

## VILLAGE COUNCIL VACANCIES

Phone: (517) 373-8080  
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**Senate Bills 712 (S-1) and 713 as passed by the Senate**  
**Sponsor: Sen. Jon Bumstead**  
**House Committee: Local Government and Municipal Finance**  
**Senate Committee: Finance**  
**Complete to 3-3-20**

Analysis available at  
<http://www.legislature.mi.gov>

### SUMMARY:

Senate Bill 712 would amend rules regarding the filling of vacancies on a village council in the General Law Village Act, as well as the conduct of meetings at which a quorum did not exist.

Senate Bill 713 would amend the Michigan Election Law to provide that remaining village council members would make temporary appointments to council vacancies rather than the election commissioners of the county in which the most village residents reside.

The bills are tie-barred together, meaning that neither could take effect unless the other were also enacted.

### Senate Bill 712

#### Chapter 2: Officers

Currently, the act provides that resignations of village *officers* be made to the council (consisting of the president and either four or six trustees). Under the bill, the president's resignation would be to the village clerk and all other resignations would be to the president.

*Officers* means the president, clerk, or treasurer, a village trustee, or an appointed person authorized by the council.

Additionally, if the council membership is reduced below that of a quorum, currently the council must call an election upon petition of more than 10% of voters within 10 days of the vacancy (and may fill enough vacancies to constitute a quorum if the petition is not submitted in time). The bill would remove the petition provision and require the council to do both of the following:

- Call a special election on the next regular election date (based on the current election schedule of May, August, and December elections). If a vacancy occurred in the trustee's last year in office, the special election could take place no later than the May election.
- Make temporary appointment of the number of trustees required to constitute a quorum. (A temporary trustee could hold office only until a successor was elected and could not vote on appointments to elective or appointive village office.)

The bill would also provide that, if all council seats were vacant, the township clerk would have to call a special election on the next regular election date (and would not have to do so only after receiving a petition signed by 10% of voters).

#### Chapter 5: Village Council

The bill would provide that, if meeting to fill a vacancy in the office of village president or trustee, a majority of the members of council serving would constitute a quorum. In the absence of a village ordinance, if a village council lacked a quorum for more than 60 consecutive calendar days, the presiding member could compel attendance at a regular or special meeting and enforce the orderly conduct in the meeting. A member who refused to attend the meeting for a reason other than a confining illness or extenuating circumstance would be guilty of gross neglect of duty. The presiding officer could designate a police officer to enforce this provision.

MCL 62.10, 62.13, and 65.5

#### **Senate Bill 713**

The bill would amend Chapter 17 (Village Offices) of the Michigan Election Law to change the procedure by which temporary village council members are appointed. Currently, the election commissioners of the county in which the largest portion of the village population is situated make the temporary appointments. Instead, the bill would require the remaining village council members to make the temporary appointments.

MCL 168.381

#### **FISCAL IMPACT:**

##### Senate Bill 712

To the extent that the bill would require a special election when an election otherwise would not be required under current law, the bill would increase costs for a village. It is estimated that the cost of conducting a special election is approximately \$2,000 per precinct.

The bill would have no fiscal impact on state government.

##### Senate Bill 713

The bill would have no fiscal impact on state or local government.

Legislative Analyst: Jenny McInerney  
Fiscal Analyst: Ben Gielczyk

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.