

HOUSE BILL No. 5980

October 17, 2012, Introduced by Reps. Brown and Barnett 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, 205, 206, 206a, 209, 697, and 699 (MCL 168.191, 168.195, 168.200, 168.203, 168.205, 168.206, 168.206a, 168.209, 168.697, and 168.699), section 191 as amended by 1999 PA 218, section 195 as amended by 2012 PA 276, section 200 as amended by 1998 PA 364, section 209 as amended by 1990 PA 7, and section 699 as amended by 2005 PA 71, and by adding chapter XA; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

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 to any
3 of the offices enumerated in this section for a period of 20 years
4 after conviction.

5 Sec. 195. If a candidate of a political party for prosecuting
6 attorney, sheriff, ~~county clerk,~~ county treasurer, register of
7 deeds, drain commissioner, coroner, or surveyor, after having
8 qualified as a candidate, dies after the last day for qualifying,
9 leaving the political party without a candidate for that office, a
10 candidate to fill the vacancy may be selected by the members of the
11 county committee of the candidate's political party, and the name
12 of the candidate selected shall be transmitted to the county
13 officials required by law to print and distribute ballots. The name
14 of the candidate shall be printed on the ballots, but if the
15 ballots have been printed, the county officials shall have the
16 ballots reprinted with the candidate's name on the ballots and the
17 reprinted ballots shall be distributed to the various voting
18 precincts within their respective counties.

19 Sec. 200. (1) A ~~county clerk,~~ a county treasurer, a register
20 of deeds, a prosecuting attorney, a sheriff, a drain commissioner,
21 and a surveyor shall be elected at the 2000 general November
22 election and every fourth year after that. However, in a county in
23 which 1 of these offices is abolished or combined as provided by
24 law, no person shall be elected to that office in that county.

25 (2) Subject to subsections (3), (4), and (5), a county board
26 of commissioners may by resolution combine the offices of county
27 clerk and register of deeds in 1 office of the clerk register or

1 separate the office of the clerk register into the offices of
2 county clerk and register of deeds. A combination or separation of
3 offices shall not take effect before the expiration of the current
4 term of the affected offices.

5 (3) Before adopting a resolution to combine the offices of
6 county clerk and register of deeds or separate the office of clerk
7 register into the offices of county clerk and register of deeds, a
8 county board of commissioners shall study the question of combining
9 or separating the offices. The mandatory requirements of this
10 subsection may be satisfied by conducting a public hearing pursuant
11 to subsection (4).

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

20 (5) Not later than the sixth Tuesday before the deadline for
21 filing the nominating petitions for the office of county clerk,
22 register of deeds, or clerk register, the county board of
23 commissioners may by a vote of 2/3 of the commissioners elected and
24 serving combine the offices of county clerk and register of deeds
25 or separate the office of the clerk register. The resolution shall
26 become effective upon the commencement of the next term of office
27 of the county clerk, register of deeds, or clerk register after the

1 adoption of the resolution.

2 Sec. 203. The term of office of the ~~county clerk,~~ county
3 treasurer, register of deeds, prosecuting attorney, sheriff, drain
4 commissioner, surveyor, and coroner ~~shall begin~~ **BEGINS** on January 1
5 next following the election ~~,~~ and continues until a successor is
6 elected and qualified, except that in counties having a population
7 of 1,000,000 or more the term of office of the county treasurer
8 ~~shall begin~~ **BEGINS** on July 1 next following the election.

9 Sec. 205. ~~Any~~ **A** person ~~duly~~ elected to any of the county
10 offices named in section 200 ~~of this act~~ who desires to resign
11 shall file a written notice containing the effective date of ~~such~~
12 **THE** resignation with the presiding or senior judge of probate, the
13 county clerk, and the prosecuting attorney of ~~said~~ **THE** county. +
14 ~~Provided, That if~~ **IF** the ~~county clerk or the~~ prosecuting attorney
15 desires to resign, he **OR SHE** shall file a written notice containing
16 the effective date of ~~such~~ **THE** resignation with the presiding judge
17 of that judicial circuit.

