



HOUSE BILL No. 5691

September 13, 1994, Introduced by Rep Hill and referred to the Committee on Local Government

A bill to amend sections 251, 252, 254, 255, 259, 260, and 264 of Act No 116 of the Public Acts of 1954, entitled "Michigan election law," section 254 as amended by Act No 7 of the Public Acts of 1990, being sections 168 251, 168 252, 168 254, 168 255, 168 259, 168 260, and 168 264 of the Michigan Compiled Laws, and to repeal certain parts of the act

THE PEOPLE OF THE STATE OF MICHIGAN ENACT

1 Section 1 Sections 251, 252, 254, 255, 259, 260, and 264
2 of Act No 116 of the Public Acts of 1954, section 254 as amended
3 by Act No 7 of the Public Acts of 1990, being sections 168 251,
4 168 252, 168 254, 168 255, 168 259, 168 260, and 168 264 of the
5 Michigan Compiled Laws, are amended to read as follows

6 Sec 251 (1) This chapter ~~shall not be applicable in~~
7 ~~counties~~ APPLIES TO A COUNTY in which the county road

1 commissioners are ~~appointed by the board of county supervisors~~
2 ELECTED

3 (2) COUNTY ROAD COMMISSIONERS SHALL BE ELECTED AT THE GEN-
4 ERAL NOVEMBER ELECTION FROM SINGLE-MEMBER DISTRICTS FOR THE
5 PURPOSES OF THIS CHAPTER, THE ELECTION OF A COUNTY ROAD COMMIS-
6 SIONER SHALL BE CONSIDERED TO BE A SEPARATE ELECTION IN EACH
7 DISTRICT

8 (3) AS USED IN THIS CHAPTER, "DISTRICT" MEANS A COUNTY ROAD
9 COMMISSIONER ELECTION DISTRICT AS ESTABLISHED PURSUANT TO CHAPTER
10 IV OF ACT NO 283 OF THE PUBLIC ACTS OF 1909, BEING SECTIONS
11 224 1 TO 224 32 OF THE MICHIGAN COMPILED LAWS

12 Sec 252 ~~No person shall~~ TO be eligible ~~to~~ FOR the
13 office of county road commissioner, ~~who shall not have been a~~
14 ~~citizen of the United States and~~ A PERSON SHALL BE a qualified
15 and registered elector of the county AND A RESIDENT OF THE
16 DISTRICT in which election is sought for ~~at least~~ NOT LESS THAN
17 1 year ~~next preceding his~~ IMMEDIATELY BEFORE THE election ~~7~~
18 ~~nor shall he be a member of the county board of supervisors~~ AND
19 FOR THE DURATION OF HIS OR HER TERM OF OFFICE A MEMBER OF THE
20 COUNTY BOARD OF COMMISSIONERS IS NOT ELIGIBLE FOR THE OFFICE OF
21 COUNTY ROAD COMMISSIONER

22 Sec 254 (1) To obtain the printing of the name of a
23 person as a candidate for nomination by a political party for the
24 office of county road commissioner under a particular party head-
25 ing upon the official primary ballots, there shall be filed with
26 the county clerk of the county nominating petitions signed by a
27 number of qualified and registered electors residing within the

1 ~~county~~ DISTRICT equal to not less than 1% or more than 4% of
 2 the number of votes cast by the party in the county for secretary
 3 of state at the last preceding general November election in which
 4 a secretary of state was elected Nominating petitions shall be
 5 in the form prescribed in section 544c The county clerk shall
 6 receive nominating petitions up to 4 p m of the twelfth Tuesday
 7 preceding the August primary ~~in which county road commission~~
 8 ~~ers are to be elected~~

9 (2) To obtain the printing of the name of a candidate of a
 10 political party under the ~~particular~~ party's heading upon the
 11 primary election ballots in the various voting precincts of ~~the~~
 12 ~~county~~ A DISTRICT, there may be filed by each candidate, in lieu
 13 of filing nominating petitions, a filing fee of \$100 00 to be
 14 paid to the county clerk Payment of the fee and certification
 15 of the name of the candidate paying the fee ~~shall be~~ ARE gov-
 16 erned by the same provisions as ~~in the case of~~ nominating
 17 petitions The fee shall be deposited in the general fund of the
 18 county and shall be returned to ~~all~~ candidates who are nomi-
 19 nated and to an equal number of candidates who received the next
 20 highest number of votes in the primary election If 2 or more
 21 candidates tie in having the lowest number of votes allowing a
 22 refund the sum of \$100 00 shall be divided among them The
 23 deposits of all other defeated candidates, as well as the depos-
 24 its of candidates who withdraw or are disqualified, shall be for-
 25 feited, and the candidates shall be notified of the forfeitures
 26 Deposits forfeited under this section shall be paid into and
 27 credited to the general fund of the county

