

HOUSE BILL No. 4150

January 31, 2013, Introduced by Reps. Johnson, Brown, Daley and Howrylak and referred to the Committee on Elections and Ethics.

A bill to amend 1954 PA 116, entitled
"Michigan election law,"
by amending sections 191, 195, 200, 203, 204, 205, 206, 206a, 209,
697, and 699 (MCL 168.191, 168.195, 168.200, 168.203, 168.204,
168.205, 168.206, 168.206a, 168.209, 168.697, and 168.699), section
191 as amended by 1999 PA 218, section 195 as amended by 2012 PA
276, section 200 as amended by 1998 PA 364, section 209 as amended
by 1990 PA 7, and section 699 as amended by 2005 PA 71, and by
adding chapter XA.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 191. (1) A person ~~shall~~**IS** not be eligible to the office
2 of county clerk, county treasurer, register of deeds, ~~prosecuting~~
3 ~~attorney, sheriff, drain commissioner, surveyor, or coroner if the~~
4 person is not a registered and qualified elector of the county in
5 which election is sought by the filing deadline.

1 (2) A person who has been convicted of a violation of section
2 12a(1) of 1941 PA 370, MCL 38.412a, ~~shall~~**IS** not ~~be~~ eligible to any
3 of the offices enumerated in this section for a period of 20 years
4 after conviction.

5 Sec. 195. If a candidate of a political party for ~~prosecuting~~
6 ~~attorney, sheriff,~~ county clerk, county treasurer, register of
7 deeds, drain commissioner, coroner, or surveyor, after having
8 qualified as a candidate, dies after the last day for qualifying,
9 leaving the political party without a candidate for that office, a
10 candidate to fill the vacancy may be selected by the members of the
11 county committee of the candidate's political party, and the name
12 of the candidate selected shall be transmitted to the county
13 officials required by law to print and distribute ballots. The name
14 of the candidate shall be printed on the ballots, but if the
15 ballots have been printed, the county officials shall have the
16 ballots reprinted with the candidate's name on the ballots and the
17 reprinted ballots shall be distributed to the various voting
18 precincts within their respective counties.

19 Sec. 200. (1) A county clerk, a county treasurer, a register
20 of deeds, ~~a prosecuting attorney, a sheriff,~~ a drain commissioner,
21 and a surveyor shall be elected at the 2000 general November
22 election and every fourth year after that. However, in a county in
23 which 1 of these offices is abolished or combined as provided by
24 law, no person shall be elected to that office in that county.

25 (2) Subject to subsections (3), (4), and (5), a county board
26 of commissioners may by resolution combine the offices of county
27 clerk and register of deeds in 1 office of the clerk register or

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

5 (3) Before adopting a resolution to combine the offices of
6 county clerk and register of deeds or separate the office of clerk
7 register into the offices of county clerk and register of deeds, a
8 county board of commissioners shall study the question of combining
9 or separating the offices. The mandatory requirements of this
10 subsection may be satisfied by conducting a public hearing pursuant
11 to subsection (4).

12 (4) The county board of commissioners as a whole body shall
13 hold not ~~less~~**FEWER** than 1 public hearing, held subject to the open
14 meetings act, 1976 PA 267, MCL 15.261 to 15.275, on the question of
15 combining or separating the offices of county clerk and register of
16 deeds. The county board of commissioners may vote on the question
17 as a regularly scheduled agenda item not less than 10 days or more
18 than 30 days after the last public hearing held by the county board
19 of commissioners on the question.

20 (5) Not later than the sixth Tuesday before the deadline for
21 filing the nominating petitions for the office of county clerk,
22 register of deeds, or clerk register, the county board of
23 commissioners may by a vote of 2/3 of the commissioners elected and
24 serving combine the offices of county clerk and register of deeds
25 or separate the office of the clerk register. The resolution shall
26 become effective upon the commencement of the next term of office
27 of the county clerk, register of deeds, or clerk register after the

1 adoption of the resolution.

2 Sec. 203. The term of office of the county clerk, county
3 treasurer, register of deeds, ~~prosecuting attorney, sheriff, drain~~
4 commissioner, surveyor, and coroner ~~shall begin~~ **BEGINS** on January 1
5 next following the election, ~~and~~ continues until a successor is
6 elected and qualified, except that in counties having a population
7 of 1,000,000 or more the term of office of the county treasurer
8 ~~shall begin~~ **BEGINS** on July 1 next following the election.