18 Sec. 206. The office of ~~county clerk,~~ county treasurer,
19 register of deeds, prosecuting attorney, sheriff, drain
20 commissioner, surveyor, or coroner in any county in this state
21 ~~shall become~~ **BECOMES** vacant upon the happening of any of the
22 following events:

- 23 (A) Death of the incumbent. ~~his~~
24 (B) **THE INCUMBENT'S** resignation. ~~his~~
25 (C) **THE INCUMBENT'S** removal from office for cause. ~~his~~
26 (D) **THE INCUMBENT'S** ceasing to be a resident of the county in
27 which his **OR HER** office is located. ~~his~~

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

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

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

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

10 Sec. 206a. ~~Whenever any~~ **IF A** person elected to the office of
11 ~~county clerk,~~ county treasurer, register of deeds, prosecuting
12 attorney, sheriff, drain commissioner, surveyor, or coroner in any
13 county ~~shall die~~ **DIES** before the commencement of the term for which
14 he **OR SHE** was elected, there ~~shall be~~ **IS** a vacancy for the term to
15 which ~~such~~ **THE** person was elected ~~to~~ **AND THE VACANCY SHALL** be
16 filled according to law. The vacancy shall be filled within 15 days
17 after the beginning of the term for which he **OR SHE** was elected.

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

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

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

27 (3) A person appointed shall take and subscribe to the oath as

1 provided in section 1 of article XI of the state constitution of
2 1963, give bond in the manner required by law, and hold office for
3 the remainder of the unexpired term and until a successor is
4 elected and qualified. However, if the next general November
5 election is to be held more than 182 days after the vacancy occurs,
6 and it is not the general November election at which a successor in
7 office would be elected if there were no vacancy, the person
8 appointed shall hold office only until a successor is elected at
9 the next general November election in the manner provided by law
10 and qualifies for office. The successor shall hold the office for
11 the remainder of the unexpired term.

12 **CHAPTER XA**

13 **COUNTY CLERK**

14 **SEC. 212. (1) A PERSON IS NOT ELIGIBLE TO THE OFFICE OF COUNTY**
15 **CLERK IF THE PERSON IS NOT A REGISTERED AND QUALIFIED ELECTOR OF**
16 **THE COUNTY IN WHICH THE ELECTION IS SOUGHT BY THE FILING DEADLINE.**

17 **(2) A PERSON WHO HAS BEEN CONVICTED OF A VIOLATION OF SECTION**
18 **12A(1) OF 1941 PA 370, MCL 38.412A, IS NOT ELIGIBLE TO ANY OF THE**
19 **OFFICES ENUMERATED IN THIS SECTION FOR A PERIOD OF 20 YEARS AFTER**
20 **CONVICTION.**

21 **SEC. 213. A GENERAL NONPARTISAN PRIMARY ELECTION SHALL BE HELD**
22 **IN EVERY COUNTY OF THIS STATE ON THE TUESDAY AFTER THE FIRST MONDAY**
23 **IN AUGUST BEFORE EVERY GENERAL NOVEMBER ELECTION AT WHICH A COUNTY**
24 **CLERK IS TO BE ELECTED, AT WHICH TIME THE QUALIFIED AND REGISTERED**
25 **ELECTORS MAY VOTE FOR NONPARTISAN CANDIDATES FOR THE OFFICE OF**
26 **COUNTY CLERK. IF UPON THE EXPIRATION OF THE TIME FOR FILING**
27 **PETITIONS OR A FILING FEE FOR THE PRIMARY ELECTION OF THE COUNTY**

