

# HOUSE BILL NO. 5699

May 01, 2024, Introduced by Reps. Tsernoglou, Paiz, Rheingans, Koleszar, Hope, Brabec, Andrews, Conlin, MacDonell, Morgan, Glanville, Byrnes and Haadsma and referred to the Committee on Elections.

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 362 and 370 (MCL 168.362 and 168.370), section 362 as amended by 1980 PA 112 and section 370 as amended by 2022 PA 104.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 362. (1) ~~The term of office of township trustees elected~~  
2 ~~in 1978 shall be 2 years. The~~ **Beginning in 1980 and for all**  
3 **subsequent elections at which township officers are elected, the**  
4 term of office of all township officers listed in section 358 ~~shall~~

1 ~~be is~~ 4 years. ~~beginning in the 1980 general election, and in all~~  
 2 ~~subsequent elections at which township officials are elected. All~~  
 3 **terms of** township officers' ~~terms~~ **officers elected before January**  
 4 **1, 2025** shall commence at 12 noon on November 20 ~~next~~ following  
 5 ~~their~~ **the officer's** election. **All terms of township officers**  
 6 **elected after December 31, 2024 commence at 12 noon on December 1**  
 7 **following the officer's election.** ~~and they shall~~ **Officers must**  
 8 qualify before assuming the duties of ~~their~~ **the** office. Each  
 9 township officer shall hold office until a successor is elected and  
 10 qualified, but not beyond January 1 following the election. Failure  
 11 of an elected township ~~official~~ **officer** to qualify by January 1  
 12 following the ~~official's~~ **officer's** election shall ~~create~~ **creates** a  
 13 vacancy ~~which shall~~ **that must** be filled as provided in section 370.  
 14 ~~All elective township officers, other than those listed in section~~  
 15 ~~358, shall be elected at the November election immediately~~  
 16 ~~preceding the expiration of their term and shall commence the~~  
 17 ~~duties of their office on November 20 but not before they qualify~~  
 18 ~~following their election.~~

19 (2) A township officer elected in the general election shall  
 20 remain in office for the full term if the officer failed to take  
 21 the oath of office within the time prescribed by law and was  
 22 subsequently appointed by the township board to the office for  
 23 which the officer ran.

24 Sec. 370. (1) Except as provided in section 370a or subsection  
 25 (2), if a vacancy occurs in an elective or appointive township  
 26 office, the vacancy must be filled by appointment by the township  
 27 board, and the individual appointed shall hold the office for the  
 28 remainder of the unexpired term.

29 (2) If 1 or more vacancies occur in an elective township

1 office that cause the number of members serving on the township  
2 board to be less than the minimum number of board members that is  
3 required to constitute a quorum for the transaction of business by  
4 the board, the board of county election commissioners shall make  
5 temporary appointment of the number of members required to  
6 constitute a quorum for the transaction of business by the township  
7 board. An official appointed under this subsection shall hold the  
8 office only until the official's successor is elected or appointed  
9 and qualified. An official who is temporarily appointed under this  
10 subsection shall not vote on the appointment of ~~himself or herself~~  
11 **that official** to an elective or appointive township office.

12 (3) If a township official submits a written resignation from  
13 an elective township office, for circumstances other than a  
14 resignation related to a recall election, that specifies a date and  
15 time when the resignation is effective, the township board, within  
16 30 days before that effective date and time, may appoint an  
17 individual to fill the vacancy at the effective date and time of  
18 the resignation. The resigning official shall not vote on the  
19 appointment.

20 (4) Except as provided in subsection (5), if the township  
21 board does not make an appointment under subsection (3), or if a  
22 vacancy occurs in an elective township office and the vacancy is  
23 not filled by the township board or the board of county election  
24 commissioners within 45 days after the beginning of the vacancy,  
25 the county clerk of the county in which the township is located  
26 shall call a special election within 5 calendar days to fill the  
27 vacancy. Not later than 4 p.m. on the fifteenth calendar day after  
28 the county clerk calls a special election under this section, the  
29 county party committee for each political party in the county in

1 which the township is located shall submit a nominee to fill the  
2 vacancy. The special election must be held on the next regular  
3 election date that is not less than 60 days after the deadline for  
4 submitting nominees under this section or 70 days after the  
5 deadline for submitting nominees under this section if the next  
6 regular election date is the even year August primary or the  
7 general November election. Notice of the special election must be  
8 given in the same manner required by section 653a. A special  
9 election called under this section does not affect the rights of a  
10 qualified elector to register for any other election.

11 **Notwithstanding any ordinance or resolution to the contrary, an**  
12 **individual elected to fill a vacancy shall not take the oath of**  
13 **office until the results have been certified by the appropriate**  
14 **board of canvassers.** An individual elected to fill a vacancy shall  
15 serve for the remainder of the unexpired term.

16 (5) Subsection (4) does not apply to the office of township  
17 constable. If a vacancy occurs in the office of township constable,  
18 the township board shall determine if and when the vacancy is  
19 filled by appointment. If the township board does not fill the  
20 vacancy by appointment, the office of township constable ~~must~~  
21 ~~remain~~**remains** vacant until the next general or special election in  
22 which township offices are filled.