9 Sec. 204. Every person elected to an office named in section
10 200, ~~of this act,~~ before entering upon the duties of his **OR HER**
11 office, shall take and subscribe to the oath as provided in section
12 1 of article ~~11~~ **XI** of the state constitution **OF 1963** and ~~, with the~~
13 ~~exception of the prosecuting attorney,~~ shall give bond in the
14 amount and manner prescribed by law and shall deposit ~~said~~ **THE** oath
15 with the county clerk and ~~said~~ **THE** bond with the county treasurer.
16 The county treasurer shall file his **OR HER** bond with the county
17 clerk.

18 Sec. 205. ~~Any~~ **A** person ~~duly~~ elected to any of the county
19 offices named in section 200 ~~of this act~~ who desires to resign
20 shall file a written notice containing the effective date of ~~such~~
21 **THE** resignation with the presiding or senior judge of probate, the
22 county clerk, and the prosecuting attorney of ~~said~~ **THE** county. +
23 ~~Provided, That if~~ **IF** the county clerk ~~or the prosecuting attorney~~
24 desires to resign, he **OR SHE** shall file a written notice containing
25 the effective date of ~~such~~ **THE** resignation with the presiding judge
26 of that judicial circuit.

27 Sec. 206. The office of county clerk, county treasurer,

1 register of deeds, ~~prosecuting attorney, sheriff, drain~~
 2 commissioner, surveyor, or coroner in any county in this state
 3 ~~shall become~~ **BECOMES** vacant upon the happening of any of the
 4 following events:

5 (A) Death of the incumbent. ~~his~~

6 (B) **THE INCUMBENT'S** resignation. ~~his~~

7 (C) **THE INCUMBENT'S** removal from office for cause. ~~his~~

8 (D) **THE INCUMBENT'S** ceasing to be a resident of the county in
 9 which his **OR HER** office is located. ~~his~~

10 (E) **THE INCUMBENT'S** conviction of an infamous crime or an
 11 offense involving the violation of his **OR HER** oath of office. ~~the~~

12 (F) **THE** decision of a competent tribunal declaring ~~his~~ **THE**
 13 **INCUMBENT'S** election or appointment void. ~~his~~

14 (G) **THE INCUMBENT'S** refusal or neglect to take and subscribe
 15 to the constitutional oath of office and deposit the same in the
 16 manner and within the time prescribed by law. ~~or his~~

17 (H) **THE INCUMBENT'S** refusal or neglect to give bond in the
 18 amount and manner and within the time prescribed by law.

19 Sec. 206a. ~~Whenever any~~ **IF A** person elected to the office of
 20 county clerk, county treasurer, register of deeds, ~~prosecuting~~
 21 ~~attorney, sheriff, drain~~ commissioner, surveyor, or coroner in any
 22 county ~~shall die~~ **DIES** before the commencement of the term for which
 23 he **OR SHE** was elected, there ~~shall be~~ **IS** a vacancy for the term to
 24 which ~~such~~ **THE** person was elected ~~to~~ **AND THE VACANCY SHALL** be
 25 filled according to law. The vacancy shall be filled within 15 days
 26 after the beginning of the term for which he **OR SHE** was elected.

27 Sec. 209. If a vacancy occurs in an elective or appointive

1 county office, it shall be filled in the following manner:

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

5 (2) If the vacancy is in any other county office **NAMED IN**
6 **SECTION 200**, the presiding or senior judge of probate, the county
7 clerk, and the prosecuting attorney shall appoint a suitable person
8 to fill the vacancy.

9 (3) A person appointed shall take and subscribe to the oath as
10 provided in section 1 of article XI of the state constitution of
11 1963, give bond in the manner required by law, and hold office for
12 the remainder of the unexpired term and until a successor is
13 elected and qualified. However, if the next general November
14 election is to be held more than 182 days after the vacancy occurs,
15 and it is not the general November election at which a successor in
16 office would be elected if there were no vacancy, the person
17 appointed shall hold office only until a successor is elected at
18 the next general November election in the manner provided by law
19 and qualifies for office. The successor shall hold the office for
20 the remainder of the unexpired term.

