

MICHIGAN ELECTION LAW (EXCERPT)
Act 116 of 1954

168.370 Elective or appointive township office; appointment to fill vacancy; temporary appointment; effect of resignation; special election; vacancy in office of township constable.

Sec. 370.

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

(2) If 1 or more vacancies occur in an elective township office that cause the number of members serving on the township board to be less than the minimum number of board members that is required to constitute a quorum for the transaction of business by the board, the board of county election commissioners shall make temporary appointment of the number of members required to constitute a quorum for the transaction of business by the township board. An official appointed under this subsection shall hold the office only until the official's successor is elected or appointed and qualified. An official who is temporarily appointed under this subsection shall not vote on the appointment of himself or herself to an elective or appointive township office.

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

(4) Except as provided in subsection (5), if the township board does not make an appointment under subsection (3), or if a vacancy occurs in an elective township office and the vacancy is not filled by the township board or the board of county election commissioners within 45 days after the beginning of the vacancy, the county clerk of the county in which the township is located shall call a special election within 5 calendar days to fill the vacancy. Not later than 4 p.m. on the fifteenth calendar day after the county clerk calls a special election under this section, the county party committee for each political party in the county in which the township is located shall submit a nominee to fill the vacancy. The special election must be held on the next regular election date that is not less than 60 days after the deadline for submitting nominees under this section or 70 days after the deadline for submitting nominees under this section if the next regular election date is the even year August primary or the general November election. Notice of the special election must be given in the same manner required by section 653a. A special election called under this section does not affect the rights of a qualified elector to register for any other election. An individual elected to fill a vacancy shall serve for the remainder of the unexpired term.

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

History: 1954, Act 116, Eff. June 1, 1955 ;-- Am. 1968, Act 36, Imd. Eff. May 21, 1968 ;-- Am. 1980, Act 193, Imd. Eff. July 8, 1980 ;-- Am. 1983, Act 226, Imd. Eff. Nov. 28, 1983 ;-- Am. 1990, Act 83, Imd. Eff. May 25, 1990 ;-- Am. 2003, Act 302, Eff. Jan. 1, 2005 ;-- Am. 2005, Act 71, Imd. Eff. July 14, 2005 ;-- Am. 2014, Act 94, Imd. Eff. Apr. 3, 2014 ;-- Am. 2022, Act 104, Imd. Eff. June 16, 2022

Compiler's Notes: Enacting section 4 of Act 71 of 2005 provides: "Enacting section 4. If any portion of this amendatory act or the application of this amendatory act to any person or circumstances is found invalid by a court, the invalidity shall not affect the remaining portions or applications of this amendatory act that can be given effect without the invalid portion or application, if the remaining portions are not determined by the court to be inoperable, and to this end this amendatory act is declared to be severable."

Popular Name: Election Code