

**SUBSTITUTE FOR  
HOUSE BILL NO. 6005**

A bill to amend 1895 PA 3, entitled  
"The general law village act,"  
by amending sections 1 and 5 of chapter II and section 1 of  
chapter III (MCL 62.1, 62.5, and 63.1), as amended by 2003 PA  
305.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1 CHAPTER II

2 Sec. 1. (1) Except as provided in subsections (2) and (3),  
3 in each village, the following officers shall be elected: a  
4 president, 6 trustees, 1 clerk, and 1 treasurer. The president  
5 and trustees constitute the council. In all votes for which not  
6 less than a majority vote of council is required, the calculation  
7 of the number of votes required shall be based on the maximum  
8 number that constitutes council.

9 (2) The council by a vote of 2/3 of the members of council

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1 may provide by ordinance for the reduction in the number of  
2 trustees to 4 **or for the election of all trustees at the same**  
3 **election for 2-year terms at the first possible election after**  
4 **2004** who with the president shall constitute the council <<, and may  
provide by ordinance for the method of changing from 2-year staggered  
terms to 4-year staggered terms>>. If  
5 village trustees are elected biennially for staggered 4-year  
6 terms, ~~or annually for staggered 2-year terms,~~ the ordinance  
7 shall as nearly as possible maintain staggered terms and provide  
8 for an equal number of seats to be filled at each election. The  
9 ordinance may extend but shall not shorten the term of an  
10 incumbent trustee. The ordinance may extend a prospective term.  
11 The ordinance shall not shorten or eliminate a prospective term  
12 unless the nomination deadline for that term is not less than 30  
13 days after the effective date of the ordinance. An ordinance  
14 adopted under this subsection shall satisfy both of the following  
15 conditions:

16 (a) The ordinance shall be voted on and adopted at a meeting  
17 that occurs not less than 10 days after the initial meeting or  
18 public hearing at which the ordinance was considered.

19 (b) Notice of each meeting at which the ordinance is  
20 considered indicating that an ordinance reducing the size of the  
21 council **or to change the time of election of the trustees**  
22 **comprising the council** will be 1 of the subjects of the meeting  
23 shall be published not less than 10 days before the meeting in a  
24 newspaper of general circulation in the village.

25 (3) The council by a vote of 2/3 of the members of council  
26 may provide by ordinance for the nomination by the president and  
27 the appointment by the council of the clerk or the treasurer or

1 both for such a term as the ordinance may provide. The ordinance  
2 shall apply beginning with the first term the nomination deadline  
3 for which would have been not less than 30 days after the  
4 effective date of the ordinance or shall apply when the office is  
5 vacated, whichever occurs first.

6 (4) The council shall provide that an ordinance adopted under  
7 subsection (2) or (3) takes effect 45 days after the date of  
8 adoption unless a petition signed by not less than 10% of the  
9 registered electors of the village is filed with the village  
10 clerk within the 45-day period, in which case the ordinance takes  
11 effect upon approval at an election held on the question. Notice  
12 of the delayed effect of the ordinance and the right of petition  
13 under this subsection shall be published separately at the same  
14 time, and in the same manner, as the ordinance is published  
15 pursuant to section 4 of chapter VI. The village clerk shall  
16 verify the signatures on the petitions. If a petition bearing  
17 the required number of valid signatures of electors is filed, the  
18 question of adoption of the ordinance shall be submitted at the  
19 next general or special election. The ballot language for the  
20 question shall be prepared by the village clerk, unless the  
21 question concerns the appointment of the clerk under subsection  
22 (2), in which case the ballot language shall be prepared by the  
23 village council.

24 (5) A village that has adopted an ordinance reducing the  
25 number of trustees to 4 or providing for the appointment by the  
26 council of the clerk or treasurer may increase the number of  
27 trustees to 6 or provide for the election of the clerk or

1 treasurer by the same process as provided in subsection (2) or  
2 (3), respectively, and in subsection (4).

3       Sec. 5. Except as otherwise provided in this section, 3  
4 village trustees shall be elected at each biennial village  
5 election for the term of 4 years and until their successors are  
6 qualified. As an alternative, if provided by an ordinance  
7 adopted by the village ~~before January 1, 1974,~~ all 6 village  
8 trustees shall be elected at the biennial village elections for  
9 the term of 2 years and until their successors are qualified.  
10 The term of office for a trustee elected at the village's regular  
11 election begins on 1 of the following dates:

12       (a) If the regular election is held at the general election,  
13 November 20 after the officer's election and qualification.

14       (b) If the regular election is held at the September primary  
15 election, October 1 after the officer's election and  
16 qualification.

17                                   CHAPTER III

18       Sec. 1. (1) An election under this act shall be held at a  
19 place in the village as the council designates.

20       (2) Notwithstanding a charter provision or ordinance  
21 providing otherwise, the day on which a village holds its regular  
22 or a special election is governed by the Michigan election law,  
23 1954 PA 116, MCL 168.1 to 168.992, or by a resolution adopted in  
24 compliance with section 642 **or 642a** of the Michigan election law,  
25 1954 PA 116, MCL 168.642 **and 168.642a**.