



HOUSE BILL No. 5179

December 8, 1999, Introduced by Reps. Switalski, Julian and Woodward and referred to the Committee on Constitutional Law and Ethics.

A bill to amend 1966 PA 261, entitled

"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; to prescribe penalties and provide remedies; and to repeal acts and parts of acts,"

by amending sections 11 and 12 (MCL 46.411 and 46.412), as amended by 1982 PA 504.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 11. ~~Candidates~~ A CANDIDATE for the office of COUNTY
2 commissioner shall be ~~residents~~ A RESIDENT and registered
3 ~~voters~~ VOTER of the district which ~~they seek~~ HE OR SHE SEEKS
4 to represent and shall remain ~~so~~ A RESIDENT to hold ~~their~~ HIS
5 OR HER office, if elected. Nominations and elections for commis-
6 sioners shall be by partisan elections. ~~To obtain the printing~~
7 of IN ORDER FOR the name of ~~any person as~~ a candidate for

1 nomination for the office of commissioner ~~upon~~ TO APPEAR ON the
 2 official primary ballot, ~~there~~ A NOMINATING PETITION OR \$100.00
 3 FILING FEE shall be filed with the county clerk. ~~of each county~~
 4 ~~a filing fee of \$100.00 or nomination petitions~~ THE NOMINATING
 5 PETITION SHALL HAVE BEEN signed by a number of qualified and reg-
 6 istered electors residing within the district, equal to not less
 7 than 1% nor more than 4% of the number of votes cast in the dis-
 8 trict by ~~such~~ THE party for the office of secretary of state at
 9 the last general election in which a secretary of state was
 10 elected. The deadline for filing nomination petitions or filing
 11 fees ~~shall be~~ IS the same as ~~candidates~~ FOR A CANDIDATE for
 12 state representative. A person who has been convicted of a vio-
 13 lation of section 12a(1) of ~~Act No. 370 of the Public Acts of~~
 14 ~~1941, being section 38.412a of the Michigan Compiled Laws, shall~~
 15 1941 PA 370, MCL 38.412A, IS not ~~be~~ eligible ~~for election~~ to
 16 ~~the office of~~ BE A county commissioner for ~~a period of~~ 20
 17 years after THE conviction. A PERSON WHO HAS BEEN CONVICTED OF A
 18 FELONY UNDER THE LAWS OF THIS STATE OR ANOTHER STATE IS NOT ELI-
 19 GIBLE TO BE A COUNTY COMMISSIONER FOR 20 YEARS AFTER THE
 20 CONVICTION.

21 Sec. 12. When a vacancy occurs in the office of commis-
 22 sioner by death, resignation, removal from the district, or
 23 removal from office, the vacancy shall be filled by appointment
 24 within 30 days by the county board of commissioners of a resident
 25 and registered voter of that district. A person who has been
 26 convicted of a violation of section 12a(1) of ~~Act No. 370 of the~~
 27 ~~Public Acts of 1941, being section 38.412a of the Michigan~~

1 ~~Compiled Laws, shall~~ 1941 PA 370, MCL 38.412A, IS not ~~be~~
2 eligible ~~for appointment to the office of~~ BE A county commis-
3 sioner for ~~a period of~~ 20 years after THE conviction. A PERSON
4 WHO HAS BEEN CONVICTED OF A FELONY UNDER THE LAWS OF THIS STATE
5 OR ANOTHER STATE IS NOT ELIGIBLE TO BE A COUNTY COMMISSIONER FOR
6 20 YEARS AFTER THE CONVICTION. The person appointed to fill a
7 vacancy which occurred in an odd numbered year shall serve until
8 the vacancy is filled in a special election. That special elec-
9 tion shall be called by the county board of commissioners. The
10 person appointed to fill a vacancy which occurs in a year which
11 is an election year for the office of county commissioner shall
12 serve for the remainder of the unexpired term. If the county
13 board of commissioners does not fill the vacancy by appointment
14 within 30 days, that vacancy shall be filled by a special elec-
15 tion regardless of whether the year is an election year or an odd
16 year.