

General Law Village – Residency for Elected Officers

Introduction

The General Law Village Act, PA 3 of 1895, serves as the charter for 207 Michigan villages. This Act defines the powers of general law villages, and the powers and duties of the elected and appointed officials of those villages.

Qualifications for office (MCL 62.7)

Sec. 7. (1) A person shall not be elected to an office unless he or she is an elector of the village.

(2) A person in default to the village is not eligible for any office in the village. All votes in an election for or any appointment of a person in default to the village are void. As used in this subsection, “in default” means delinquent in payment of property taxes or a debt owed to the village if 1 of the following applies:

- (a) The taxes remain unpaid after the last day of February in the year following the year in which they are levied, unless the taxes are the subject of an appeal.
- (b) Another debt owed to the village remains unpaid 90 days after the due date, unless the debt is the subject of an administrative appeal or a contested court case.

(3) Not more than 30 days after receiving notice of his or her election or appointment, an officer of the village shall take and subscribe the oath of office prescribed by the constitution of the state and file the oath with the clerk. An officer who fails to comply with the requirements of this subsection shall be considered to have declined the office.

Residency provision in the General Law Village Act

The General Law Village Act provides the following residency requirements for elected officers (MCL 62.11):

“If any elected officer shall cease to be a resident of the village during his or her term of office, the office shall be thereby vacated. If any officer is alleged to be in default as defined in section 7 of this chapter, the office shall be declared vacated.”

Again, the General Law Village Act requires the village president and trustees to be electors in the village MCL 62.7(1):

“A person shall not be elected to an office unless he or she is an elector of the village.”

Michigan Election Law

Definition of an Elector (MCL 168.492)

“Each individual who has the following qualifications of an elector is entitled to register as an elector in the township or city in which he or she resides. The individual must be a citizen of the United States; not less than 17-1/2 years of age; a resident of this state; and a resident of the township or city.”

Definition of a Resident (MCL 168.11)

(1) “Residence,” as used in this Act, for registration and voting purposes means that place at which a person habitually sleeps, keeps his or her personal effects, and has a regular place of lodging. If a person has more than 1 residence or if a person has a residence separate from that of his or her spouse, that place at which the person resides the greater part of the time shall be his or her official residence for the purposes of this Act. This section does not affect existing judicial interpretation of the term residence.

The only exception to the residency rule is for someone serving in the military.