

HOUSE BILL NO. 5012

September 24, 2019, Introduced by Reps. Paquette, Marino, Hornberger and Yaroch and referred to the Committee on Elections and Ethics.

A bill to amend 1954 PA 116, entitled
"Michigan election law,"
by amending section 358 (MCL 168.358), as amended by 1999 PA 16;
and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 358. (1) In every township, there ~~shall~~**must** be a general
2 November election in each even-numbered year for the election of
3 officers and the submission of propositions, as provided by law. ~~At~~
4 ~~the 1980 general November election, there shall~~**There must** be



1 elected by ballot ~~all of the~~ following township officers:

2 (a) A supervisor.

3 (b) A clerk.

4 (c) A treasurer.

5 (d) ~~Two trustees.~~ **Not more than 4 trustees, as provided under**
6 **subsection (4).**

7 (e) Not more than 4 constables.

8 (f) If authorized by law and after a township takes the
9 actions provided in section 11 of 1877 PA 164, MCL 397.211, 6 free
10 public library directors.

11 (g) If a township takes the actions provided in section 1 of
12 former 1931 PA 271 or section 6 of 1905 PA 157, MCL 41.426, the
13 number of park commission members provided for under section 6 of
14 1905 PA 157, MCL 41.426.

15 (2) Except as otherwise provided in this subsection, the order
16 of offices on the township portion of the ballots ~~shall~~ **must** be the
17 same as the order in which the officers are listed in subsection
18 (1). Free public library directors ~~shall~~ **and park commission**
19 **members must** be listed on the nonpartisan portion of the ballot.

20 (3) Subject to the limitation in subsection (1), the number of
21 constables to be elected at the 1992 general November election and
22 each general November election at which township offices are
23 regularly to be elected after 1992 ~~shall~~ **must** be determined by the
24 township board by resolution not less than 6 months before the
25 township primary election preceding the general November election.
26 The resolution that specifies the number of constables to be
27 elected applies in that township until a subsequent resolution is
28 adopted altering that number. If a determination as to the number
29 of constables to be elected ~~is~~ **was** not made by the township board



1 by the deadline under this subsection for the 1992 general
 2 election, the number of constables to be elected ~~shall~~**must** be the
 3 same number that was elected in that township in the 1988 general
 4 November election until a resolution is adopted to provide for the
 5 election of a different number of constables.

6 (4) In a township having a population of 5,000 or more, or
 7 having 3,000 or more qualified and registered electors as shown by
 8 the registration records at the close of registration for the last
 9 preceding general November election, there may be elected 4
 10 trustees. In other townships there ~~shall~~**must** be 2 trustees. A
 11 township ~~shall~~**must** not elect 4 trustees unless the election of
 12 additional trustees is approved by the voters at a general November
 13 election or by a majority of the voters attending at an annual
 14 meeting. The township board of a township having a population of
 15 5,000 or more, or having 3,000 or more qualified and registered
 16 electors, shall cause the question of electing additional trustees
 17 to be voted on at the first general November election or annual
 18 meeting following the township's qualifying for additional
 19 trustees. If a majority of the electors voting on the question vote
 20 in favor of electing 4 trustees, the township shall thereafter
 21 elect 4 trustees. If a majority of the electors voting on the
 22 question do not vote in favor of electing 4 trustees, the township
 23 board may resubmit the question at a subsequent general November
 24 election or annual meeting or the question ~~shall~~**must** be submitted
 25 at the first general November election or annual meeting held not
 26 less than 84 days following the submission of a petition containing
 27 the signatures of not less than 10% of the registered and qualified
 28 electors of the township, as shown by the registration records at
 29 the close of registration for the last general November election,



1 asking that the question be submitted.

2 (5) At the first general November election in a township held
 3 not less than 4 months after the provisions of this section
 4 relative to additional trustees are adopted by a township, there
 5 ~~shall~~**must** be elected the number of trustees necessary to make a
 6 total of 4 trustees. If the additional trustees are elected at a
 7 general November election that is not a regular township election,
 8 the additional trustees shall hold office only until a successor is
 9 elected at the next regular township election and qualifies for
 10 office.

11 (6) This section does not prohibit townships electing 4
 12 trustees as of September 13, 1958 from continuing to do so.

13 Enacting section 1. Section 341 of the Michigan election law,
 14 1954 PA 116, MCL 168.341, is repealed.

15 Enacting section 2. This amendatory act takes effect January
 16 2, 2021.

17 Enacting section 3. This amendatory act does not take effect
 18 unless all of the following bills of the 100th Legislature are
 19 enacted into law:

20 (a) Senate Bill No. _____ or House Bill No. 5011 (request no.
 21 03220'19 a *).

22 (b) Senate Bill No. _____ or House Bill No. 5010 (request no.
 23 03945'19).

24 (c) Senate Bill No. _____ or House Bill No. 5013 (request no.
 25 03946'19).

26 (d) Senate Bill No. _____ or House Bill No. 5018 (request no.
 27 03947'19).

