



HOUSE BILL No. 6059

September 12, 1996, Introduced by Reps. Kelly, DeHart, Prusi, Hanley, Agee, Griffin, Wetters, Owen, Profit, Price, Freeman, Anthony, LaForge, Brewer, DeMars and Scott and referred to the Committee on Local Government.

A bill to amend sections 66, 82, 107, 146, 176, 206, 237, 267, 292, and 368 of Act No. 116 of the Public Acts of 1954, entitled as amended "Michigan election law," being sections 168.66, 168.82, 168.107, 168.146, 168.176, 168.206, 168.237, 168.267, 168.292, and 168.368 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 66, 82, 107, 146, 176, 206, 237, 267,
2 292, and 368 of Act No. 116 of the Public Acts of 1954, being
3 sections 168.66, 168.82, 168.107, 168.146, 168.176, 168.206,
4 168.237, 168.267, 168.292, and 168.368 of the Michigan Compiled
5 Laws, are amended to read as follows:

1 Sec. 66. (1) The office of governor or lieutenant governor
2 shall become vacant upon the happening of any of the following
3 events:

4 (A) Death of the incumbent. ~~his~~

5 (B) HIS OR HER resignation. ~~his~~

6 (C) HIS OR HER removal from office for cause. ~~his~~

7 (D) HIS OR HER ceasing to be a resident of ~~the~~ THIS state.

8 ~~his~~

9 (E) HIS OR HER conviction of an infamous crime ~~or~~ or an
10 offense involving the violation of his OR HER oath of office. ~~or~~
11 ~~the~~

12 (F) THE decision of a competent tribunal declaring his OR
13 HER election void. ~~or his~~

14 (G) HIS OR HER neglect or refusal to take and subscribe to
15 the constitutional oath of office and deposit the ~~same~~ OATH in
16 the manner and within the time prescribed by law.

17 (H) HE OR SHE CHANGING POLITICAL PARTY AFFILIATION FROM HIS
18 OR HER POLITICAL PARTY AFFILIATION AT THE TIME OF HIS OR HER
19 ELECTION TO THE OFFICE.

20 (2) Any person holding the office of governor or lieutenant
21 governor may be removed from office upon conviction in impeach-
22 ment proceedings as provided in section 7 of article ~~++~~ XI of
23 the state constitution.

24 Sec. 82. (1) The office of secretary of state or attorney
25 general shall become vacant upon the happening of any of the fol-
26 lowing events:

1 (A) Death of the incumbent. ~~his~~

2 (B) HIS OR HER resignation. ~~his~~

3 (C) HIS OR HER removal from office for cause. ~~his~~

4 (D) HIS OR HER ceasing to be a resident of ~~the~~ THIS state.

5 ~~his~~

6 (E) HIS OR HER conviction of an infamous crime or an offense

7 involving the violation of his OR HER oath of office. ~~the~~

8 (F) THE decision of a competent tribunal declaring his OR

9 HER election or appointment void. ~~or his~~

10 (G) HIS OR HER neglect or refusal to take and subscribe to

11 the constitutional oath of office and deposit the ~~same~~ OATH in

12 the manner and within the time prescribed by law. ~~when~~

13 (H) HE OR SHE CHANGING POLITICAL PARTY AFFILIATION FROM HIS

14 OR HER POLITICAL PARTY AFFILIATION AT THE TIME OF HIS OR HER

15 ELECTION TO THE OFFICE.

16 (2) WITHIN 10 DAYS AFTER a vacancy ~~shall occur~~ OCCURS in

17 ~~any of the said offices~~ OFFICE OF SECRETARY OF STATE OR

18 ATTORNEY GENERAL, a notice of ~~such~~ THE vacancy and the reason

19 why the ~~same~~ VACANCY exists shall ~~within 10 days after such~~

20 ~~vacancy occurs,~~ be given in writing to the governor. ~~Such~~ THE

21 notice shall be given by the secretary of state unless ~~such~~ THE

22 vacancy occurs in the office of the secretary of state, then by

23 the attorney general.

24 Sec. 107. The office of United States senator shall become

25 vacant on the happening of any of the following events before the

26 expiration of the term of ~~such~~ THE office:

(A) The death of the incumbent. ~~his~~

(B) HIS OR HER resignation. ~~his~~

(C) HIS OR HER removal from office. ~~the~~

(D) THE decision of a competent tribunal declaring void his OR HER election or appointment. ~~or his~~

(E) HIS OR HER refusal or neglect to take his or her oath of office.

(F) HE OR SHE CHANGING POLITICAL PARTY AFFILIATION FROM HIS OR HER POLITICAL PARTY AFFILIATION AT THE TIME OF HIS OR HER ELECTION TO THE OFFICE.

