

Act No. 277
Public Acts of 1994
Approved by the Governor
July 10, 1994
Filed with the Secretary of State
July 11, 1994

**STATE OF MICHIGAN
87TH LEGISLATURE
REGULAR SESSION OF 1994**

Introduced by Senators Gougeon Cisky and DeGrow

ENROLLED SENATE BILL No. 1134

AN ACT to amend section 321 of Act No. 116 of the Public Acts of 1954 entitled An act to reorganize consolidate and add to the election laws to provide for election officials and prescribe their powers and duties 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 prescribe the penalties therefor and to repeal certain acts and all other acts inconsistent herewith as amended by Act No. 505 of the Public Acts of 1982 being section 168 321 of the Michigan Compiled Laws

The People of the State of Michigan enact

Section 1 Section 321 of Act No. 116 of the Public Acts of 1954 as amended by Act No. 505 of the Public Acts of 1982 being section 168 321 of the Michigan Compiled Laws is amended to read as follows

Sec 321 (1) Except as provided in subsection (3) and section 327 the qualifications nomination election appointment term of office and removal from office of any city officer shall be in accordance with the charter provisions governing the city

(2) Within 3 days after the last day on which a candidate for a city office may withdraw the city clerk shall deliver to the county clerk of the county in which the city is located a list setting forth the name and address of each candidate for a city office

(3) If the membership of the legislative body of a city governed by the home rule city act Act No. 279 of the Public Acts of 1909 being sections 117 1 to 117 38 of the Michigan Compiled Laws is reduced to less than a quorum unless another method of appointing members of the legislative body is provided by the city charter members of the legislative body shall be appointed as provided in this subsection The board of county election commissioners of the county in which the largest portion of the population of the city resides as reported by the last decennial census shall appoint the number of members of the legislative body required to constitute a quorum for the transaction of business by the legislative body A member of the legislative body appointed under this subsection shall hold the office only until the member's successor is elected and qualified Unless otherwise provided by charter the successor shall be elected at the next regular election for a member of the legislative body or if a regular election is not scheduled to be held within 90 days after the appointment is made under this subsection the legislative body shall call a special election for the successor to be held within 90 days after the appointment is made In either case the successor shall serve for the balance of the unexpired term A member who is appointed under this subsection shall not vote on the appointment of himself or herself to an elective or appointive city office Notwithstanding any other provision of law or charter to the contrary an appointment to an elective or appointive city office made by a quorum constituted by appointments under

this subsection shall expire upon the election and qualification of a sufficient number of members of the legislative body so that the elected members constitute a quorum

This act is ordered to take immediate effect

Secretary of the Senate

Co Clerk of the House of Representatives

Approved

Governor