HOUSE BILL No. 6005

June 9, 2004, Introduced by Rep. Kooiman and referred to the Committee on Local Government and Urban Policy.

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
- 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.
 - (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. If
- 5 village trustees are elected biennially for staggered 4-year
- 6 terms or annually for staggered 2-year terms, the ordinance shall
- 7 as nearly as possible maintain staggered terms and provide for an
- 8 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

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- 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

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- 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.

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