Sec. 146. The office of representative in congress shall become vacant on the happening of any of the following events before the expiration of the term of ~~such~~ THE office:

(A) The death of the incumbent. ~~his~~

(B) HIS OR HER resignation. ~~his~~

(C) HIS OR HER removal from office. ~~the~~

(D) THE decision of a competent tribunal declaring void his OR HER election. ~~or his~~

(E) HIS OR HER refusal or neglect to take his OR HER oath of office.

(F) HE OR SHE CHANGING POLITICAL PARTY AFFILIATION FROM HIS OR HER POLITICAL PARTY AFFILIATION AT THE TIME OF HIS OR HER ELECTION TO THE OFFICE.

Sec. 176. (1) The office of state senator or representative shall become vacant on the happening of any of the following events, before the expiration of the term of ~~such~~ THE office:

1 (A) The death of the incumbent. ~~his~~

2 (B) HIS OR HER resignation. ~~his~~

3 (C) HIS OR HER removal from office. ~~his~~

4 (D) HIS OR HER ceasing to be an inhabitant of the district
5 ~~for~~ FROM which he ~~shall have been~~ OR SHE WAS elected. ~~the~~

6 (E) THE decision of a competent tribunal declaring void his
7 OR HER election or appointment. ~~or his~~

8 (F) HIS OR HER refusal or neglect to take and subscribe to
9 his OR HER oath of office.

10 (G) HE OR SHE CHANGING POLITICAL PARTY AFFILIATION FROM HIS
11 OR HER POLITICAL PARTY AFFILIATION AT THE TIME OF HIS OR HER
12 ELECTION TO THE OFFICE.

13 (2) Regardless of any change in the boundaries of any state
14 senatorial or representative district, an incumbent state senator
15 or representative shall continue to represent the district from
16 which he OR SHE was elected until his OR HER current term of
17 office ~~shall expire~~ EXPIRES or his OR HER successor is elected
18 and qualified.

19 Sec. 206. The office of county clerk, county treasurer,
20 register of deeds, prosecuting attorney, sheriff, drain commis-
21 sioner, surveyor or coroner in any county in this state shall
22 become vacant upon the happening of any of the following events:

23 (A) Death of the incumbent. ~~his~~

24 (B) HIS OR HER resignation. ~~his~~

25 (C) HIS OR HER removal from office for cause. ~~his~~

26 (D) HIS OR HER ceasing to be a resident of the county in
27 which his OR HER office is located. ~~his~~

1 (E) HIS OR HER conviction of an infamous crime or an offense
2 involving the violation of his OR HER oath of office. ~~the~~

3 (F) THE decision of a competent tribunal declaring his OR
4 HER election or appointment void. ~~his~~

5 (G) HIS OR HER refusal or neglect to take and subscribe to
6 the constitutional oath of office and deposit the ~~same~~ OATH in
7 the manner and within the time prescribed by law. ~~or his~~

8 (H) HIS OR HER refusal or neglect to give bond in the amount
9 and manner and within the time prescribed by law.

10 (I) HE OR SHE CHANGING POLITICAL PARTY AFFILIATION FROM HIS
11 OR HER POLITICAL PARTY AFFILIATION AT THE TIME OF HIS OR HER
12 ELECTION TO THE OFFICE.

13 Sec. 237. The office of county auditor in any county in
14 this state shall become vacant upon the happening of any of the
15 following events:

16 (A) Death of the incumbent. ~~his~~

17 (B) HIS OR HER resignation. ~~his~~

18 (C) HIS OR HER removal from office for cause. ~~his~~

19 (D) HIS OR HER ceasing to be a resident of the county where
20 his OR HER office is located. ~~his~~

21 (E) HIS OR HER conviction of an infamous crime ~~or~~ or an
22 offense involving the violation of his OR HER oath of office. ~~the~~
23

24 (F) THE decision of a competent tribunal declaring his OR
25 HER election or appointment void. ~~his~~

1 (G) HIS OR HER refusal or neglect to take and subscribe to
2 the constitutional oath of office and deposit the ~~same~~ OATH in
3 the manner and within the time prescribed by law. ~~, or his~~

4 (H) HIS OR HER refusal or neglect to give bond in the amount
5 and manner and within the time prescribed by law.

6 (I) HE OR SHE CHANGING POLITICAL PARTY AFFILIATION FROM HIS
7 OR HER POLITICAL PARTY AFFILIATION AT THE TIME OF HIS OR HER
8 ELECTION TO THE OFFICE.