1 Sec 255 ~~When any~~ IF A PERSON WHO HAS QUALIFIED AS A
 2 candidate of a political party for the office of county road com-
 3 missioner ~~, after having qualified as a candidate, shall die,~~
 4 DIES after the last day for qualifying, leaving ~~such~~ THE party
 5 without a candidate for the office of county road commissioner, a
 6 candidate to fill the vacancy ~~thereby caused~~ may be selected by
 7 the members of the county committee of ~~such~~ THE candidate's
 8 political party for the county ~~, and the~~ THE name of the can-
 9 didate so selected shall be transmitted to the county officials
 10 required by law to print and distribute ballots ~~, and such~~
 11 THOSE county officials shall cause to be printed a sufficient
 12 number of gummed labels or stickers bearing the name of the can-
 13 didate ~~which~~ AND shall ~~be distributed~~ DISTRIBUTE THE LABELS
 14 OR STICKERS to the various voting precincts within ~~their respec-~~
 15 ~~tive county, and a~~ THE DISTRICT THE board of election inspec-
 16 tors of each ~~such~~ precinct shall cause 1 of ~~such~~ THE stickers
 17 to be placed on each ballot over the name of the candidate who
 18 has died before ~~such~~ THE ballot is handed to the elector

19 Sec 259 ~~When~~ IF a candidate of any political party ~~has~~
 20 ~~filed~~ FILES nominating petitions or A filing fee for ~~such~~ THE
 21 office OF COUNTY ROAD COMMISSIONER and ~~has been~~ IS nominated
 22 for ~~said~~ THE office by ~~said~~ THE party, he ~~shall~~ OR SHE MAY
 23 not ~~be permitted to~~ withdraw unless he ~~has removed~~ OR SHE
 24 REMOVES from the ~~county, or has become~~ DISTRICT FOR WHICH HE OR
 25 SHE HAS FILED NOMINATING PETITIONS OR A FILING FEE, OR HE OR SHE
 26 BECOMES physically unfit No vacancy shall be filled by the
 27 county committee except for the causes SPECIFIED and ~~as herein~~

1 ~~specified~~ ~~Provided, That this prohibition shall not be~~
 2 ~~construed to~~ IN THE MANNER PROVIDED IN THIS ACT THIS SECTION
 3 DOES NOT prohibit the withdrawal of ~~any~~ A candidate who has
 4 been nominated without having filed a nominating petition or
 5 filing fee, and whose name has been written or placed on the
 6 ballot of ~~any~~ A political party

7 Sec 260 ~~When the~~ IF A candidate of a political party,
 8 after having been nominated to the office of county road commis-
 9 sioner, ~~shall die, withdraw, remove~~ DIES, WITHDRAWS, REMOVES
 10 from the ~~county~~ DISTRICT IN WHICH HE OR SHE WAS NOMINATED, or
 11 ~~become~~ BECOMES disqualified, ~~for any reason,~~ the county com-
 12 mittee of ~~such~~ THE party shall IMMEDIATELY meet ~~forthwith~~
 13 and, by a majority vote of ~~the~~ ITS members, ~~thereof, shall~~
 14 select a candidate to fill the vacancy ~~thereby caused~~ The
 15 name of the candidate ~~so~~ selected shall be immediately certi-
 16 fied by the ~~chairman~~ CHAIRPERSON and the secretary of ~~said~~
 17 THE committee to the county clerk and to the board of county
 18 election commissioners, ~~whose duty it is to prepare the official~~
 19 ~~ballots and~~ who shall cause to be printed or placed upon ~~such~~
 20 THE ballots, in the proper place, the name of the candidate ~~so~~
 21 selected to fill ~~such~~ THE vacancy

22 Sec 264 The term of office for county road commissioner
 23 ~~shall be 6 years, beginning on the first day of January next~~
 24 ~~following his election, and shall continue until a successor~~
 25 ~~shall have been elected and qualified~~ SHALL BE AS PROVIDED IN
 26 SECTION 6 OF CHAPTER IV OF ACT NO 283 OF THE PUBLIC ACTS OF
 27 1909, BEING SECTION 224 6 OF THE MICHIGAN COMPILED LAWS

1 Section 2 Sections 261 and 267 of Act No 116 of the
2 Public Acts of 1954, being sections 168 261 and 168 267 of the
3 Michigan Compiled Laws, are repealed

4 Section 3 This amendatory act shall not take effect unless
5 Senate Bill No _____ or House Bill No 5692 (request
6 no 04251'93 *) of the 87th Legislature is enacted into law