1 CLERK IN ANY COUNTY IT APPEARS THAT THERE ARE NOT TO EXCEED TWICE
2 THE NUMBER OF CANDIDATES AS THERE ARE PERSONS TO BE ELECTED, THEN
3 THE COUNTY CLERK SHALL CERTIFY TO THE COUNTY BOARD OF ELECTION
4 COMMISSIONERS THE NAME OF THE CANDIDATE FOR COUNTY CLERK WHOSE
5 PETITIONS HAVE BEEN PROPERLY FILED AND THAT CANDIDATE SHALL BE THE
6 NOMINEE FOR THE OFFICE OF COUNTY CLERK AND SHALL BE SO CERTIFIED.
7 AS TO THAT OFFICE, THERE SHALL BE NO PRIMARY ELECTION AND THIS
8 OFFICE SHALL BE OMITTED FROM THE PRIMARY BALLOT.

9 SEC. 213A. (1) SUBJECT TO SUBSECTION (2), TO OBTAIN THE
10 PRINTING OF THE NAME OF A PERSON AS A CANDIDATE FOR NOMINATION FOR
11 THE OFFICE OF COUNTY CLERK UPON THE OFFICIAL NONPARTISAN PRIMARY
12 BALLOTS, THERE SHALL BE FILED WITH THE COUNTY CLERK NOMINATING
13 PETITIONS SIGNED BY A NUMBER OF QUALIFIED AND REGISTERED ELECTORS
14 RESIDING WITHIN THE COUNTY AS DETERMINED UNDER SECTION 544F.
15 NOMINATING PETITIONS SHALL BE IN THE FORM PRESCRIBED IN SECTION
16 544A. THE COUNTY CLERK SHALL RECEIVE NOMINATING PETITIONS UP TO 4
17 P.M. OF THE FIFTEENTH TUESDAY BEFORE THE AUGUST PRIMARY.

18 (2) INSTEAD OF FILING NOMINATING PETITIONS, A CANDIDATE FOR
19 COUNTY CLERK MAY PAY A FILING FEE OF \$100.00 TO THE COUNTY CLERK.
20 PAYMENT OF THE FILING FEE AND CERTIFICATION OF THE CANDIDATE'S NAME
21 PAYING THE FILING FEE SHALL BE GOVERNED BY THE SAME PROVISIONS AS
22 IN THE CASE OF NOMINATING PETITIONS. THE FEE SHALL BE DEPOSITED IN
23 THE GENERAL FUND OF THE COUNTY.

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

26 SEC. 214. AFTER THE FILING OF A NOMINATING PETITION OR FILING
27 FEE BY OR ON BEHALF OF A PROPOSED CANDIDATE FOR THE OFFICE OF

1 COUNTY CLERK, THE PROPOSED CANDIDATE IS NOT PERMITTED TO WITHDRAW
2 UNLESS HE OR SHE SERVES A WRITTEN NOTICE OF WITHDRAWAL ON THE
3 COUNTY CLERK, OR HIS OR HER DULY AUTHORIZED AGENT NOT LATER THAN 4
4 P.M., EASTERN STANDARD TIME, IN THE AFTERNOON OF THE THIRD DAY
5 AFTER THE LAST DAY FOR FILING THE NOMINATING PETITION OR FILING
6 FEE. IF THE THIRD DAY FALLS ON A SATURDAY, SUNDAY, OR LEGAL
7 HOLIDAY, THE NOTICE OF WITHDRAWAL MAY BE SERVED ON THE COUNTY CLERK
8 UP TO 4 P.M., EASTERN STANDARD TIME, ON THE NEXT SECULAR DAY.

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

18 SEC. 215A. (1) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, A
19 COUNTY CLERK SHALL BE ELECTED IN EACH COUNTY IN WHICH A COUNTY
20 CLERK IS TO BE ELECTED BY LAW.

