



HOUSE BILL No. 5436

February 23, 2000, Introduced by Reps. Baird, Schauer, Callahan, Switalski, LaForge and Jacobs and referred to the Committee on Constitutional Law and Ethics.

A bill to amend 1947 PA 359, entitled
"The charter township act,"
by amending sections 4 and 5 (MCL 42.4 and 42.5), section 4 as
amended by 1998 PA 101 and section 5 as amended by 1986 PA 34.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 4. (1) Candidates for township office in charter town-
2 ships shall be nominated at ~~the~~ A general OR NONPARTISAN pri-
3 mary election held in the township before each general election
4 at which township officers are to be elected. A CHARTER TOWNSHIP
5 BY ITS CHARTER MAY PROVIDE FOR THE NONPARTISAN PRIMARY ELECTION
6 OF TOWNSHIP OFFICERS. The primary election shall be conducted, as
7 near as ~~may be~~ POSSIBLE, pursuant to the Michigan election law,
8 1954 PA 116, MCL 168.1 to 168.992.

1 (2) Duties of the county clerk in the conduct of primary
2 elections shall be performed by the township clerk with respect
3 to the nomination of township officers. ~~, and the~~

4 (3) THE duties of the county board of election commissioners
5 shall be performed for each township by a board of township elec-
6 tion commissioners to be composed of the township clerk and the 2
7 trustees appointed by the township board.

8 Sec. 5. (1) Except as otherwise provided in this act, all
9 legislative authority and powers of each charter township shall
10 be vested in and shall be exercised and determined by a township
11 board of 7 members composed of the supervisor, the township
12 clerk, the township treasurer, and 4 trustees who shall be elec-
13 tors in the township. If ~~the provisions of this act are~~ IS
14 adopted, the township board as constituted at the time of the
15 adoption of this act shall constitute the township board until
16 the first general election at which township officers are elected
17 after the adoption of this act.

18 (2) All members of the township board shall be elected under
19 ~~the provisions of the Michigan election law, Act No. 116 of~~
20 ~~the Public Acts of 1954, being sections 168.1 to 168.992 of the~~
21 ~~Michigan Compiled Laws~~ 1954 PA 116, MCL 168.1 TO 168.992. If 2
22 additional trustees are required to be elected, they shall be
23 elected at the next general election. If the next general elec-
24 tion is not a regular township election, each additional trustee
25 shall hold office until a successor is elected at the next regu-
26 lar township election and qualifies for office.

1 (3) A CHARTER TOWNSHIP BY ITS CHARTER MAY PROVIDE FOR
2 STAGGERED ELECTIVE TERMS OF ITS BOARD MEMBERS AS PROVIDED IN
3 SECTION 358 OF THE MICHIGAN ELECTION LAW, 1954 PA 116, MCL
4 168.358.

5 (4) ~~-(2)-~~ The elected township board described in subsection
6 (1) shall be the successor to the prior township board of the
7 township and shall possess the powers and perform the duties of
8 township boards in townships in addition to the powers granted by
9 law to charter townships.

10 (5) As a member of the township board, the supervisor ~~shall~~
11 ~~be~~ IS the presiding and executive officer of the board and
12 ~~shall have~~ HAS an equal voice and vote in the proceedings of
13 the board. The supervisor shall authenticate by his or her sig-
14 nature any instruments ~~which~~ THAT the TOWNSHIP board and the
15 laws of ~~the~~ THIS state or the federal government may require.
16 If the supervisor is absent from a meeting of the township board,
17 the TOWNSHIP board shall appoint 1 of its members president pro
18 tem for that meeting. The township clerk shall be clerk of the
19 township board and shall keep a full record of all the proceed-
20 ings of the township board. In the absence of the clerk, the
21 TOWNSHIP board shall appoint 1 of its members as temporary clerk
22 for that meeting.

23 Enacting section 1. This amendatory act does not take
24 effect unless Senate Bill No. _____ or House Bill No. 5437
25 (request no. 00685'99 a) of the 90th Legislature is enacted into
26 law.