

# HOUSE BILL No. 4296

March 5, 2015, Introduced by Reps. Kesto, Jacobsen, McCready, Runestad, Graves, Webber, Tedder, Somerville, Crawford, Heise, Cox and Callton and referred to the Committee on Elections.

A bill to amend 1973 PA 139, entitled

"An act to provide forms of county government; to provide for county managers and county executives and to prescribe their powers and duties; to abolish certain departments, boards, commissions, and authorities; to provide for transfer of certain powers and functions; to prescribe powers of a board of county commissioners and elected officials; to provide organization of administrative functions; to transfer property; to retain ordinances and laws not inconsistent with this act; to provide methods for abolition of a unified form of county government; and to prescribe penalties and provide remedies,"

by amending section 9 (MCL 45.559), as amended by 2003 PA 281.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 9. (1) ~~A~~**SUBJECT TO SUBSECTION (6)**, A county executive  
2 who is a qualified elector in the county shall be elected on a  
3 partisan basis for a term of 4 years concurrent with the term of  
4 the county prosecuting attorney, county clerk, county register of  
5 deeds, county treasurer, county sheriff, elected county auditors,  
6 and county drain commissioner. ~~If~~**SUBJECT TO SUBSECTION (6)**, **IF** a  
7 county executive is elected at an election different than the

1 election for county officers, his or her first term shall extend  
2 only until the January following the election for county officers.

3 (2) The first county executive may be nominated in the same or  
4 next primary or general election held after the election in which  
5 alternate B is approved. The county executive shall then be elected  
6 in the next regular primary or general election occurring not less  
7 than 30 days nor more than 90 days after the date of the election  
8 in which alternate B is approved or in which he or she was  
9 nominated. If a primary or general election is not scheduled during  
10 that period, the board of county commissioners shall call a special  
11 election to elect a county executive. ~~The~~**SUBJECT TO SUBSECTION**  
12 **(6), THE** county executive shall be nominated and elected pursuant  
13 to the laws applicable to the nomination and election of other  
14 county officials.

15 (3) If the first election of a county executive is a special  
16 election for that purpose only, and only 1 candidate for each  
17 political party qualifies to have his or her name appear on the  
18 primary ballot, a primary election shall not be held, and the  
19 candidate qualifying shall be certified as the nominee of the  
20 political party for which he or she filed.

21 (4) Except as provided under section 9a, if the office of  
22 elected county executive becomes vacant due to resignation or  
23 death, the vacancy shall be filled by appointment of the board of  
24 county commissioners until the next general election. A new county  
25 executive shall be elected at the next general election after the  
26 resignation or death of a county executive and in the manner  
27 provided in this section for the election of county executives. The

1 newly elected county executive shall serve a term equal to the  
2 balance of the term for which the county executive who resigned or  
3 died was elected.

4 (5) The salary of the county executive for the initial term  
5 shall be established by the board of county commissioners at least  
6 6 months before the effective date of the optional unified form of  
7 county government, containing alternate B. The salary shall be  
8 established by the board consistent with the procedures established  
9 for other elected officials. The county executive's salary shall be  
10 commensurate with the duties and responsibilities of the office.  
11 The salary of a county executive shall not be reduced during his or  
12 her term of office except as part of a general salary reduction.

13 (6) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (7), AT THE  
14 GENERAL NOVEMBER ELECTION IN 2016, A COUNTY EXECUTIVE WHO IS A  
15 QUALIFIED ELECTOR IN THE COUNTY SHALL BE ELECTED ON A PARTISAN  
16 BASIS FOR A TERM OF 2 YEARS BEGINNING ON JANUARY 1, 2017 AND ENDING  
17 ON DECEMBER 31, 2018. EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION  
18 (7), AT THE GENERAL NOVEMBER ELECTION IN 2018 AND EVERY FOURTH YEAR  
19 AFTER THAT, A COUNTY EXECUTIVE WHO IS A QUALIFIED ELECTOR IN THE  
20 COUNTY SHALL BE ELECTED ON A PARTISAN BASIS FOR A TERM OF 4 YEARS  
21 BEGINNING ON JANUARY 1 FOLLOWING THE ELECTION.

22 (7) IF, BY JULY 1, 2015, A BOARD OF COUNTY COMMISSIONERS  
23 ADOPTS A RESOLUTION TO CONTINUE TO ELECT THE COUNTY EXECUTIVE ON A  
24 PARTISAN BASIS FOR A TERM OF 4 YEARS CONCURRENT WITH THE TERM OF  
25 OTHER COUNTY OFFICIALS, THEN THE COUNTY EXECUTIVE OF THAT COUNTY  
26 SHALL CONTINUE TO BE ELECTED ON A PARTISAN BASIS FOR A TERM OF 4  
27 YEARS CONCURRENT WITH THE TERM OF OTHER COUNTY OFFICIALS AS

1 **PROVIDED IN SUBSECTION (1).**

2       Enacting section 1. This amendatory act takes effect 90 days  
3 after the date it is enacted into law.