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

27 SEC. 216. A COUNTY CLERK SHALL BE ELECTED AT THE 2016 GENERAL

1 NOVEMBER ELECTION AND EVERY FOURTH YEAR AFTER THAT.

2 SEC. 217. THE BOARD OF COUNTY CANVASSERS SHALL DETERMINE WHICH
3 CANDIDATE FOR THE OFFICE OF COUNTY CLERK RECEIVED THE GREATEST
4 NUMBER OF VOTES AND SHALL DECLARE THAT CANDIDATE ELECTED. THE BOARD
5 OF COUNTY CANVASSERS SHALL MAKE AND SUBSCRIBE ON ITS STATEMENT OF
6 RETURNS A CERTIFICATE OF THE DETERMINATION AND DELIVER THE
7 CERTIFICATE TO THE COUNTY CLERK WITHIN 14 DAYS AFTER THE DATE OF
8 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 BOARD
11 OF CANVASSERS OF THE RESULTS OF THE ELECTION AND SHALL EXECUTE AND
12 CAUSE TO BE DELIVERED TO THE PERSON DECLARED ELECTED TO THE OFFICE
13 OF COUNTY CLERK A PROPERLY CERTIFIED CERTIFICATE OF ELECTION,
14 CERTIFIED BY HIM OR HER UNDER THE SEAL OF THE COUNTY. THE COUNTY
15 CLERK MAY CAUSE A COPY OF THE CERTIFICATE OF DETERMINATION AND THE
16 STATEMENT OF THE VOTES CAST AT THE ELECTION FOR THE OFFICE TO BE
17 PUBLISHED IN AT LEAST 1 NEWSPAPER PRINTED OR CIRCULATED, OR BOTH,
18 IN THAT COUNTY.

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

22 SEC. 218. A PERSON ELECTED AS COUNTY CLERK, 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 CLERK
27 AND THE BOND WITH THE COUNTY TREASURER.

1 SEC. 218A. A PERSON ELECTED AS COUNTY CLERK WHO DESIRES TO
2 RESIGN SHALL FILE A WRITTEN NOTICE CONTAINING THE EFFECTIVE DATE OF
3 THE RESIGNATION WITH THE PRESIDING JUDGE OF THAT JUDICIAL CIRCUIT.

4 SEC. 219. THE OFFICE OF COUNTY CLERK IN ANY COUNTY OF THIS
5 STATE BECOMES VACANT UPON THE HAPPENING OF ANY OF THE FOLLOWING
6 EVENTS:

7 (A) DEATH OF THE INCUMBENT.

8 (B) THE INCUMBENT'S RESIGNATION.

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

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

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

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

16 (G) THE INCUMBENT'S REFUSAL OR NEGLECT TO TAKE AND SUBSCRIBE
17 TO THE CONSTITUTIONAL OATH OF OFFICE AND DEPOSIT THE SAME IN THE
18 MANNER AND WITHIN THE TIME PRESCRIBED BY LAW.

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

21 SEC. 219A. IF A PERSON ELECTED TO THE OFFICE OF COUNTY CLERK
22 IN ANY COUNTY DIES BEFORE THE BEGINNING OF THE TERM FOR WHICH HE OR
23 SHE WAS ELECTED, THERE IS A VACANCY FOR THE TERM TO WHICH THE
24 PERSON WAS ELECTED AND THE VACANCY SHALL BE FILLED ACCORDING TO
25 LAW. THE VACANCY SHALL BE FILLED WITHIN 15 DAYS AFTER THE BEGINNING
26 OF THE TERM FOR WHICH HE OR SHE WAS ELECTED.

27 SEC. 219B. (1) THE GOVERNOR MAY REMOVE A COUNTY CLERK IF THE

1 GOVERNOR IS SATISFIED FROM THE EVIDENCE SUBMITTED THAT THE OFFICER
2 IS GUILTY OF OFFICIAL MISCONDUCT, WILLFUL NEGLECT OF DUTY,
3 EXTORTION, OR HABITUAL DRUNKENNESS, OR HAS BEEN CONVICTED OF BEING
4 DRUNK, OR IF IT APPEARS BY A CERTIFIED COPY OF THE JUDGMENT OF A
5 COURT OF RECORD OF THIS STATE THAT THE COUNTY CLERK, AFTER HIS OR
6 HER ELECTION OR APPOINTMENT, HAS BEEN CONVICTED OF A FELONY.