21 CHAPTER XA

22 PROSECUTING ATTORNEY AND SHERIFF

23 **SEC. 212. (1) A PERSON IS NOT ELIGIBLE TO THE OFFICE OF**
24 **PROSECUTING ATTORNEY OR SHERIFF IF THE PERSON IS NOT A REGISTERED**
25 **AND QUALIFIED ELECTOR OF THE COUNTY IN WHICH THE ELECTION IS SOUGHT**
26 **BY THE FILING DEADLINE.**

27 (2) A PERSON WHO HAS BEEN CONVICTED OF A VIOLATION OF SECTION

1 12A(1) OF 1941 PA 370, MCL 38.412A, IS NOT ELIGIBLE TO ANY OF THE
2 OFFICES ENUMERATED IN THIS SECTION FOR A PERIOD OF 20 YEARS AFTER
3 CONVICTION.

4 SEC. 213. A GENERAL NONPARTISAN PRIMARY ELECTION SHALL BE HELD
5 IN EVERY COUNTY OF THIS STATE ON THE TUESDAY AFTER THE FIRST MONDAY
6 IN AUGUST BEFORE EVERY GENERAL NOVEMBER ELECTION AT WHICH A
7 PROSECUTING ATTORNEY AND SHERIFF ARE TO BE ELECTED, AT WHICH TIME
8 THE QUALIFIED AND REGISTERED ELECTORS MAY VOTE FOR NONPARTISAN
9 CANDIDATES FOR THE OFFICES OF PROSECUTING ATTORNEY AND SHERIFF. IF
10 UPON THE EXPIRATION OF THE TIME FOR FILING PETITIONS OR A FILING
11 FEE FOR THE PRIMARY ELECTION OF THE PROSECUTING ATTORNEY AND
12 SHERIFF IN ANY COUNTY IT APPEARS THAT THERE ARE NOT TO EXCEED TWICE
13 THE NUMBER OF CANDIDATES AS THERE ARE PERSONS TO BE ELECTED, THEN
14 THE COUNTY CLERK SHALL CERTIFY TO THE COUNTY BOARD OF ELECTION
15 COMMISSIONERS THE NAME OF THE CANDIDATE FOR PROSECUTING ATTORNEY OR
16 SHERIFF WHOSE PETITIONS HAVE BEEN PROPERLY FILED AND THAT CANDIDATE
17 SHALL BE THE NOMINEE FOR THE OFFICE OF PROSECUTING ATTORNEY OR
18 SHERIFF AND SHALL BE SO CERTIFIED. AS TO THAT OFFICE, THERE SHALL
19 BE NO PRIMARY ELECTION AND THIS OFFICE SHALL BE OMITTED FROM THE
20 PRIMARY BALLOT.

21 SEC. 213A. (1) SUBJECT TO SUBSECTION (2), TO OBTAIN THE
22 PRINTING OF THE NAME OF A PERSON AS A CANDIDATE FOR NOMINATION FOR
23 THE OFFICE OF PROSECUTING ATTORNEY OR SHERIFF UPON THE OFFICIAL
24 NONPARTISAN PRIMARY BALLOTS, THERE SHALL BE FILED WITH THE COUNTY
25 CLERK NOMINATING PETITIONS SIGNED BY A NUMBER OF QUALIFIED AND
26 REGISTERED ELECTORS RESIDING WITHIN THE COUNTY AS DETERMINED UNDER
27 SECTION 544F. NOMINATING PETITIONS SHALL BE IN THE FORM PRESCRIBED

1 IN SECTION 544A. UNTIL DECEMBER 31, 2013, THE COUNTY CLERK SHALL
2 RECEIVE NOMINATING PETITIONS UP TO 4 P.M. OF THE TWELFTH TUESDAY
3 BEFORE THE AUGUST PRIMARY. BEGINNING JANUARY 1, 2014, THE COUNTY
4 CLERK SHALL RECEIVE NOMINATING PETITIONS UP TO 4 P.M. OF THE
5 FIFTEENTH TUESDAY BEFORE THE AUGUST PRIMARY.

