

HOUSE BILL No. 4307

(As amended June 19, 2013)

February 21, 2013, Introduced by Rep. Lyons and referred to the Committee on Elections and Ethics.

A bill to amend 1966 PA 261, entitled

"An act to provide for the apportionment of county boards of commissioners; to prescribe the size of the board; to provide for appeals; to prescribe the manner of election of the members of the county board of commissioners; to provide for compensation of members; to prescribe penalties and provide remedies; and to repeal acts and parts of acts,"

by amending section 12 (MCL 46.412), as amended by 1982 PA 504, and by adding section 13.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 12. <<(1)>> When a vacancy occurs in the office of
2 Commissioner
3 by death, resignation, removal from the district, or removal from
4 office, the vacancy shall be filled by appointment within 30 days
5 by the county board of commissioners of a resident and registered
6 voter of that district. A person who has been convicted of a
 violation of section 12a(1) of ~~Act No. 370 of the Public Acts of~~

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1 ~~1941, being section 38.412a of the Michigan Compiled Laws, 1941 PA~~
 2 ~~370, MCL 38.412A, shall not be eligible for appointment to the~~
 3 ~~office of county commissioner for a period of 20 years after~~
 4 ~~conviction. <<The SUBJECT TO SUBSECTION (2), THE>> person appointed to~~
 5 ~~fill a vacancy which occurred~~
 6 ~~in an odd numbered year shall serve until the vacancy is filled in~~
 7 ~~a special election. That special election shall be called by the~~
 8 ~~county board of commissioners. The person appointed to fill a~~
 9 ~~vacancy which occurs in a year which is an election year for the~~
 10 ~~office of county commissioner shall serve for the remainder of the~~
 11 ~~unexpired term. If the county board of commissioners does not fill~~
 12 ~~the vacancy by appointment within 30 days, that vacancy shall be~~
 13 ~~filled by a special election regardless of whether the year is an~~
 14 ~~election year or an odd year.~~

<<(2) A SPECIAL ELECTION SCHEDULED FOR AUGUST 6, 2013 BY A
 COUNTY BOARD OF COMMISSIONERS TO FILL A VACANCY IN THE OFFICE OF
 COMMISSIONER THAT OCCURRED IN 2013 BEFORE THE EFFECTIVE DATE OF THE
 AMENDATORY ACT THAT ADDED THIS SUBSECTION SHALL BE HELD, AND THE
 PERSON ELECTED AT THE SPECIAL ELECTION HELD ON AUGUST 6, 2013 TO
 FILL THE VACANCY IN THE OFFICE OF COMMISSIONER SHALL SERVE FOR THE
 REMAINDER OF THE UNEXPIRED TERM.>>

14 SEC. 13. (1) IF THE COUNTY BOARD OF COMMISSIONERS DOES NOT
 15 FILL A VACANCY IN THE OFFICE OF COMMISSIONER AS PROVIDED IN SECTION
 16 12 WITHIN 30 DAYS, THAT VACANCY SHALL BE FILLED BY A SPECIAL
 17 ELECTION. THE SPECIAL ELECTION SHALL BE CALLED BY THE COUNTY BOARD
 18 OF COMMISSIONERS.

19 (2) THE PERSON ELECTED AT THE SPECIAL ELECTION TO FILL THE
 20 VACANCY IN THE OFFICE OF COMMISSIONER SHALL SERVE FOR THE REMAINDER
 21 OF THE UNEXPIRED TERM.