7 (2) BEFORE THE GOVERNOR REMOVES A COUNTY CLERK UNDER THIS
8 SECTION, ALL OF THE FOLLOWING PROCEDURES SHALL BE FOLLOWED:

9 (A) CHARGES MUST BE EXHIBITED TO THE GOVERNOR IN WRITING
10 SPECIFYING THE GROUNDS FOR REMOVAL. THE CHARGES SHALL BE
11 ACCOMPANIED BY ANY SUPPORTING EVIDENCE AND BY THE AFFIDAVIT OF THE
12 PERSON MAKING THE CHARGES VERIFYING THAT THE PERSON BELIEVES THE
13 CHARGES TO BE TRUE.

14 (B) A COPY OF THE CHARGES MUST BE SERVED ON THE COUNTY CLERK.
15 SERVICE SHALL BE MADE AS FOLLOWS:

16 (i) IF THE COUNTY CLERK CAN BE FOUND, BY HANDING TO THE COUNTY
17 CLERK A COPY OF THE CHARGES, TOGETHER WITH ALL AFFIDAVITS OR
18 EXHIBITS THAT MAY BE ATTACHED TO THE CHARGES.

19 (ii) IF THE COUNTY CLERK CANNOT BE FOUND, BY LEAVING A COPY OF
20 THE CHARGES, TOGETHER WITH ALL AFFIDAVITS OR EXHIBITS THAT MAY BE
21 ATTACHED TO THE CHARGES, WITH A PERSON OF SUITABLE AGE AT THE
22 COUNTY CLERK'S LAST KNOWN PLACE OF RESIDENCE OR, IF A PERSON OF
23 SUITABLE AGE IS NOT AVAILABLE, BY POSTING THE COPY OR COPIES IN A
24 CONSPICUOUS PLACE AT THE COUNTY CLERK'S LAST KNOWN PLACE OF
25 RESIDENCE.

26 (C) THE COUNTY CLERK SHALL BE GIVEN AN OPPORTUNITY TO RESPOND
27 TO THE CHARGES.

1 (3) A COUNTY CLERK REMOVED FROM OFFICE UNDER THIS SECTION IS
2 NOT ELIGIBLE FOR ELECTION OR APPOINTMENT TO ANY OFFICE FOR A PERIOD
3 OF 3 YEARS FROM THE DATE OF THE REMOVAL.

4 SEC. 219C. (1) IF A VACANCY OCCURS IN THE OFFICE OF COUNTY
5 CLERK, IT SHALL BE FILLED BY APPOINTMENT BY THE JUDGE OR JUDGES OF
6 THAT JUDICIAL CIRCUIT.

7 (2) A PERSON APPOINTED SHALL TAKE AND SUBSCRIBE TO THE OATH AS
8 PROVIDED IN SECTION 1 OF ARTICLE XI OF THE STATE CONSTITUTION OF
9 1963, GIVE BOND IN THE MANNER REQUIRED BY LAW, AND HOLD OFFICE FOR
10 THE REMAINDER OF THE UNEXPIRED TERM AND UNTIL A SUCCESSOR IS
11 ELECTED AND QUALIFIED. HOWEVER, IF THE NEXT GENERAL NOVEMBER
12 ELECTION IS TO BE HELD MORE THAN 182 DAYS AFTER THE VACANCY OCCURS
13 AND IT IS NOT THE GENERAL NOVEMBER ELECTION AT WHICH A SUCCESSOR IN
14 OFFICE WOULD BE ELECTED IF THERE WERE NO VACANCY, THE PERSON
15 APPOINTED SHALL HOLD OFFICE ONLY UNTIL A SUCCESSOR IS ELECTED AT
16 THE NEXT GENERAL NOVEMBER ELECTION IN THE MANNER PROVIDED BY LAW
17 AND QUALIFIES FOR OFFICE. THE SUCCESSOR SHALL HOLD THE OFFICE FOR
18 THE REMAINDER OF THE UNEXPIRED TERM.

