

**STATE OF MICHIGAN
101ST LEGISLATURE
REGULAR SESSION OF 2022**

Introduced by Rep. Martin

ENROLLED HOUSE BILL No. 5287

AN ACT to amend 1954 PA 116, entitled “An act to reorganize, consolidate, and add to the election laws; to provide for election officials and prescribe their powers and duties; to prescribe the powers and duties of certain state departments, state agencies, and state and local officials and employees; to provide for the nomination and election of candidates for public office; to provide for the resignation, removal, and recall of certain public officers; to provide for the filling of vacancies in public office; to provide for and regulate primaries and elections; to provide for the purity of elections; to guard against the abuse of the elective franchise; to define violations of this act; to provide appropriations; to prescribe penalties and provide remedies; and to repeal certain acts and all other acts inconsistent with this act,” by amending sections 370 and 719 (MCL 168.370 and 168.719), section 370 as amended by 2014 PA 94 and section 719 as amended by 2018 PA 120.

The People of the State of Michigan enact:

Sec. 370. (1) Except as provided in section 370a or subsection (2), if a vacancy occurs in an elective or appointive township office, the vacancy must be filled by appointment by the township board, and the individual appointed shall hold the office for the remainder of the unexpired term.

(2) If 1 or more vacancies occur in an elective township office that cause the number of members serving on the township board to be less than the minimum number of board members that is required to constitute a quorum for the transaction of business by the board, the board of county election commissioners shall make temporary appointment of the number of members required to constitute a quorum for the transaction of business by the township board. An official appointed under this subsection shall hold the office only until the official’s successor is elected or appointed and qualified. An official who is temporarily appointed under this subsection shall not vote on the appointment of himself or herself to an elective or appointive township office.

(3) If a township official submits a written resignation from an elective township office, for circumstances other than a resignation related to a recall election, that specifies a date and time when the resignation is effective, the township board, within 30 days before that effective date and time, may appoint an individual to fill the vacancy at the effective date and time of the resignation. The resigning official shall not vote on the appointment.

(4) Except as provided in subsection (5), if the township board does not make an appointment under subsection (3), or if a vacancy occurs in an elective township office and the vacancy is not filled by the township board or the board of county election commissioners within 45 days after the beginning of the vacancy, the county clerk of the county in which the township is located shall call a special election within 5 calendar days to fill the vacancy. Not later than 4 p.m. on the fifteenth calendar day after the county clerk calls a special election under this section, the county party committee for each political party in the county in which the township is located shall submit a nominee to fill the vacancy. The special election must be held on the next regular election date that

is not less than 60 days after the deadline for submitting nominees under this section or 70 days after the deadline for submitting nominees under this section if the next regular election date is the even year August primary or the general November election. Notice of the special election must be given in the same manner required by section 653a. A special election called under this section does not affect the rights of a qualified elector to register for any other election. An individual elected to fill a vacancy shall serve for the remainder of the unexpired term.

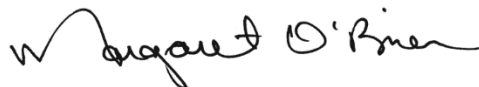
(5) Subsection (4) does not apply to the office of township constable. If a vacancy occurs in the office of township constable, the township board shall determine if and when the vacancy is filled by appointment. If the township board does not fill the vacancy by appointment, the office of township constable must remain vacant until the next general or special election in which township offices are filled.

Sec. 719. The election commission of each city and township shall perform those duties relative to the preparation, printing, and delivery of ballots as are required by law of the boards of county election commissioners. The duties and privileges enjoined and granted by this act upon and to the various committees of the different political organizations are prescribed for county committees in matters pertaining to any city or township election, except that it is not necessary for a county committee of a political party or organization to furnish a heading for the ballots other than to designate the name of the party or political organization that they represent. In cities and townships, the names of candidates for city or township offices must be given by the county committees of the various political organizations to the board of election commissioners of the city or township not less than 18 days before each election, but it is not necessary for any county party committee to give to the board of election commissioners the name of any candidate nominated at an official primary election. The proof of the ballot must be open to public inspection at the office of the township or city clerk not less than 15 days before the election.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved _____

Governor