

SENATE BILL No. 233

March 21, 1991, Introduced by Senators V. SMITH,
STABENOW and KELLY and referred to the Committee
on Government Operations.

A bill to amend section 209 of Act No. 116 of the Public
Acts of 1954, entitled
"Michigan election law,"
as amended by Act No. 7 of the Public Acts of 1990, being section
168.209 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 209 of Act No. 116 of the Public Acts of
2 1954, as amended by Act No. 7 of the Public Acts of 1990, being
3 section 168.209 of the Michigan Compiled Laws, is amended to read
4 as follows:

5 Sec. 209. (1) If a vacancy occurs in an elective or
6 appointive county office, it shall be filled in the following
7 manner:

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

4 (B) IF THE VACANCY IS IN THE OFFICE OF PROSECUTING ATTORNEY,
5 IT SHALL BE FILLED BY APPOINTMENT BY THE JUDGE OR JUDGES OF THAT
6 JUDICIAL CIRCUIT AND OF THE RECORDER'S COURT OF EACH CITY IN THAT
7 COUNTY HAVING A RECORDER'S COURT.

8 (C) ~~-(2)-~~ If the vacancy is in any other county office, the
9 presiding or senior judge of probate, the county clerk, and the
10 prosecuting attorney shall appoint a suitable person to fill the
11 vacancy.

12 (2) ~~-(3)-~~ A person appointed UNDER THIS SECTION shall take
13 and subscribe to the oath as provided in section 1 of article XI
14 of the state constitution of 1963, give bond in the manner
15 required by law, and hold office for the remainder of the unex-
16 pired term and until a successor is elected and qualified.
17 However, if the next general November election is to be held more
18 than 182 days after the vacancy occurs, and it is not the general
19 November election at which a successor in office would be elected
20 if there were no vacancy, the person appointed shall hold office
21 only until a successor is elected at the next general November
22 election in the manner provided by law and qualifies for office.
23 The successor shall hold the office for the remainder of the
24 unexpired term.