



# 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 an  
10 offense involving the violation of his OR HER oath of office. ~~,~~

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:

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

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

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

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

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

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

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

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

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

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

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

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

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

24 Sec. 176. (1) The office of state senator or representative  
25 shall become vacant on the happening of any of the following  
26 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 an  
22 offense involving the violation of his OR HER oath of office. ~~→~~  
23 ~~the~~

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. ~~, or~~  
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.