

MICHIGAN ELECTION LAW (EXCERPT)

Act 116 of 1954

CHAPTER XII

COUNTY ROAD COMMISSIONERS

168.251 Scope of chapter.

Sec. 251. This chapter shall not be applicable in counties in which the county road commissioners are appointed by the board of county supervisors.

History: 1954, Act 116, Eff. June 1, 1955.

Popular name: Election Code

168.252 County road commissioner; eligibility.

Sec. 252. No person shall be eligible to the office of county road commissioner who shall not have been a citizen of the United States and a qualified and registered elector of the county in which election is sought for at least 1 year next preceding his election, nor shall he be a member of the county board of supervisors.

History: 1954, Act 116, Eff. June 1, 1955.

Popular name: Election Code

168.253 Candidates for county road commissioner; nomination at primary.

Sec. 253. A general primary election of all political parties shall be held on the Tuesday succeeding the first Monday in August preceding every general November election in which county road commissioners are elected, at which time the qualified and registered electors of each political party may vote for party candidates for the office of county road commissioner.

History: 1954, Act 116, Eff. June 1, 1955;—Am. 1963, 2nd Ex. Sess., Act 62, Imd. Eff. Dec. 27, 1963.

Popular name: Election Code

168.254 Office of county road commissioner; nominating petitions; signatures; form; nonrefundable filing fee; nominating petitions; deposit and use of fee.

Sec. 254. (1) To obtain the printing of the name of an individual as a candidate for nomination by a political party for the office of county road commissioner under a particular party heading upon the official primary ballots, there must be filed with the county clerk of the county nominating petitions signed by a number of qualified and registered electors residing within the county as determined under section 544f. Nominating petitions must be in the form prescribed in section 544c. The county clerk shall receive nominating petitions up to 4 p.m. of the fifteenth Tuesday before the August primary in which county road commissioners are to be elected.

(2) To obtain the printing of the name of a candidate of a political party under the particular party's heading upon the primary election ballots in the various voting precincts of the county, there may be filed by each candidate, in lieu of filing nominating petitions, a nonrefundable filing fee of \$100.00 to be paid to the county clerk. Payment of the fee and certification of the name of the candidate paying the fee are governed by the same provisions as in the case of nominating petitions. The fee must be deposited in the general fund of the county and must be used only for the purchase and maintenance of voting equipment.

History: 1954, Act 116, Eff. June 1, 1955;—Am. 1963, 2nd Ex. Sess., Act 62, Imd. Eff. Dec. 27, 1963;—Am. 1976, Act 3, Imd. Eff. Feb. 3, 1976;—Am. 1990, Act 7, Imd. Eff. Feb. 12, 1990;—Am. 1996, Act 583, Eff. Mar. 31, 1997;—Am. 1999, Act 218, Eff. Mar. 10, 2000;—Am. 2012, Act 276, Eff. Aug. 16, 2012;—Am. 2018, Act 120, Eff. Dec. 31, 2018;—Am. 2021, Act 146, Imd. Eff. Dec. 27, 2021.

Popular name: Election Code

168.255 Candidate for county road commissioner; death; selection of candidate to fill vacancy; ballots.

Sec. 255. If a candidate of a political party for the office of county road commissioner, after having qualified as a candidate, dies after the last day for qualifying, leaving the political party without a candidate for the office of county road commissioner, a candidate to fill the vacancy may be selected by the members of the county committee of the candidate's political party for the county, and the name of the candidate selected shall be transmitted to the county officials required by law to print and distribute ballots. The name of the candidate shall be printed on the ballots, but if the ballots have been printed, the county officials shall have the ballots reprinted with the candidate's name on the ballots and the reprinted ballots shall be distributed to the various voting precincts within their respective county.

History: 1954, Act 116, Eff. June 1, 1955;—Am. 1966, Act 322, Imd. Eff. July 19, 1966;—Am. 2012, Act 276, Eff. Aug. 16, 2012.

Popular name: Election Code

168.256 Candidates for nomination; withdrawal, notice.

Sec. 256. After the filing of nominating petitions or filing fee by or in behalf of a proposed candidate for the office of county road commissioner, such candidate shall not be permitted to withdraw unless a written notice of withdrawal is served on the county clerk or his duly authorized agent not later than 4 o'clock, eastern standard time, in the afternoon of the third day after the last day for filing such petition, as in this act provided.

