[ ] Name of	[ ] Name of	[ ] Name of
12	State	Candidate	Candidate	Candidate
13				
14	CONGRESSIONAL	U.S. Senator	U.S. Senator	U.S. Senator
15	United States	[ ] Name of	[ ] Name of	[ ] Name of
16	Senator	Candidate	Candidate	Candidate
17				
18	Represent-	U.S. Repre-	U.S. Repre-	U.S. Repre-
19	ative in	sentative	sentative	sentative
20	Congress	[ ] Name of	[ ] Name of	[ ] Name of
21	...District	Candidate	Candidate	Candidate
22				
23	LEGISLATIVE	State Senator	State Senator	State Senator
24	Senator	[ ] Name of	[ ] Name of	[ ] Name of
25	...District	Candidate	Candidate	Candidate
26				
27		State Repre-	State Repre-	State Repre-
28	Represent-	sentative	sentative	sentative
29	ative	[ ] Name of	[ ] Name of	[ ] Name of
30	...District	Candidate	Candidate	Candidate
31				
32	COUNTY	Pros. Attorney	Pros. Attorney	Pros. Attorney
33	Prosecuting	[ ] Name of	[ ] Name of	[ ] Name of
34	Attorney	Candidate	Candidate	Candidate
35				
36		Sheriff	Sheriff	Sheriff
37	Sheriff	[ ] Name of	[ ] Name of	[ ] Name of
38		Candidate	Candidate	Candidate
39				