9 Sec. 267. The office of county road commissioner in any
10 county in this state shall become vacant upon the happening of
11 any of the following events:

12 (A) Death of the incumbent. ~~, his~~

13 (B) HIS OR HER resignation. ~~, his~~

14 (C) HIS OR HER removal from office for cause. ~~, his~~

15 (D) HIS OR HER ceasing to be a resident of the county where
16 his OR HER office is located. ~~, his~~

17 (E) HIS OR HER conviction of an infamous crime ~~,~~ or an
18 offense involving the violation of his OR HER oath of office. ~~,~~
19 ~~the~~

20 (F) THE decision of a competent tribunal declaring his OR
21 HER election or appointment void. ~~, his~~

22 (G) HIS OR HER refusal or neglect to take and subscribe to
23 the constitutional oath of office and deposit the ~~same~~ OATH in
24 the manner and within the time prescribed by law. ~~, or his~~

25 (H) HIS OR HER refusal or neglect to give bond in the amount
26 and manner and within the time prescribed by law.

1 (1) HE OR SHE CHANGING POLITICAL PARTY AFFILIATION FROM HIS
 2 OR HER POLITICAL PARTY AFFILIATION AT THE TIME OF HIS OR HER
 3 ELECTION TO THE OFFICE.

4 Sec. 292. (1) There shall be a vacancy on the state board
 5 of education, the board of regents of the University of Michigan,
 6 the board of trustees of Michigan State University, or the board
 7 of governors of Wayne State University upon the happening of any
 8 of the following events:

9 (A) Death of the incumbent. ~~his~~

10 (B) HIS OR HER resignation. ~~his~~

11 (C) HIS OR HER removal from office for cause. ~~his~~

12 (D) HIS OR HER ceasing to be a resident of ~~the~~ THIS state.
 13 ~~his~~

14 (E) HIS OR HER conviction of an infamous crime ~~or~~ or an
 15 offense involving the violation of his OR HER oath of office. ~~or~~
 16 ~~the~~

17 (F) THE decision of a competent tribunal declaring his OR
 18 HER election or appointment void. ~~or his~~

19 (G) HIS OR HER neglect or refusal to take and subscribe to
 20 the constitutional oath of office and deposit the ~~same~~ OATH in
 21 the manner and within the time prescribed by law. ~~when~~

22 (H) HE OR SHE CHANGING POLITICAL PARTY AFFILIATION FROM HIS
 23 OR HER POLITICAL PARTY AFFILIATION AT THE TIME OF HIS OR HER
 24 ELECTION TO THE OFFICE.

25 (2) WITHIN 10 DAYS AFTER a vacancy ~~shall occur~~ OCCURS on
 26 any of the ~~said~~ boards LISTED IN SUBSECTION (1), ~~a~~ THE
 27 SECRETARY OF STATE SHALL GIVE notice of ~~such~~ THE vacancy and

1 the reason why the ~~same~~ VACANCY exists ~~shall, within 10 days~~
 2 ~~after such vacancy occurs, be given~~ in writing to the governor.
 3 ~~Such notice shall be given by the secretary of state.~~

4 Sec. 368. The township offices become vacant upon the hap-
 5 pening of any of the following events:

6 (A) Death of the incumbent. ~~his~~

7 (B) HIS OR HER resignation. ~~his~~

8 (C) HIS OR HER removal from office for cause. ~~his~~

9 (D) HIS OR HER ceasing to be a resident of the township
 10 where his OR HER office is located. ~~his~~

11 (E) HIS OR HER conviction of an infamous crime ~~or~~ or of an
 12 offense involving the violation of his OR HER oath of office. ~~or~~
 13 ~~the~~

14 (F) THE decision of a competent tribunal declaring his OR
 15 HER election or appointment void. ~~or~~

16 (G) HIS OR HER habitual drunkenness. ~~his~~

17 (H) HIS OR HER refusal or neglect to take and subscribe to
 18 the oath as provided in section ~~2~~ 1 of article ~~16~~ XI of the
 19 state constitution OF 1963 and deposit the ~~same~~ OATH in the
 20 manner and within the time prescribed by law. ~~his~~

21 (I) HIS OR HER refusal or neglect to give bond in the amount
 22 and manner and within the time prescribed by law. ~~or the~~

23 (J) THE failure of the office to be filled at an election
 24 ~~which~~ THAT is scheduled for the purpose of filling the office.

25 (K) HE OR SHE CHANGING POLITICAL PARTY AFFILIATION FROM HIS
 26 OR HER POLITICAL PARTY AFFILIATION AT THE TIME OF HIS OR HER
 27 ELECTION TO THE OFFICE.