History: 1954, Act 116, Eff. June 1, 1955;—Am. 1955, Act 271, Imd. Eff. June 30, 1955.

Popular name: Election Code

168.257 Candidates for county road commissioner; write-in.

Sec. 257. If for any reason there is no candidate of a political party for county road commissioner, a blank space shall be provided on each of the official primary ballots that affords every elector of the political party an opportunity to vote for a candidate for that office by writing in the name of his or her selection.

History: 1954, Act 116, Eff. June 1, 1955;—Am. 2012, Act 276, Eff. Aug. 16, 2012.

Popular name: Election Code

168.258 Candidates for county road commissioner; nomination, certification.

Sec. 258. The candidate of each political party for the office of county road commissioner receiving the greatest number of votes cast for candidates for said office, as set forth in the report of the board of county canvassers, based on the returns from the various election precincts, or as determined by said board as the result of a recount, shall be declared the nominee of that political party for said office at the next ensuing November election, and the board of county canvassers shall forthwith certify such nomination to the county election commission.

History: 1954, Act 116, Eff. June 1, 1955.

Popular name: Election Code

168.259 Candidates; withdrawal after nomination.

Sec. 259. When a candidate of any political party has filed nominating petitions or filing fee for such office and has been nominated for said office by said party, he shall not be permitted to withdraw unless he has removed from the county, or has become physically unfit. No vacancy shall be filled by the county committee except for the causes and as herein specified: Provided, That this prohibition shall not be construed to prohibit the withdrawal of any candidate who has been nominated without having filed a nominating petition or filing fee, and whose name has been written or placed on the ballot of any political party.

History: 1954, Act 116, Eff. June 1, 1955.

Popular name: Election Code

168.260 Candidates; death, withdrawal or disqualification; selection of new candidate, certification; ballots.

Sec. 260. When the candidate of a political party, after having been nominated to the office of county road commissioner, shall die, withdraw, remove from the county, or become disqualified for any reason, the county committee of such party shall meet forthwith and, by a majority vote of the members thereof, shall select a candidate to fill the vacancy thereby caused. The name of the candidate so selected shall be immediately certified by the chairman and the secretary of said committee to the county clerk and to the board of county election commissioners, whose duty it is to prepare the official ballots and who shall cause to be printed or placed upon such ballots, in the proper place, the name of the candidate so selected to fill such vacancy.

History: 1954, Act 116, Eff. June 1, 1955.

Popular name: Election Code

168.261 County road commissioner; election.

Sec. 261. A county road commissioner shall be elected at the general election to be held on the Tuesday succeeding the first Monday of November in every even numbered year.

History: 1954, Act 116, Eff. June 1, 1955.

Popular name: Election Code

168.262 County road commissioner; certificate of determination by board of county

canvassers.

Sec. 262. The board of county canvassers shall determine which candidate for county road commissioner received the greatest number of votes and shall declare such candidate to be duly elected. The said board shall forthwith make and subscribe on its statement of returns a certificate of such determination and deliver the same to the county clerk.

History: 1954, Act 116, Eff. June 1, 1955.

Popular name: Election Code

168.263 County road commissioner; certificate of election.

Sec. 263. The county clerk shall file in his office and preserve the original statement and determination of the board of county canvassers of the results of the election and shall forthwith execute and cause to be delivered to the person thereby declared to be elected to the office of county road commissioner a certificate of election, certified by him under the seal of the county.

History: 1954, Act 116, Eff. June 1, 1955.

Popular name: Election Code

168.264 County road commissioner; term of office.

Sec. 264. The term of office for county road commissioner shall be 6 years, beginning on the first day of January next following his election, and shall continue until a successor shall have been elected and qualified.

History: 1954, Act 116, Eff. June 1, 1955.

Popular name: Election Code

168.265 County road commissioner; oath of office, bond, deposit.

Sec. 265. Every person elected to the office of county road commissioner, before entering upon the duties of the office, must take and subscribe to the oath as provided in section 1 of article XI of the state constitution of 1963, must give bond in the amount and manner prescribed by law, and must deposit the oath with the county clerk and the bond with the county treasurer.

