



HOUSE BILL No. 5567

May 19 1994 Introduced by Reps Curtis Willard Clack Harder Freeman Scott Dobronski Owen Wetters and Emerson and referred to the Committee on Local Government

A bill to amend the title and sections 1 2 4 7, 10, 11 and 12 of Act No 261 of the Public Acts of 1966 entitled as amended

An act to provide for the apportionment of county boards of commissioners to prescribe the size of the board to provide for appeals to prescribe the manner of election of the members of the county board of commissioners to provide for compensation of members and to repeal certain acts and parts of acts

sections 11 and 12 as amended by Act No 504 of the Public Acts of 1982 being sections 46 401, 46 402, 46 404, 46 407 46 410, 46 411 and 46 412 of the Michigan Compiled Laws

THE PEOPLE OF THE STATE OF MICHIGAN ENACT

1 Section 1 The title and sections 1, 2, 4, 7, 10, 11, and
2 12 of Act No 261 of the Public Acts of 1966, sections 11 and 12
3 as amended by Act No 504 of the Public Acts of 1982, being
4 sections 46 401, 46 402, 46 404 46 407, 46 410, 46 411, and

1 46 412 of the Michigan Compiled Laws, are amended to read as
2 follows

3 TITLE

4 An act to provide for the apportionment of county boards of
5 commissioners AND BOARDS OF COUNTY ROAD COMMISSIONERS to pre-
6 scribe the size of ~~the board~~ COUNTY BOARDS OF COMMISSIONERS to
7 provide for appeals to prescribe the manner of election of the
8 members of ~~the~~ county ~~board~~ BOARDS of commissioners to pro-
9 vide for compensation of members OF COUNTY BOARDS OF
10 COMMISSIONERS and to repeal certain acts and parts of acts

11 Sec 1 (1) ~~Within~~ NOT MORE THAN 60 days after the publi-
12 cation of the latest United States official decennial census fig-
13 ures the county apportionment commission in each county of this
14 state shall apportion the county into not less than 5 ~~nor~~ OR
15 more than 35 county commissioner districts as nearly of equal
16 population as is practicable and within the limitations of sec-
17 tion 2 ~~In counties under 75,000, upon the effective date of~~
18 ~~this act, the boards of commissioners of such counties shall have~~
19 ~~not to exceed 30 days into which to apportion their county into~~
20 ~~commissioner districts in accordance with the provisions of this~~
21 ~~act If at the expiration of the time as set forth in this sec-~~
22 ~~tion a board of commissioners has not so apportioned itself, the~~
23 ~~county apportionment commission shall proceed to apportion the~~
24 ~~county under the provisions of this act~~

25 (2) IF A COUNTY ROAD COMMISSIONER OF A COUNTY WILL BE
26 ELECTED FROM A DISTRICT AT THE NEXT GENERAL NOVEMBER ELECTION
27 PURSUANT TO SECTION 6A OF CHAPTER IV OF ACT NO 283 OF THE PUBLIC

1 ACTS OF 1909, BEING SECTION 224 6A OF THE MICHIGAN COMPILED LAWS,
 2 AND IF THE COUNTY APPORTIONMENT COMMISSION HAS NOT ALREADY APPOR-
 3 TIONED THE COUNTY INTO COUNTY ROAD COMMISSIONER DISTRICTS SINCE
 4 THE PUBLICATION OF THE LATEST UNITED STATES DECENNIAL CENSUS FIG-
 5 URES, THE COUNTY APPORTIONMENT COMMISSION SHALL APPORTION THE
 6 COUNTY INTO 3 COUNTY ROAD COMMISSIONER DISTRICTS AS NEARLY OF
 7 EQUAL POPULATION AS IS PRACTICABLE BY NOT LATER THAN JANUARY 1 OF
 8 THE YEAR OF THE NEXT GENERAL NOVEMBER ELECTION

9 Sec 2 THE NUMBER OF COUNTY COMMISSIONERS IN A COUNTY
 10 SHALL BE AS FOLLOWS

11	County Population	Number of Commissioners
12	Under 5 001	Not more than 7
13	5,001 to 10,000	Not more than 10
14	10,001 to 50,000	Not more than 15
15	50,001 to 600,000	Not more than 21
16	Over 600 000	25 to 35

17 Sec 4 In apportioning the county into COUNTY commissioner
 18 AND COUNTY ROAD COMMISSIONER districts, the county apportionment
 19 commission shall be governed by the following guidelines in the
 20 stated order of importance

21 (a) All districts shall be single-member districts and as
 22 nearly of equal population as is practicable The latest offi-
 23 cial published figures of the United States official census shall
 24 be used in this determination, except that in cases requiring
 25 division of official census units to meet the population stan-
 26 dard, an actual population count may be used to make ~~such~~ THE
 27 division Other governmental census figures of total population

1 ~~may be used if~~ taken subsequent to the last decennial United
2 States census ~~and~~ MAY BE USED IF the United States census fig-
3 ures are not adequate for the purposes of this act The secre-
4 tary of state shall furnish the latest official published figures
5 to the county apportionment commissions ~~forthwith upon this act~~
6 ~~taking effect and within~~ NOT MORE THAN 15 days after publica-
7 tion of ~~subsequent~~ THE United States official census figures
8 A contract may be entered into with the United States census
9 bureau to make any special census if the latest United States
10 decennial census figures are not adequate

