

OPTIONAL UNIFIED FORM OF COUNTY GOVERNMENT (EXCERPT)
Act 139 of 1973

45.553 Optional unified form of county government; procedure for adoption; effective date.

Sec. 3.

(1) An optional unified form of county government shall be adopted and become effective in the following manner:

(a) The county board of commissioners, by a majority vote of the members elected and serving, may adopt an optional unified form of county government with an appointed manager. The adoption shall be submitted to the electors pursuant to subdivisions (d) and (e). A vote of disapproval by the electors shall not limit the power of the county board of commissioners to subsequently adopt an optional unified form of county government with an elected county executive pursuant to subdivision (b). A county board of commissioners shall not adopt an optional unified form of county government with an appointed manager within 2 years after an optional unified form of county government with an appointed manager is disapproved by the electors.

(b) The county board of commissioners, by a majority vote of the members elected and serving, may adopt an optional unified form of county government with an elected county executive. The adoption shall be submitted to the electors pursuant to subdivisions (d) and (e). A vote of disapproval by the electors shall not limit the power of the county board of commissioners to subsequently adopt an optional unified form of county government with an appointed manager pursuant to subdivision (a). A county board of commissioners shall not adopt an optional unified form of county government with an elected executive within 2 years after an optional unified form of county government with an elected executive is disapproved by the electors.

(c) Within 90 days after the adoption of an optional unified form of county government by the county board of commissioners, petitions bearing the signatures of registered electors of the county equal to not less than 5% of the total number of votes cast for governor in the county in the last election at which a governor was elected, requesting adoption of the other optional unified form of county government may be filed with the county clerk. The county clerk shall canvass and certify the sufficiency of the petitions within 14 days after the filing.

(d) The election to be held on the question of an optional unified form of county government pursuant to the action of the county board of commissioners or pursuant to that action and the filing of petitions, shall be held at the next regular primary election occurring not less than 49 days nor more than 180 days following the date of the action of the county board of commissioners or the date of the certification of the petition, whichever is later. If a regular primary election is not scheduled during that period, the board of county commissioners shall call a special election for the purpose of voting on the issue within that period.

(e) If a valid petition is not filed, the question presented to the voters shall be on whether the alternate set forth in the board action shall be adopted. If a majority of the electors voting on the question vote in favor of the question, the optional unified form of county government set forth in the question shall be effective on January 1 following the certification of the election by the board of county canvassers.

(f) If a valid petition is filed, the questions presented to the voters shall be on whether to adopt an optional unified form of county government, and then whether to adopt alternate A or alternate B. If a majority of the electors voting on the question of whether to adopt an optional unified form of county government vote in favor of the question, the alternate receiving the highest number of votes shall prevail and shall be effective on January 1 following the certification of the election by the board of county canvassers. A county board of commissioners, by majority vote, may place both alternate A and alternate B on the ballot at the same time. The alternate receiving the highest number of votes by the electors shall prevail.

(g) If the question of adopting an optional unified form of county government is not approved, approval of either alternate is void and the subsequent adoption of an optional unified form of county government shall be pursuant to subdivisions (a) and (b).

(h) If the county board of commissioners does not adopt an optional unified form of county government, petitions bearing the signatures of registered electors of the county equal to not less than 10% of the total number of votes cast for governor in the county in the last previous election at which a governor was elected, may be filed with the county clerk requesting adoption of alternate A or alternate B. Two separate petitions or sets of petitions may be filed if each petition or set of petitions requests the adoption of a different alternate. Upon the clerk certifying to the county board of commissioners that a proper petition is filed, the question of adopting an optional unified form of county government with the alternate specified in the petition, or both alternates if 2 separate petitions or sets of petitions are filed and certified and each petition or set of petitions requests the adoption of a different alternate, shall be submitted by the board to the electorate of the county for approval or disapproval at the next regular primary election occurring not less than 90 days nor more than 180 days after the date the clerk certifies the petitions to the county board of commissioners. If a primary election is not scheduled during this period, the question shall be submitted at a special election called by the county board of commissioners for that

purpose within this period. If a majority of the votes cast on the proposal approve the adoption, the optional unified form of county government containing the alternate specified in the original petition shall become effective in the county on January 1 after the date of the election. If both alternates are on the ballot and a majority of the votes cast on the proposal approve the adoption of an optional unified form of county government, the alternate receiving the highest number of votes shall prevail and shall become effective in the county on January 1 after the date of the election. If the question of adopting an optional unified form of county government is not approved, approval of either alternate is void and the subsequent adoption of an optional unified form of county government shall be pursuant to subdivision (a) or (b).

(2) An election held pursuant to this section shall be subject to and in accordance with the general election laws.

(3) Except as otherwise provided by law, an election which is requested by a county board of commissioners or pursuant to petitions filed by the electors for purposes of implementing this act shall be paid by the county.

(4) This section shall not apply to a petition requesting adoption of an optional unified form of county government which received signatures before May 23, 1974, and the adoption of an optional unified form of county government by a county board of commissioners before May 23, 1974 shall not be construed as being invalid or to require further action.

(5) A petition requesting adoption of an optional unified form of county government which received signatures before the effective date of this subsection or the adoption of an optional unified form of county government by a county board of commissioners before the effective date of this subsection shall not be construed as being invalid or to require any further action as a result of this act, and the optional unified form of county government requested by the petition or adopted by a county board of commissioners or both shall be placed on the ballot as provided in this act.

History: 1973, Act 139, Eff. Mar. 29, 1974 ;-- Am. 1974, Act 120, Imd. Eff. May 23, 1974 ;-- Am. 1980, Act 100, Imd. Eff. Apr. 19, 1980

Compiler's Notes: Section 2 of Act 100 of 1980 provides: "Act No. 599 of the Local Acts of 1907, as amended, is repealed."