6 (2) INSTEAD OF FILING NOMINATING PETITIONS, A CANDIDATE FOR
7 PROSECUTING ATTORNEY OR SHERIFF MAY PAY A FILING FEE OF \$100.00 TO
8 THE COUNTY CLERK. PAYMENT OF THE FILING FEE AND CERTIFICATION OF
9 THE CANDIDATE'S NAME PAYING THE FILING FEE SHALL BE GOVERNED BY THE
10 SAME PROVISIONS AS IN THE CASE OF NOMINATING PETITIONS. THE FEE
11 SHALL BE DEPOSITED IN THE GENERAL FUND OF THE COUNTY.

12 (3) THE NOMINATING PETITION SIGNATURES FILED UNDER THIS
13 SECTION ARE SUBJECT TO CHALLENGE AS PROVIDED IN SECTION 552.

14 SEC. 214. AFTER THE FILING OF A NOMINATING PETITION OR FILING
15 FEE BY OR ON BEHALF OF A PROPOSED CANDIDATE FOR THE OFFICE OF
16 PROSECUTING ATTORNEY OR SHERIFF, THE PROPOSED CANDIDATE IS NOT
17 PERMITTED TO WITHDRAW UNLESS HE OR SHE SERVES A WRITTEN NOTICE OF
18 WITHDRAWAL ON THE COUNTY CLERK OR HIS OR HER DULY AUTHORIZED AGENT
19 NOT LATER THAN 4 P.M. OF THE THIRD DAY AFTER THE LAST DAY FOR
20 FILING THE NOMINATING PETITION OR FILING FEE. IF THE THIRD DAY
21 FALLS ON A SATURDAY, SUNDAY, OR LEGAL HOLIDAY, THE NOTICE OF
22 WITHDRAWAL MAY BE SERVED ON THE COUNTY CLERK UP TO 4 P.M. ON THE
23 NEXT SECULAR DAY.

24 SEC. 215. THE CANDIDATES FOR THE OFFICES OF PROSECUTING
25 ATTORNEY AND SHERIFF RECEIVING THE LARGEST NUMBER OF VOTES AT A
26 PRIMARY ELECTION, TO A NUMBER EQUAL TO TWICE THE NUMBER OF PLACES
27 TO BE FILLED AS SET FORTH IN THE REPORT OF THE BOARD OF COUNTY

1 CANVASSERS, BASED ON THE RETURNS FROM THE VARIOUS ELECTION
2 PRECINCTS OR AS DETERMINED BY THE BOARD OF COUNTY CANVASSERS AS THE
3 RESULT OF A RECOUNT, SHALL BE DECLARED THE NOMINEES FOR THE OFFICES
4 OF PROSECUTING ATTORNEY AND SHERIFF AT THE NEXT NOVEMBER ELECTION.
5 THE BOARD OF COUNTY CANVASSERS SHALL CERTIFY THE NOMINATIONS TO THE
6 COUNTY ELECTION COMMISSION.

7 SEC. 215A. (1) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, A
8 PROSECUTING ATTORNEY AND SHERIFF SHALL BE ELECTED IN EACH COUNTY IN
9 WHICH A PROSECUTING ATTORNEY AND SHERIFF ARE TO BE ELECTED BY LAW.

10 (2) IF THERE ARE FEWER NOMINEES FOR THE OFFICE OF PROSECUTING
11 ATTORNEY OR SHERIFF THAN THERE ARE PERSONS TO BE ELECTED BECAUSE OF
12 THE DEATH OR DISQUALIFICATION OF A NOMINEE LESS THAN 66 DAYS BEFORE
13 THE GENERAL NOVEMBER ELECTION, THEN A PERSON SHALL NOT BE ELECTED
14 AT THAT GENERAL NOVEMBER ELECTION TO THAT OFFICE FOR WHICH THERE IS
15 NO NOMINEE.

16 SEC. 216. A PROSECUTING ATTORNEY AND SHERIFF SHALL BE ELECTED
17 AT THE 2016 GENERAL NOVEMBER ELECTION AND EVERY FOURTH YEAR AFTER
18 THAT.

19 SEC. 217. THE BOARD OF COUNTY CANVASSERS SHALL DETERMINE WHICH
20 CANDIDATES FOR THE OFFICES NAMED IN SECTION 212 RECEIVED THE
21 GREATEST NUMBER OF VOTES AND SHALL DECLARE THOSE CANDIDATES
22 ELECTED. THE BOARD OF COUNTY CANVASSERS SHALL MAKE AND SUBSCRIBE ON
23 ITS STATEMENT OF RETURNS A CERTIFICATE OF THE DETERMINATION AND
24 DELIVER THE CERTIFICATE TO THE COUNTY CLERK WITHIN 14 DAYS AFTER
25 THE DATE OF THE ELECTION.