11 (b) All districts shall be contiguous

12 (c) All districts shall be as compact and of as nearly
13 square shape as is practicable, depending on the geography of the
14 county area involved

15 (d) ~~No~~ A township or part ~~thereof~~ OF A TOWNSHIP shall
16 NOT be combined with ~~any~~ A city or part ~~thereof~~ OF A CITY for
17 a single district unless ~~such~~ THE combination is needed to
18 meet the population standard

19 (e) Townships, villages, and cities shall be divided only if
20 necessary to meet the population standard

21 (f) Precincts shall be divided only if necessary to meet the
22 population standard

23 (g) Residents of state institutions who cannot by law regis-
24 ter in the county as electors shall be excluded from any consid-
25 eration of representation

26 (h) Districts shall not be drawn to effect partisan
27 political advantage

1 Sec 7 (1) If the apportionment commission ~~has failed~~
 2 FAILS to submit a plan ~~for its county within~~ TO APPORTION THE
 3 COUNTY BOARD OF COMMISSIONERS NOT MORE THAN 60 days ~~but~~ AND not
 4 less than 30 days after the latest official published census fig-
 5 ures are available or within ~~such~~ additional time as may be
 6 granted by the court of appeals for good cause shown on petition
 7 from the apportionment commission ~~any~~ A registered voter of
 8 the county may submit a plan to the commission for approval

9 (2) IF THE APPORTIONMENT COMMISSION FAILS TO SUBMIT A PLAN
 10 TO APPORTION THE BOARD OF COUNTY ROAD COMMISSIONERS WITHIN THE
 11 TIME REQUIRED BY SECTION 1(2) OR WITHIN SUCH ADDITIONAL TIME AS
 12 MAY BE GRANTED BY THE COURT OF APPEALS FOR GOOD CAUSE SHOWN ON
 13 PETITION FROM THE APPORTIONMENT COMMISSION, A REGISTERED VOTER OF
 14 THE COUNTY MAY SUBMIT A PLAN TO THE COMMISSION FOR APPROVAL

15 (3) The commission shall choose from among those submitted
 16 to it UNDER SUBSECTION (1) OR (2), AS APPLICABLE, a plan meeting
 17 the requirements of the laws of this state and file ~~such~~ THE
 18 plan in the office of the county clerk as set forth in section 5
 19 ~~within~~ NOT MORE THAN 30 days after the deadline for the filing
 20 of the commission s own plan or any extension granted ~~thereon~~
 21 ON THAT DEADLINE

22 Sec 10 The term of each COUNTY commissioner shall be con-
 23 current with that of state representatives as specified in
 24 ~~article 4,~~ section 3 OF ARTICLE IV of the state constitution OF
 25 1963

26 Sec 11 Candidates for the office of COUNTY commissioner
 27 shall be residents and registered voters of the district ~~which~~

1 THAT they seek to represent and shall remain so to hold their
2 office, if elected Nominations and elections for COUNTY commis-
3 sioners shall be by partisan elections To obtain the printing
4 of the name of ~~any~~ A person as a candidate for nomination for
5 the office of commissioner upon the official primary ballot,
6 there shall be filed with the county clerk of each county a
7 filing fee of \$100 00 or nomination petitions signed by a number
8 of qualified and registered electors residing within the district
9 — equal to not less than 1% ~~nor~~ OR more than 4% of the number
10 of votes cast in the district by ~~such~~ THE party for the office
11 of secretary of state at the last general election in which a
12 secretary of state was elected The deadline for filing nomina-
13 tion petitions or filing fees ~~shall be~~ IS the same as FOR can-
14 didates for state representative A person who has been con-
15 victed of a violation of section 12a(1) of Act No 370 of the
16 Public Acts of 1941 being section 38 412a of the Michigan
17 Compiled Laws ~~shall~~ IS not ~~be~~ eligible for election to the
18 office of county commissioner for a period of 20 years after
19 conviction

20 Sec 12 (1) ~~When~~ IF a vacancy occurs in the office of
21 COUNTY commissioner by death, resignation removal from the dis-
22 trict, or removal from office, the vacancy shall be filled by
23 appointment within 30 days by the county board of commissioners
24 of a resident and registered voter of that district A person
25 who has been convicted of a violation of section 12a(1) of Act
26 No 370 of the Public Acts of 1941, being section 38 412a of the
27 Michigan Compiled Laws, ~~shall~~ IS not ~~be~~ eligible for

1 appointment to the office of county commissioner for a period of
2 20 years after conviction

3 (2) ~~The~~ A person appointed to fill a vacancy ~~which~~
4 ~~occurred~~ IN THE OFFICE OF COUNTY COMMISSIONER THAT OCCURS in an
5 odd numbered year shall serve until the vacancy is filled in a
6 special election ~~That~~ THE special election shall be called by
7 the county board of commissioners ~~The~~ A person appointed to
8 fill a vacancy ~~which~~ THAT occurs in a year ~~which~~ THAT is an
9 election year for the office of county commissioner shall serve
10 for the remainder of the unexpired term If the county board of
11 commissioners does not fill the vacancy by appointment within 30
12 days, ~~that~~ THE vacancy shall be filled by a special election
13 regardless of whether the year is an election year or an odd
14 NUMBERED year

15 Section 2 This amendatory act shall not take effect unless
16 all of the following bills of the 87th Legislature are enacted
17 into law

18 (a) House Bill No 4777 /

19 (b) House Bill No 4778