

SENATE BILL No. 1259

April 14, 2010, Introduced by Senators McMANUS and BROWN and referred to the Committee on Campaign and Election Oversight.

A bill to amend 1954 PA 116, entitled
"Michigan election law,"
by amending section 381 (MCL 168.381), as amended by 2006 PA 122.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 381. (1) Except as provided in this section and sections
2 383, 641, 642, and 644g, the qualifications, nomination, election,
3 appointment, term of office, and removal from office of a village
4 officer shall be as determined by the charter provisions governing
5 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
10 is called under section 13 of chapter II of the general law village

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

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

18 (4) Filing for a village office shall be with the township
19 clerk if the township is conducting the election or if the village
20 is located in more than 1 township with the township in which the
21 largest number of the registered electors of the village reside.
22 Except as provided in subsection (5), nominating petitions for
23 village offices shall be filed with the appropriate township clerk
24 by 4 p.m. on the twelfth Tuesday before the general November
25 election. After a nominating petition is filed for a candidate for
26 a village office, the candidate is not permitted to withdraw unless
27 a written withdrawal notice, signed by the candidate, is filed with

1 the appropriate township clerk not later than 4 p.m. of the third
2 day after the last day for filing the nominating petition.

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