26 SEC. 217A. THE COUNTY CLERK SHALL FILE IN HIS OR HER OFFICE
27 AND PRESERVE THE ORIGINAL STATEMENT AND DETERMINATION OF THE BOARD

1 OF CANVASSERS OF THE RESULTS OF THE ELECTION AND SHALL EXECUTE AND
2 CAUSE TO BE DELIVERED TO THE PERSONS DECLARED ELECTED TO THE
3 OFFICES NAMED IN SECTION 212 A PROPERLY CERTIFIED CERTIFICATE OF
4 ELECTION, CERTIFIED BY HIM OR HER UNDER THE SEAL OF THE COUNTY. THE
5 COUNTY CLERK MAY CAUSE A COPY OF THE CERTIFICATE OF DETERMINATION
6 AND THE STATEMENT OF THE VOTES CAST AT THE ELECTION FOR THE OFFICES
7 TO BE PUBLISHED IN AT LEAST 1 NEWSPAPER PRINTED OR CIRCULATED, OR
8 BOTH, IN THAT COUNTY.

9 SEC. 217B. THE TERM OF OFFICE OF THE PROSECUTING ATTORNEY AND
10 SHERIFF BEGINS ON JANUARY 1 NEXT FOLLOWING AN ELECTION AND
11 CONTINUES UNTIL A SUCCESSOR IS ELECTED AND QUALIFIED.

12 SEC. 218. (1) A PERSON ELECTED AS SHERIFF, BEFORE ENTERING
13 UPON THE DUTIES OF HIS OR HER OFFICE, SHALL TAKE AND SUBSCRIBE TO
14 THE OATH AS PROVIDED IN SECTION 1 OF ARTICLE XI OF THE STATE
15 CONSTITUTION OF 1963 AND SHALL GIVE BOND IN THE AMOUNT AND MANNER
16 PRESCRIBED BY LAW AND SHALL DEPOSIT THE OATH WITH THE COUNTY CLERK
17 AND THE BOND WITH THE COUNTY TREASURER.

18 (2) A PERSON ELECTED AS PROSECUTING ATTORNEY, BEFORE ENTERING
19 UPON THE DUTIES OF HIS OR HER OFFICE, SHALL TAKE AND SUBSCRIBE TO
20 THE OATH AS PROVIDED IN SECTION 1 OF ARTICLE XI OF THE STATE
21 CONSTITUTION OF 1963 AND SHALL DEPOSIT THE OATH WITH THE COUNTY
22 CLERK.

23 SEC. 218A. (1) A PERSON ELECTED AS SHERIFF WHO DESIRES TO
24 RESIGN SHALL FILE A WRITTEN NOTICE CONTAINING THE EFFECTIVE DATE OF
25 THE RESIGNATION WITH THE PRESIDING OR SENIOR JUDGE OF PROBATE, THE
26 COUNTY CLERK, AND THE PROSECUTING ATTORNEY.

27 (2) A PERSON ELECTED AS PROSECUTING ATTORNEY WHO DESIRES TO

1 RESIGN SHALL FILE A WRITTEN NOTICE CONTAINING THE EFFECTIVE DATE OF
2 THE RESIGNATION WITH THE PRESIDING JUDGE OF THAT JUDICIAL DISTRICT.

3 SEC. 219. THE OFFICE OF PROSECUTING ATTORNEY OR SHERIFF IN ANY
4 COUNTY OF THIS STATE BECOMES VACANT UPON THE HAPPENING OF ANY OF
5 THE FOLLOWING EVENTS:

6 (A) DEATH OF THE INCUMBENT.

7 (B) THE INCUMBENT'S RESIGNATION.

8 (C) THE INCUMBENT'S REMOVAL FROM OFFICE FOR CAUSE.

9 (D) THE INCUMBENT'S CEASING TO BE A RESIDENT OF THE COUNTY IN
10 WHICH HIS OR HER OFFICE IS LOCATED.

11 (E) THE INCUMBENT'S CONVICTION FOR A CRIME OR AN OFFENSE
12 INVOLVING THE VIOLATION OF HIS OR HER OATH OF OFFICE.