19 SEC. 219D. THE JUDGE OF THE CIRCUIT COURT AND THE CIRCUIT
20 COURT COMMISSIONER SHALL HAVE AUTHORITY, IN TERM OR VACATION, TO
21 REMOVE THE COUNTY CLERK WHEN IN THEIR OPINION HE OR SHE IS
22 INCOMPETENT TO EXECUTE PROPERLY THE DUTIES OF HIS OR HER OFFICE, OR
23 WHEN, ON CHARGES AND EVIDENCE, THEY ARE SATISFIED THAT HE OR SHE
24 HAS BEEN GUILTY OF OFFICIAL MISCONDUCT OR HABITUAL OR WILLFUL
25 NEGLECT OF DUTY, IF IN THEIR OPINION THE MISCONDUCT OR NEGLECT IS A
26 SUFFICIENT CAUSE FOR REMOVAL. A CLERK SHALL NOT BE REMOVED FOR
27 MISCONDUCT OR NEGLECT UNLESS CHARGES ARE PREFERRED TO THE JUDGE OR

1 COMMISSIONER AND NOTICE OF THE HEARING WITH A COPY OF THE CHARGES
2 DELIVERED TO THE CLERK, AND A FULL OPPORTUNITY GIVEN HIM OR HER TO
3 BE HEARD IN HIS OR HER DEFENSE. ALL EXPENSE ON THE PART OF THE
4 PROSECUTION FOR EXAMINATION OF CHARGES PROVIDED FOR IN SECTION 219B
5 SHALL BE PAID BY THE COUNTIES IN WHICH THE OFFICER TO BE EXAMINED
6 HOLDS HIS OR HER OFFICE.

7 SEC. 220. THE VOTES CAST FOR A CANDIDATE FOR THE OFFICE OF
8 COUNTY CLERK AT ANY PRIMARY OR ELECTION ARE SUBJECT TO RECOUNT AS
9 PROVIDED IN CHAPTER XXXIII.

10 SEC. 220A. A PERSON ELECTED TO THE OFFICE OF COUNTY CLERK IS
11 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 in
19 the state legislature; members of the state board of education;
20 regents of the university of Michigan; trustees of Michigan state
21 university; governors of Wayne state university; county executive;
22 prosecuting attorney; sheriff; ~~clerk~~; treasurer; register of deeds;
23 auditor in counties electing an auditor; mine inspector in counties
24 electing a mine inspector; county road commissioners; drain
25 commissioners; coroners; and surveyor. The following township
26 officers shall be placed on the same ballot as above described in
27 substantially the following order in the year in which elections

1 for ~~such~~ **THOSE** offices are held: supervisor, clerk, treasurer,
2 trustees, and constables.

3 Sec. 699. At any regular election, the names of the several
4 nonpartisan offices to be voted for shall be placed on a separate
5 portion of the ballot containing no party designation in the
6 following order: justices of the supreme court, judges of the court
7 of appeals, judges of the circuit court, judges of the probate
8 court, judges of the district court, **COUNTY CLERK**, city officers,
9 the following village officers in substantially the following order
10 in the year in which elections for the offices are held: president,
11 clerk, treasurer, and trustees, and in a year in which an election
12 for the office is held, local school district board member,
13 community college board of trustees member, intermediate school
14 district board member, and district library board member.

15 Enacting section 1. Section 208 of the Michigan election law,
16 1954 PA 116, MCL 168.208, is repealed.