

# HOUSE BILL No. 6558

December 3, 2002, Introduced by Reps. Bishop, Kowall, Raczkowski and Koetje and referred to the Committee on Redistricting and Elections.

A bill to amend 1973 PA 139, entitled

"An act to provide forms of county government; to provide for county managers and county executives and to prescribe their powers and duties; to abolish certain departments, boards, commissions, and authorities; to provide for transfer of certain powers and functions; to prescribe powers of a board of county commissioners and elected officials; to provide organization of administrative functions; to transfer property; to retain ordinances and laws not inconsistent with this act; to provide methods for abolition of a unified form of county government; and to prescribe penalties and provide remedies,"

by amending sections 9 and 10 (MCL 45.559 and 45.560), section 9 as amended by 1980 PA 100, and by adding section 9a.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 9. (1) A county executive who is a qualified elector  
2   in the county shall be elected on a partisan basis for a term of  
3   4 years concurrent with ~~that~~ THE TERM of the county prosecuting  
4   attorney, county clerk, county register of deeds, county  
5   treasurer, county sheriff, elected county auditors, and county

1 drain commissioner. ~~The first term of office of~~ IF a county  
2 executive ~~, when~~ IS elected at an election different than the  
3 election for county officers, HIS OR HER FIRST TERM shall extend  
4 only until the January following the election ~~at which~~ FOR  
5 county officers. ~~are elected.~~

6 (2) The first county executive may be nominated in the same  
7 or next primary or general election held after the election in  
8 which alternate B is approved. The county executive shall then  
9 be elected in the next regular primary or general election occur-  
10 ring not less than 30 days nor more than 90 days after the date  
11 of the election in which alternate B is approved or in which he  
12 or she was nominated. If a primary or general election is not  
13 scheduled during ~~the~~ THAT period, the ~~county executive shall~~  
14 ~~be elected at a special election called by the~~ board of county  
15 commissioners ~~for this purpose within the period. Thereafter,~~  
16 ~~the~~ SHALL CALL A SPECIAL ELECTION TO ELECT A COUNTY EXECUTIVE.  
17 THE county executive shall be nominated and elected ~~in accord-~~  
18 ~~ance with and subject~~ PURSUANT to the laws applicable to the  
19 nomination and election of other county officials.

20 (3) If the first election of a county executive is a special  
21 election for that purpose only, and ~~not more than~~ ONLY 1 candi-  
22 date for each political party qualifies to have his or her name  
23 appear on the primary ballot, a primary election shall not be  
24 held, and the candidate qualifying shall be certified as the nom-  
25 inee of the political party for which he or she filed.

26 ~~(4) The office of elected county executive which becomes~~  
27 ~~vacant due to resignation or death shall be filled by appointment~~

~~of the board of county commissioners until the next general election. A new county executive shall be elected at the next general election after the resignation or death of a county executive and in the manner provided in this section for the election of county executives. The newly elected county executive shall serve a term equal to the balance of the term for which the county executive who resigned or died was elected.~~

(4) ~~-(5)-~~ The salary of the county executive for the initial term shall be established by the board of county commissioners ~~not less than~~ AT LEAST 6 months before the EFFECTIVE date OF the optional unified form of county government, containing alternate B. ~~becomes effective.~~ The salary shall be established by the board consistent with the procedures established for other elected officials. The county executive's salary shall be commensurate with the duties and responsibilities of the office. The salary of a county executive shall not be reduced during his or her term of office except as part of a general salary reduction.

SEC. 9A. (1) IF A VACANCY OCCURS IN THE OFFICE OF THE ELECTED COUNTY EXECUTIVE DUE TO DEATH OR INCAPACITY OF THE ELECTED COUNTY EXECUTIVE, THE CHIEF DEPUTY SHALL TAKE THE CONSTITUTIONAL OATH OF OFFICE AND SERVE AS THE SUCCESSOR TO THE ELECTED COUNTY EXECUTIVE UNTIL THE NEXT GENERAL ELECTION.

(2) IF THE CHIEF DEPUTY IS UNABLE TO SERVE AS THE SUCCESSOR TO THE OFFICE OF THE ELECTED COUNTY EXECUTIVE UNTIL THE NEXT GENERAL ELECTION DUE TO DEATH OR INCAPACITY OF THE CHIEF DEPUTY, THE HIGHEST RANKING DEPUTY SHALL TAKE THE CONSTITUTIONAL OATH OF

1 OFFICE AND SERVE AS THE COUNTY EXECUTIVE UNTIL THE NEXT GENERAL  
2 ELECTION.

3 (3) A NEW COUNTY EXECUTIVE SHALL BE ELECTED AT THE NEXT GEN-  
4 ERAL ELECTION AFTER THE DEATH OR INCAPACITY OF A COUNTY EXECUTIVE  
5 AS PROVIDED IN SECTION 9 FOR THE ELECTION OF COUNTY EXECUTIVES.  
6 THE NEWLY ELECTED COUNTY EXECUTIVE SHALL SERVE A TERM EQUAL TO  
7 THE BALANCE OF THE TERM FOR WHICH THE COUNTY EXECUTIVE WHO DIED  
8 OR IS INCAPACITATED WAS ELECTED.

9 Sec. 10. (1) WITHIN 10 DAYS AFTER BEING ELECTED, THE COUNTY  
10 EXECUTIVE SHALL APPOINT A CHIEF DEPUTY. THE COUNTY EXECUTIVE MAY  
11 ALSO APPOINT ADDITIONAL DEPUTIES WHO HE OR SHE CONSIDERS NECES-  
12 SARY TO PERFORM THE FUNCTIONS AND DUTIES OF THE OFFICE OF ELECTED  
13 COUNTY EXECUTIVE.

14 (2) THE COUNTY EXECUTIVE SHALL FILE A STATEMENT WITH THE  
15 COUNTY CLERK IDENTIFYING THE INDIVIDUAL APPOINTED AS CHIEF DEPUTY  
16 AND ALL OTHER INDIVIDUALS APPOINTED AS A DEPUTY. THE STATEMENT  
17 SHALL ALSO IDENTIFY THE RANKING ORDER OF THE DEPUTIES.

18 (3) THE COUNTY EXECUTIVE MAY REVOKE HIS OR HER APPOINTMENTS  
19 AT ANY TIME.

20 (4) The county executive shall be responsible for the over-  
21 all supervision of all county departments not headed by other  
22 elected officials.