

# HOUSE BILL No. 5813

March 2, 2006, Introduced by Rep. Ward and referred to the Committee on House Oversight, Elections, and Ethics.

A bill to amend 1954 PA 116, entitled  
"Michigan election law,"  
by amending section 381 (MCL 168.381), as amended by 2005 PA 71.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 381. (1) Except as provided in ~~subsection (2)~~ **THIS**  
2       **SECTION** and sections 383, 641, 642, and 644g, the qualifications,  
3       nomination, election, appointment, term of office, and removal from  
4       office of a village officer shall be as determined by the charter  
5       provisions governing the village.

6       (2) If the membership of the village council of a village  
7       governed by the general law village act, 1895 PA 3, MCL 61.1 to  
8       74.25, is reduced to less than a quorum of 4 and a special election  
9       for the purpose of filling all vacancies in the office of trustee

1 is called under section 13 of chapter II of the general law village  
2 act, 1895 PA 3, MCL 62.13, temporary appointments of trustees shall  
3 be made as provided in this subsection. The board of county  
4 election commissioners of the county in which the largest portion  
5 of the population of the village is situated shall make temporary  
6 appointment of the number of trustees required to constitute a  
7 quorum for the transaction of business by the village council. A  
8 trustee appointed under this subsection shall hold the office only  
9 until the trustee's successor is elected and qualified. A trustee  
10 who is temporarily appointed under this subsection shall not vote  
11 on the appointment of himself or herself to an elective or  
12 appointive village office.

13 (3) Notwithstanding another provision of law or charter to the  
14 contrary, an appointment to an elective or appointive village  
15 office made by a quorum constituted by temporary appointments under  
16 this subsection expires upon the election and qualification of  
17 trustees under the special election called to fill the vacancies in  
18 the office of trustee.

19 (4) Filing for a village office shall be with the township  
20 clerk if the township is conducting the election or if the village  
21 is located in more than 1 township with the township in which the  
22 largest number of the registered electors of the village reside.

23 **EXCEPT AS PROVIDED IN SUBSECTION (5), NOMINATING PETITIONS FOR**  
24 **VILLAGE OFFICES SHALL BE FILED WITH THE APPROPRIATE TOWNSHIP CLERK**  
25 **BY 4 P.M. ON THE TWELFTH TUESDAY BEFORE THE GENERAL NOVEMBER**  
26 **ELECTION. AFTER A NOMINATING PETITION IS FILED FOR A CANDIDATE FOR**  
27 **A VILLAGE OFFICE, THE CANDIDATE IS NOT PERMITTED TO WITHDRAW UNLESS**

1 A WRITTEN WITHDRAWAL NOTICE, SIGNED BY THE CANDIDATE, IS FILED WITH  
2 THE APPROPRIATE TOWNSHIP CLERK NOT LATER THAN 4 P.M. OF THE THIRD  
3 DAY AFTER THE LAST DAY FOR FILING THE NOMINATING PETITION.

4 (5) If a village council adopts a resolution in compliance  
5 with section 642(7) to hold its regular election at the September  
6 primary election, the nominating petitions for village offices to  
7 be filled at the September primary election shall be filed as  
8 provided in this subsection. Until January 1, 2006, nominating  
9 petitions shall be filed with the village clerk by 4 p.m. on the  
10 eighth Tuesday before the September primary election. On and after  
11 January 1, 2006, nominating petitions shall be filed with the  
12 village clerk by 4 p.m. on the twelfth Tuesday before the September  
13 primary election. After a nominating petition is filed for a  
14 candidate for a village office, the candidate is not permitted to  
15 withdraw unless a written withdrawal notice, signed by the  
16 candidate, is filed with the village clerk not later than 4 p.m. of  
17 the third day after the last day for filing the nominating  
18 petition.