

SUBSTITUTE FOR  
SENATE BILL NO. 945

A bill to amend 1954 PA 116, entitled  
"Michigan election law,"  
by amending sections 200 and 209 (MCL 168.200 and 168.209), section  
200 as amended by 1998 PA 364 and section 209 as amended by 1990 PA  
7.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 200. (1) A county clerk, a county treasurer, a register  
2 of deeds, a prosecuting attorney, a sheriff, a drain commissioner,  
3 and a surveyor shall be elected at the 2000 general November  
4 election and every fourth year after that. However, in a county in  
5 which 1 of these offices is abolished or combined **OR BECOMES AN**  
6 **APPOINTED POSITION** as provided by law, no person shall be elected  
7 to that office in that county.

8       (2) Subject to subsections ~~—(3), (4), and (5)—~~ **(4), (5), AND**  
9 **(6)**, a county board of commissioners may by resolution combine the

1 offices of county clerk and register of deeds in 1 office of the  
 2 clerk register or separate the office of the clerk register into  
 3 the offices of county clerk and register of deeds. A combination or  
 4 separation of offices shall not take effect before the expiration  
 5 of the current term of the affected offices.

6 (3) SUBJECT TO SUBSECTIONS (4), (5), AND (6), IN A COUNTY WITH  
 7 A POPULATION OF NOT LESS THAN 500,000 OR MORE THAN 750,000, THE  
 8 COUNTY BOARD OF COMMISSIONERS MAY BY RESOLUTION OF THE  
 9 COMMISSIONERS ELECTED AND SERVING CONVERT THE POSITION OF DRAIN  
 10 COMMISSIONER TO AN ELECTED OFFICE OR AN APPOINTED POSITION. IF THE  
 11 POSITION IS APPOINTED, THE APPOINTMENT SHALL BE MADE BY A 2/3  
 12 MAJORITY VOTE OF THE BOARD OF COMMISSIONERS AND SHALL BE FOR A TERM  
 13 OF 4 YEARS. A RESOLUTION UNDER THIS SUBSECTION SHALL NOT TAKE  
 14 EFFECT UNTIL THERE IS A VACANCY IN THE OFFICE OF DRAIN  
 15 COMMISSIONER.

16 (4) ~~-(3)-~~ Before adopting a resolution ~~to combine the offices~~  
 17 ~~of county clerk and register of deeds or separate the office of~~  
 18 ~~clerk register into the offices of county clerk and register of~~  
 19 ~~deeds-~~ UNDER SUBSECTION (2) OR (3), a county board of commissioners  
 20 shall study the question of combining or separating the offices  
 21 UNDER SUBSECTION (2) OR CREATING AN APPOINTED POSITION UNDER  
 22 SUBSECTION (3). The mandatory requirements of this subsection may  
 23 be satisfied by conducting a public hearing ~~pursuant to~~ UNDER  
 24 subsection ~~-(4)-~~ (5).

25 (5) ~~-(4)-~~ The county board of commissioners as a whole body  
 26 shall hold not less than 1 public hearing, held subject to the open  
 27 meetings act, 1976 PA 267, MCL 15.261 to 15.275, on the question of

combining or separating the offices of county clerk and register of deeds **UNDER SUBSECTION (2) OR CONVERTING THE POSITION OF DRAIN COMMISSIONER UNDER SUBSECTION (3).** ~~The~~ **EXCEPT AS PROVIDED UNDER SUBSECTION (6),** THE county board of commissioners may vote on the question as a regularly scheduled agenda item not less than 10 days or more than 30 days after the last public hearing held by the county board of commissioners on the question.

(6) ~~—(5)—Not~~ **THE VOTE REQUIRED UNDER SUBSECTION (5) SHALL BE HELD NOT** later than the sixth Tuesday before the deadline for filing the nominating petitions for the office of **DRAIN COMMISSIONER,** county clerk, register of deeds, or clerk register ~~—, the county board of commissioners may by a vote of 2/3 of the commissioners elected and serving combine the offices of county clerk and register of deeds or separate the office of the clerk register~~ **AND SHALL REQUIRE A VOTE OF 2/3 OF THE COUNTY BOARD OF COMMISSIONERS ELECTED AND SERVING TO PASS THE RESOLUTION. IF THE NEXT GENERAL ELECTION FOR DRAIN COMMISSIONER IN THAT COUNTY IS THE 2006 GENERAL NOVEMBER ELECTION, TO FILL A VACANCY AS PROVIDED IN SECTION 209(D), THE VOTE REQUIRED UNDER SUBSECTION (5) ON CONVERTING THE POSITION OF COUNTY DRAIN COMMISSIONER TO AN APPOINTED POSITION UNDER SUBSECTION (3) SHALL BE HELD BEFORE THE DEADLINE FOR FILING NOMINATING PETITIONS FOR THE OFFICE OF DRAIN COMMISSIONER.**

(7) The resolution **UNDER SUBSECTION (2)** shall become effective upon the commencement of the next term of office of the county clerk, register of deeds, or clerk register after the adoption of the resolution.

1       Sec. 209. If a vacancy occurs in an elective or appointive  
2 county office, it shall be filled in the following manner:

3       (A) ~~—(1)—~~ If the vacancy is in the office of county clerk or  
4 prosecuting attorney, it shall be filled by appointment by the  
5 judge or judges of that judicial circuit.

6       (B) IF THE VACANCY IS IN THE OFFICE OF COUNTY DRAIN  
7 COMMISSIONER, IT SHALL BE FILLED BY APPOINTMENT BY A VOTE OF 2/3 OF  
8 THE COUNTY BOARD OF COMMISSIONERS ELECTED AND SERVING UNDER EITHER  
9 THIS SECTION OR SECTION 200(3). THIS SUBDIVISION SHALL NOT BE  
10 CONSTRUED TO AFFECT OR LIMIT THE POWERS AND DUTIES OF THE COUNTY  
11 BOARD OF COMMISSIONERS OTHERWISE PROVIDED BY LAW REGARDING THE  
12 OFFICE OF COUNTY DRAIN COMMISSIONER.

13       (C) ~~—(2)—~~ If the vacancy is in any other county office, the  
14 presiding or senior judge of probate, the county clerk, and the  
15 prosecuting attorney shall appoint a suitable person to fill the  
16 vacancy.

17       (D) ~~—(3)—~~ A person appointed shall take and subscribe to the  
18 oath as provided in section 1 of article XI of the state  
19 constitution of 1963, give bond in the manner required by law, and  
20 hold office for the remainder of the unexpired term and until a  
21 successor is elected and qualified. ~~However, if~~ IF the next  
22 general November election is to be held more than 182 days after  
23 the vacancy occurs, and it is not the general November election at  
24 which a successor in office would be elected if there were no  
25 vacancy, the person appointed shall hold office only until a  
26 successor is elected at the next general November election in the  
27 manner provided by law and qualifies for office. The successor

1 shall hold the office for the remainder of the unexpired term.