

THE GENERAL LAW VILLAGE ACT (EXCERPT)
Act 3 of 1895

VACANCIES IN OFFICE.

62.10 Resignations.

Sec. 10. (1) Except as otherwise provided in subsection (2), the resignation of a village officer must be made to the village president, and the resignation is effective upon receipt by the village president.

(2) The resignation of the village president must be made to the village clerk, and the resignation is effective upon receipt by the village clerk.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2708;—CL 1915, 2578;—CL 1929, 1488;—CL 1948, 62.10;—Am. 2020, Act 81, Imd. Eff. Apr. 2, 2020.

62.11 Office vacancies.

Sec. 11. If any elected officer shall cease to be a resident of the village during his or her term of office, the office shall be thereby vacated. If any officer is alleged to be in default as defined in section 7 of this chapter, the office shall be declared vacated.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2709;—CL 1915, 2579;—CL 1929, 1489;—CL 1948, 62.11;—Am. 1998, Act 255, Imd. Eff. July 13, 1998.

62.12 Failure of officer to give or maintain bond.

Sec. 12. If any person elected or appointed to office fails to give or maintain the bond or security required for the due performance of the duties of his or her office, within the time specified under section 8 or 9 of this chapter, the council shall declare the office vacant, unless the officer gives the requisite bond or security before the council makes its declaration.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2710;—CL 1915, 2580;—CL 1929, 1490;—CL 1948, 62.12;—Am. 1998, Act 255, Imd. Eff. July 13, 1998.

62.13 Vacancies; filling; special elections; procedure; expenses.

Sec. 13. A vacancy occurring in the office of president, trustee, or any other elective office shall be filled by appointment by the council, and the appointee shall hold office until the next regular village election. All vacancies in any other office shall be filled by the president, by and with the consent of the council. If by reason of removal, death, resignation, or otherwise, the membership of the council is reduced to less than a quorum, the remaining council members shall call a special election for the purpose of filling all vacancies in the office of trustee, if a petition signed by not less than 10% of the qualified voters of the village is filed with the village clerk within 10 days after the vacancy or vacancies occur. If a petition is not filed within the time stated, then the remaining council members may either call a special election, or may appoint a sufficient number of trustees to constitute with the members in office a quorum of the council, who shall then fill the remaining vacancies as provided in this section. If all the officers and trustees of a village have died or moved from the village, and no successors have been elected or appointed to fill the vacancies, the township clerk of the township within which the village is situated shall, upon petition of 10% of the qualified voters residing in the village, call a special election for the election of the officers and trustees of the village to be held on a regular election date as established under section 641 of the Michigan election law, 1954 PA 116, MCL 168.641. The township shall perform all of the other duties with respect to the election as the village might have done had the vacancies not existed, including the preparation of ballots, the appointment of election inspectors, the counting and canvassing of the ballots, and the certification of the persons elected to the offices for which the election was held. The expenses of the election shall be paid by the village as provided in section 642 of the Michigan election law, 1954 PA 116, MCL 168.642.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2711;—CL 1915, 2581;—Am. 1921, Act 10, Eff. Aug. 18, 1921;—CL 1929, 1491;—CL 1948, 62.13;—Am. 1983, Act 205, Imd. Eff. Nov. 10, 1983;—Am. 1998, Act 255, Imd. Eff. July 13, 1998;—Am. 2003, Act 305, Eff. Jan. 1, 2005.

62.14 Surety not exonerated.

Sec. 14. The resignation or removal of an officer or the appointment or election of a successor to the officer does not exonerate the officer or the officer's sureties from any liability incurred by the officer or the officer's sureties.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2712;—CL 1915, 2582;—CL 1929, 1492;—CL 1948, 62.14;—Am. 1998, Act 255, Imd. Eff. July 13, 1998.

62.15 Property delivered to successor.

Sec. 15. When an officer resigns or is removed from office, or when the elected term of office expires, he or she shall deliver over to his or her successor in office books, papers, money, evidence of debt, and other property as required by section 480 of the Michigan penal code, 1931 PA 328, MCL 750.480.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2713;—CL 1915, 2583;—CL 1929, 1493;—CL 1948, 62.15;—Am. 1998, Act 255, Imd. Eff. July 13, 1998.