

MICHIGAN ELECTION LAW (EXCERPT)

Act 116 of 1954

CHAPTER XV

CITY OFFICES

168.321 City officers; qualifications, nomination, election, appointment, term, and removal; list of candidates; quorum; election or appointment of successor.

Sec. 321. (1) Except as provided in subsection (3) and sections 322, 327, 641, 642, 644e, 644f, 644g, and 646a, the qualifications, nomination, election, appointment, term of office, and removal from office of a city officer must be in accordance with the charter provisions governing the city.

(2) Within 3 days after the last day on which a candidate for a city office may withdraw, the city clerk shall deliver to the county clerk of the county in which the city is located a list setting forth the name and address of each candidate for a city office.

(3) If the membership of the legislative body of a city governed by the home rule city act, 1909 PA 279, MCL 117.1 to 117.38, is reduced to less than a quorum, unless another method of appointing members of the legislative body is provided by the city charter, members of the legislative body are appointed as provided in this subsection. The board of county election commissioners of the county in which the largest portion of the population of the city resides shall appoint the number of members of the legislative body required to constitute a quorum for the transaction of business by the legislative body. A member of the legislative body appointed under this subsection shall hold the office only until the member's successor is elected and qualified. The successor shall be elected at a special or regular election on the next regular election date that is not less than 60 days after the appointment is made. The successor shall serve for the balance of the unexpired term. A member who is appointed under this subsection shall not vote on the appointment of himself or herself to an elective or appointive city office.

(4) Notwithstanding another provision of law or charter to the contrary, an appointment to an elective or appointive city office made by a quorum constituted by appointments under this section expires upon the election and qualification of a sufficient number of members of the legislative body so that the elected members constitute a quorum.

History: 1954, Act 116, Eff. June 1, 1955;—Am. 1980, Act 60, Imd. Eff. Apr. 1, 1980;—Am. 1982, Act 505, Eff. Mar. 30, 1983;—Am. 1994, Act 277, Imd. Eff. July 11, 1994;—Am. 2003, Act 302, Eff. Jan. 1, 2005;—Am. 2018, Act 627, Imd. Eff. Dec. 28, 2018.

Popular name: Election Code

168.322 Nomination by caucus or filing petition or affidavit; deadline for May election.

Sec. 322. If a charter provides for nomination by caucus or by filing a petition or affidavit directly for the May election, the candidate filing deadline or certification deadline is 4 p.m. on the fifteenth Tuesday before the May election.

History: 1954, Act 116, Eff. June 1, 1955;—Am. 1963, 2nd Ex. Sess., Act 7, Imd. Eff. Dec. 27, 1963;—Am. 1965, Act 312, Eff. Jan. 1, 1966;—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. 2003, Act 302, Eff. Jan. 1, 2005;—Am. 2010, Act 183, Imd. Eff. Sept. 30, 2010;—Am. 2012, Act 276, Eff. Aug. 16, 2012;—Am. 2015, Act 103, Eff. Sept. 28, 2015.

Popular name: Election Code

168.322a Candidates for nomination; withdrawal, notice.

Sec. 322a. After the filing of a nominating petition or filing fees by or in behalf of a proposed candidate for a city office, the candidate shall not be permitted to withdraw unless a written notice of withdrawal is served on the city clerk not later than 4 o'clock, eastern standard time, in the afternoon of the third day after the last day for filing the petition or filing fee as provided in this act or in local charters unless the third day falls on a Saturday, Sunday or legal holiday, in which case the withdrawal may be served on the city clerk up to 4 o'clock, eastern standard time, on the next secular day.

History: Add. 1959, Act 44, Eff. Mar. 19, 1960.

Popular name: Election Code

168.323 Board of city election commissioners; preparation of ballots, canvass of returns, conduct of primary and election; provisions governing.

Sec. 323. It is the duty of the board of city election commissioners to prepare the primary ballots to be used by the electors. The returns shall be canvassed by the board of county canvassers and the results certified to the board of city election commissioners, who shall prepare and furnish ballots for the ensuing election. The

printing and distribution of ballots, equipment, and supplies, the conduct of the primary and election, the canvass and certification of the returns, and all other particulars shall be in accordance, as nearly as may be, with the provisions of this act governing general primaries and elections.

History: 1954, Act 116, Eff. June 1, 1955;—Am. 2013, Act 51, Imd. Eff. June 11, 2013.

Popular name: Election Code

168.324 Repealed. 1978, Act 540, Imd. Eff. Dec. 22, 1978.

Compiler's note: The repealed section provided for additional justices of the peace.

Popular name: Election Code

168.325 Repealed. 2003, Act 302, Eff. Jan. 1, 2005.

Compiler's note: The repealed section pertained to filling vacancy for judge of municipal court of record.

Popular name: Election Code

168.326 Candidate for city office; death; selection of candidate to fill vacancy; ballots.

Sec. 326. If a candidate of a political party for a city office, after having qualified as a candidate, dies after the last day for qualifying, leaving the political party without a candidate for the office, a candidate to fill the vacancy may be selected by the members of the county executive committee of the candidate's political party residing in the city if 3 or more members of the county executive committee of that political party reside in the city. If less than 3 members of the county executive committee of that political party reside in the city, the county executive committee of that political party may select a candidate to fill the vacancy for that office. The name of the candidate selected shall be transmitted to the city 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 city 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 the city.

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

168.327 Removal of city officers by governor; grounds; action on charges; service of charges; hearing; eligibility for election or appointment following removal or conviction.

Sec. 327. The governor shall remove all city officers chosen by the electors of a city or any ward or voting district of a city, when the governor is satisfied from sufficient evidence submitted to the governor that the officer has been guilty of official misconduct, wilful neglect of duty, extortion, or habitual drunkenness, or has been convicted of being drunk, or whenever it appears by a certified copy of the judgment of a court of record of this state that a city officer, after the officer's election or appointment, has been convicted of a felony. The governor shall not take action upon any charges made to the governor against a city officer until the charges have been exhibited to the governor in writing, verified by the affidavit of the party making them, that he or she believes the charges to be true. But a city officer shall not be removed for misconduct or neglect until charges of misconduct or neglect have been exhibited to the governor as provided in this section and a copy of the charges served on the officer and an opportunity given the officer of being heard in his or her defense. The service of the charges upon the officer complained against shall be made by personal service to the officer of a copy of the charges, together with all affidavits or exhibits which may be attached to the original petition, if the officer can be found; and if not, by leaving a copy at the last known place of residence of the officer, with a person of suitable age, if a person of suitable age can be found; and if not, by posting the copy of the charges in a conspicuous place at the officer's last known place of residence. An officer who has been removed from office pursuant to this section shall not be eligible for election or appointment to any office for a period of 3 years from the date of the removal. A person who has been convicted of a violation of section 12a(1) of Act No. 370 of the Public Acts of 1941, being section 38.412a of the Michigan Compiled Laws, shall not be eligible for election or appointment to an elective or appointive city office for a period of 20 years after conviction.

History: 1954, Act 116, Eff. June 1, 1955;—Am. 1982, Act 505, Eff. Mar. 30, 1983.

Popular name: Election Code

168.328 Repealed. 1994, Act 4, Eff. June 1, 1994.

Compiler's note: The repealed section pertained to changing date of city or village election to March 15, 1994.

Popular name: Election Code