13 (F) THE DECISION OF A COMPETENT TRIBUNAL DECLARING THE
14 INCUMBENT'S ELECTION OR APPOINTMENT VOID.

15 (G) THE INCUMBENT'S REFUSAL OR NEGLECT TO TAKE AND SUBSCRIBE
16 TO THE CONSTITUTIONAL OATH OF OFFICE AND DEPOSIT THE SAME IN THE
17 MANNER AND WITHIN THE TIME PRESCRIBED BY LAW.

18 (H) THE INCUMBENT'S REFUSAL OR NEGLECT TO GIVE BOND IN THE
19 AMOUNT AND MANNER AND WITHIN THE TIME PRESCRIBED BY LAW.

20 SEC. 219A. IF A PERSON ELECTED TO THE OFFICE OF PROSECUTING
21 ATTORNEY OR SHERIFF IN ANY COUNTY DIES BEFORE THE BEGINNING OF THE
22 TERM FOR WHICH HE OR SHE WAS ELECTED, THERE IS A VACANCY FOR THE
23 TERM TO WHICH THE PERSON WAS ELECTED AND THE VACANCY SHALL BE
24 FILLED ACCORDING TO LAW. THE VACANCY SHALL BE FILLED WITHIN 15 DAYS
25 AFTER THE BEGINNING OF THE TERM FOR WHICH HE OR SHE WAS ELECTED.

26 SEC. 219B. (1) THE GOVERNOR MAY REMOVE AN OFFICER NAMED IN
27 SECTION 212 IF THE GOVERNOR IS SATISFIED FROM THE EVIDENCE

1 SUBMITTED THAT THE OFFICER IS GUILTY OF OFFICIAL MISCONDUCT,
2 WILLFUL NEGLECT OF DUTY, EXTORTION, OR HABITUAL DRUNKENNESS, OR HAS
3 BEEN CONVICTED OF BEING DRUNK, OR IF IT APPEARS BY A CERTIFIED COPY
4 OF THE JUDGMENT OF A COURT OF RECORD OF THIS STATE THAT THE
5 OFFICER, AFTER HIS OR HER ELECTION OR APPOINTMENT, HAS BEEN
6 CONVICTED OF A FELONY.

7 (2) BEFORE THE GOVERNOR REMOVES AN OFFICER UNDER THIS SECTION,
8 ALL OF THE FOLLOWING PROCEDURES SHALL BE FOLLOWED:

9 (A) CHARGES HAVE BEEN EXHIBITED TO THE GOVERNOR IN WRITING
10 SPECIFYING THE GROUNDS FOR REMOVAL. THE CHARGES SHALL BE
11 ACCOMPANIED BY ANY SUPPORTING EVIDENCE AND BY THE AFFIDAVIT OF THE
12 PERSON MAKING THE CHARGES VERIFYING THAT THE PERSON BELIEVES THE
13 CHARGES TO BE TRUE.

14 (B) A COPY OF THE CHARGES ARE SERVED ON THE OFFICER. SERVICE
15 SHALL BE MADE AS FOLLOWS:

16 (i) IF THE OFFICER CAN BE FOUND, BY HANDING TO THE OFFICER A
17 COPY OF THE CHARGES, TOGETHER WITH ALL AFFIDAVITS OR EXHIBITS THAT
18 MAY BE ATTACHED TO THE CHARGES.

19 (ii) IF THE OFFICER CANNOT BE FOUND, BY LEAVING A COPY OF THE
20 CHARGES, TOGETHER WITH ALL AFFIDAVITS OR EXHIBITS THAT MAY BE
21 ATTACHED TO THE CHARGES, WITH A PERSON OF SUITABLE AGE AT THE
22 OFFICER'S LAST KNOWN PLACE OF RESIDENCE OR, IF A PERSON OF SUITABLE
23 AGE IS NOT AVAILABLE, BY POSTING THE COPY OR COPIES IN A
24 CONSPICUOUS PLACE AT THE OFFICER'S LAST KNOWN PLACE OF RESIDENCE.

25 (C) THE OFFICER SHALL BE GIVEN AN OPPORTUNITY TO RESPOND TO
26 THE CHARGES.