History: 1954, Act 116, Eff. June 1, 1955;—Am. 1963, 2nd Ex. Sess., Act 62, Imd. Eff. Dec. 27, 1963;—Am. 2018, Act 341, Eff. Dec. 12, 2018.

Popular name: Election Code

168.266 County road commissioner; resignation, notice.

Sec. 266. Any person duly elected to the office of county road commissioner of any county who desires to resign shall file a written notice containing the effective date of such resignation with the chairman of the board of county supervisors and a copy with the county clerk.

History: 1954, Act 116, Eff. June 1, 1955.

Popular name: Election Code

168.267 County road commissioner; vacancy, creation.

Sec. 267. The office of county road commissioner in any county in this state shall become vacant upon the happening of any of the following events: Death of the incumbent; his resignation; his removal from office for cause; his ceasing to be a resident of the county where his office is located; his conviction of an infamous crime, or an offense involving the violation of his oath of office; the decision of a competent tribunal declaring his election or appointment void; his refusal or neglect to take and subscribe to the constitutional oath of office and deposit the same in the manner and within the time prescribed by law; or his refusal or neglect to give bond in the amount and manner and within the time prescribed by law.

History: 1954, Act 116, Eff. June 1, 1955.

Popular name: Election Code

168.268 County road commissioner; removal from office; service of charges, hearing; ineligibility for office.

Sec. 268. The governor may remove any county road commissioner when he shall be satisfied from sufficient evidence submitted to him, as hereinafter provided, that such officer has been guilty of official misconduct, or of wilful neglect of duty, or of extortion, or habitual drunkenness, or has been convicted of being drunk, or whenever it shall appear by a certified copy of the judgment of a court of record of this state that such officer, after his election or appointment, shall have been convicted of a felony; but the governor shall take no action upon any such charges made to him against any such officer until the same shall have been exhibited to him in writing, verified by the affidavit of the party making them, that he believes the

charges to be true. But no such officer shall be removed for such misconduct or neglect until charges thereof shall have been exhibited to the governor as above provided and a copy of the same served on such officer and an opportunity given him of being heard in his defense: Provided, That the service of such charges upon the person or persons complained against shall be made by handing to such person or persons a copy of such charges, together with all affidavits or exhibits which may be attached to the original petition if such person or persons can be found; and if not, by leaving a copy at the last place of residence of such person or persons, with some person of suitable age, if such person can be found; and if not, by posting it in some conspicuous place upon his last known place of residence. No officer who has been removed in accordance with the provisions of this section shall be eligible to election or appointment to any office for a period of 3 years from the date of such removal.

History: 1954, Act 116, Eff. June 1, 1955.

Popular name: Election Code

168.269 County road commissioner; appointment to fill vacancy; oath; bond; term.

Sec. 269. If a vacancy occurs in the office of county road commissioner, a qualified person shall be appointed to fill the vacancy by the county board of commissioners. The person appointed shall take the oath of office, give bond in the manner required by law, and hold office for the remainder of the unexpired term and until a successor is elected and qualified. However, in a county in which county road commissioners are elected, if the vacancy occurs more than 7 days before the nominating petition filing deadline as provided in section 254 for the general November election that is not the general November election at which a successor in office would be elected if there were no vacancy, the person appointed shall hold office only until a successor is elected at the next general November election in the manner provided by law and qualifies for office. The successor shall hold the office for the remainder of the unexpired term.

History: 1954, Act 116, Eff. June 1, 1955;—Am. 1968, Act 156, Imd. Eff. June 17, 1968;—Am. 1990, Act 7, Imd. Eff. Feb. 12, 1990;—Am. 2014, Act 94, Imd. Eff. Apr. 3, 2014.

Popular name: Election Code

168.270 County road commissioner; primary or election, recount of votes.

Sec. 270. The votes cast for any candidate for county road commissioner at any primary or election shall be subject to recount as provided in chapter 33 of this act.

History: 1954, Act 116, Eff. June 1, 1955.

Popular name: Election Code

168.271 County road commissioner; recall.

Sec. 271. Any person elected to the office of county road commissioner shall be subject to recall as provided in chapter 36 of this act.

History: 1954, Act 116, Eff. June 1, 1955.

Popular name: Election Code