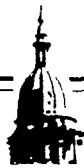


**SFA**

BILL ANALYSIS

Senate Fiscal Agency

• Lansing, Michigan 48909

• (517) 373-5383

House Bill 5195 (Substitute H-1 as reported without amendment)

Sponsor: Representative Alvin Hoekman

House Committee: Elections

Senate Committee: Local Government and Veterans

JUN 28 1990

Date Completed: 4-30-90

**RATIONALE**

In at least two Michigan townships, recall elections reportedly have left township boards without enough members to form a quorum, and thus unable to conduct township business, including the appointment of replacements. As a result of such an occurrence, township business is slowed to a halt until replacement board members can be elected. (When a vacancy in an elective or appointive township office occurs, it is filled by appointment by the township board, and the person appointed holds the office for the remainder of the unexpired term. If a vacancy is not filled by the township board within 45 days, the county clerk must notify the Governor, who is required to call a special election to fill the vacancy.) Some people believe that an alternative method of replacing township officials is needed in circumstances in which vacancies in elective offices cause board membership to fall below the number required for a quorum.

and qualified, and could not vote on his or her appointment to an elective or appointive township office. The bill also would apply the current provision for the Governor to call a special election to vacancies not filled within 45 days by a board of county election commissioners under the bill.

In addition, the bill would refer to appointments by a board of election commissioners in provisions requiring an appointed person to hold office until a successor is elected at the next general November election if a vacancy is filled by the township board, and the next general election is to be held more than 182 days after the vacancy occurs and is not the general election at which a successor otherwise would be elected.

MCL 168.370 &amp; 168.370a

**FISCAL IMPACT**

The passage of House Bill 5195 (H-1) could result in an indeterminate cost savings to townships. The savings could result if a special election to fill a number of vacancies on a township board were not held due to provisions of the bill. The township would save the expenses incurred in holding the special election.

**ARGUMENTS****Supporting Argument**

The bill would provide a practical, expeditious method of appointing members to a township board so that a quorum would exist for the

**CONTENT**

The bill would amend the Michigan Election Law to require a board of county election commissioners to make temporary appointments if one or more vacancies occurred in an elective township office and caused the number of township board members to fall below the minimum number necessary to constitute a quorum for the transaction of business. The election commissioners would have to appoint the number of members required to constitute a quorum. An official appointed under this provision would hold office only until his or her successor was elected or appointed

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transaction of business. Reportedly, in some townships enough board members have been recalled to prevent the board from conducting any business until new members are elected. Such a delay in the conduct of a township's everyday affairs is impractical. The bill would properly place matters of appointment in the hands of local county officials.

Legislative Analyst: P. Affholter  
Fiscal Analyst: G. Olson

H8990/S5195A

This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.