27 (3) AN OFFICER REMOVED FROM OFFICE UNDER THIS SECTION IS NOT

1 ELIGIBLE FOR ELECTION OR APPOINTMENT TO ANY OFFICE FOR A PERIOD OF
2 3 YEARS FROM THE DATE OF THE REMOVAL.

3 SEC. 219C. (1) IF A VACANCY OCCURS IN THE OFFICE OF
4 PROSECUTING ATTORNEY, IT SHALL BE FILLED BY APPOINTMENT BY THE
5 JUDGE OR JUDGES OF THAT JUDICIAL CIRCUIT.

6 (2) IF A VACANCY OCCURS IN THE OFFICE OF SHERIFF, THE
7 PRESIDING OR SENIOR JUDGE OF PROBATE, THE COUNTY CLERK, AND THE
8 PROSECUTING ATTORNEY SHALL APPOINT A SUITABLE PERSON TO FILL THE
9 VACANCY.

10 (3) A PERSON APPOINTED SHALL TAKE AND SUBSCRIBE TO THE OATH AS
11 PROVIDED IN SECTION 1 OF ARTICLE XI OF THE STATE CONSTITUTION OF
12 1963, GIVE BOND IN THE MANNER REQUIRED BY LAW, AND HOLD OFFICE FOR
13 THE REMAINDER OF THE UNEXPIRED TERM AND UNTIL A SUCCESSOR IS
14 ELECTED AND QUALIFIED. HOWEVER, IF THE NEXT GENERAL NOVEMBER
15 ELECTION IS TO BE HELD MORE THAN 182 DAYS AFTER THE VACANCY OCCURS
16 AND IT IS NOT THE GENERAL NOVEMBER ELECTION AT WHICH A SUCCESSOR IN
17 OFFICE WOULD BE ELECTED IF THERE WERE NO VACANCY, THE PERSON
18 APPOINTED SHALL HOLD OFFICE ONLY UNTIL A SUCCESSOR IS ELECTED AT
19 THE NEXT GENERAL NOVEMBER ELECTION IN THE MANNER PROVIDED BY LAW
20 AND QUALIFIES FOR OFFICE. THE SUCCESSOR SHALL HOLD THE OFFICE FOR
21 THE REMAINDER OF THE UNEXPIRED TERM.

22 SEC. 220. THE VOTES CAST FOR A CANDIDATE FOR ANY OF THE
23 OFFICES NAMED IN SECTION 212 AT ANY PRIMARY OR ELECTION ARE SUBJECT
24 TO RECOUNT AS PROVIDED IN CHAPTER XXXIII.

25 SEC. 220A. A PERSON ELECTED TO AN OFFICE NAMED IN SECTION 212
26 IS SUBJECT TO RECALL AS PROVIDED IN CHAPTER XXXVI.

27 Sec. 697. At the general November election, the names of the

1 several offices to be voted for shall be placed on the ballot
 2 substantially in the following order in the years in which
 3 elections for ~~such~~-**THOSE** offices are held: Electors of president
 4 and vice-president of the United States; governor and lieutenant
 5 governor; secretary of state; attorney general; United States
 6 senator; representative in congress; senator and representative in
 7 the state legislature; members of the state board of education;
 8 regents of the university of Michigan; trustees of Michigan state
 9 university; governors of Wayne state university; county executive;
 10 ~~prosecuting attorney, sheriff, clerk; treasurer; register of deeds;~~
 11 auditor in counties electing an auditor; mine inspector in counties
 12 electing a mine inspector; county road commissioners; drain
 13 commissioners; coroners; and surveyor. The following township
 14 officers shall be placed on the same ballot as above described in
 15 substantially the following order in the year in which elections
 16 for ~~such~~-**THOSE** offices are held: supervisor, clerk, treasurer,
 17 trustees, and constables.

18 Sec. 699. At any regular election, the names of the several
 19 nonpartisan offices to be voted for shall be placed on a separate
 20 portion of the ballot containing no party designation in the
 21 following order: justices of the supreme court, judges of the court
 22 of appeals, judges of the circuit court, judges of the probate
 23 court, judges of the district court, **PROSECUTING ATTORNEY, SHERIFF,**
 24 city officers, the following village officers in substantially the
 25 following order in the year in which elections for the offices are
 26 held: president, clerk, treasurer, and trustees, and in a year in
 27 which an election for the office is held, local school district

- 1 board member, community college board of trustees member,
- 2 intermediate school district board member, and district library
- 3 board member.