

HOUSE BILL No. 4344

February 18, 1997, Introduced by Reps. Kelly, Hale, Baade, Bogardus, Schermesser, DeHart, Prusi, Leland, Anthony, LaForge, Kilpatrick, Scott and Varga and referred to the Committee on House Oversight and Ethics.

A bill to amend 1954 PA 116, entitled
"Michigan election law,"
by amending sections 66, 82, 107, 146, 176, 206, 237, 267, 292,
and 368 (MCL 168.66, 168.82, 168.107, 168.146, 168.176, 168.206,
168.237, 168.267, 168.292, and 168.368).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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~~

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

4 (F) THE decision of a competent tribunal declaring his OR
5 HER election void. ~~→ or his—~~

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

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

12 (2) Any person holding the office of governor or lieutenant
13 governor may be removed from office upon conviction in impeach-
14 ment proceedings as provided in section 7 of article ~~—11—~~ XI of
15 the state constitution.

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

19 (A) Death of the incumbent. ~~→ his—~~

20 (B) HIS OR HER resignation. ~~→ his—~~

21 (C) HIS OR HER removal from office for cause. ~~→ his—~~

22 (D) HIS OR HER ceasing to be a resident of ~~—the—~~ THIS state.
23 ~~→ his—~~

24 (E) HIS OR HER conviction of an infamous crime or an offense
25 involving the violation of his OR HER oath of office. ~~→ the—~~

26 (F) THE decision of a competent tribunal declaring his OR
27 HER election or appointment void. ~~→ or his—~~

1 (G) HIS OR HER neglect or refusal 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. ~~When~~

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

7 (2) WITHIN 10 DAYS AFTER a vacancy ~~shall occur~~ OCCURS in
8 ~~any of the said offices~~ OFFICE OF SECRETARY OF STATE OR
9 ATTORNEY GENERAL, a notice of ~~such~~ THE vacancy and the reason
10 why the ~~same~~ VACANCY exists shall ~~, within 10 days after such~~
11 ~~vacancy occurs,~~ be given in writing to the governor. ~~Such~~ THE
12 notice shall be given by the secretary of state unless ~~such~~ THE
13 vacancy occurs in the office of the secretary of state, then by
14 the attorney general.

15 Sec. 107. The office of United States senator shall become
16 vacant on the happening of any of the following events before the
17 expiration of the term of ~~such~~ THE office:

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

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

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

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

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

25 (F) 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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 (G) 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 (2) Regardless of any change in the boundaries of any state
5 senatorial or representative district, an incumbent state senator
6 or representative shall continue to represent the district from
7 which he OR SHE was elected until his OR HER current term of
8 office ~~shall expire~~ EXPIRES or his OR HER successor is elected
9 and qualified.

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

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

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

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

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

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

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

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

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

1 (I) 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. 237. The office of county auditor in any county in
5 this state shall become vacant upon the happening of any of the
6 following events:

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

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

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

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

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

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

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

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

22 (I) 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 Sec. 267. The office of county road commissioner in any
26 county in this state shall become vacant upon the happening of
27 any of the following 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 county where
5 his OR HER office is located. ~~his~~

6 (E) HIS OR HER conviction of an infamous crime ~~,~~ or an
7 offense involving the violation of his OR HER oath of office. ~~the~~
8 ~~the~~

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

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

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

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

19 Sec. 292. (1) There shall be a vacancy on the state board
20 of education, the board of regents of the University of Michigan,
21 the board of trustees of Michigan State University, or the board
22 of governors of Wayne State University upon the happening of any
23 of the following events:

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

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

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

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

2 ~~;/ his~~

3 (E) HIS OR HER conviction of an infamous crime ~~—,~~ or an
4 offense involving the violation of his OR HER oath of office. ~~→~~

5 ~~the~~

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

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

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

14 (2) WITHIN 10 DAYS AFTER a vacancy ~~shall occur~~ OCCURS on
15 any of the ~~said~~ boards LISTED IN SUBSECTION (1), ~~a~~ THE SECRE-
16 TARY OF STATE SHALL GIVE notice of ~~such~~ THE vacancy and the
17 reason why the ~~same~~ VACANCY exists ~~shall, within 10 days after~~
18 ~~such vacancy occurs, be given~~ in writing to the governor. ~~Such~~
19 ~~notice shall be given by the secretary of state.~~

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

22 (A) Death of the incumbent. ~~;/ his~~

23 (B) HIS OR HER resignation. ~~;/ his~~

24 (C) HIS OR HER removal from office for cause. ~~;/ his~~

25 (D) HIS OR HER ceasing to be a resident of the township
26 where his OR HER office is located. ~~;/ his~~

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

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

6 (G) HIS OR HER habitual drunkenness. ~~—; his—~~

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

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

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

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