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Derek Melot
Director of Communications and Marketing
Michigan Association of Counties
110 W. Michigan Ave, Suite 200
Lansing, MI 48933

Sent Via Email

Re: Procedure for Changing the Name of a County

Dear Mr. Melot:

This is in response to your request for an opinion on the legal procedure for a Michigan county to change its name. This question arises in connection with the desire of various groups to remove statues, symbols and monuments honoring persons associated with the Confederacy, slavery, and racial segregation.

Research has disclosed no express process for changing the name of a County. In general, Michigan Counties are organized and established by acts of the Legislature, which includes the County name, boundaries, and location of the County seat. *Attorney General v Bd of County Canvassers*, 64 Mich 607; 31 NW 539 (1887). See, e.g., MCL 45.1, which states, "The boundaries of the several counties in this state, shall remain as now established, unless the same shall hereafter be changed by the legislature."¹ The present configuration of Michigan Counties has remained unchanged since 1897.

Pursuant to Mich Const 1963, art. 7, sec. 1, each organized County shall be a body corporate with powers and immunities provided by law. See also MCL 45.3. County Boards of Commissioners have legislative, administrative and such other powers and duties as provided by law. Mich Const 1963, art. 7, sec. 8. Further, the provisions of the Constitution and law concerning Counties "shall be liberally construed in their favor," and powers granted to Counties

¹ The Legislature is constitutionally prohibited from reducing the size of an organized county by the organization of new counties to less than 16 townships, unless approved by a majority of electors voting in each affected county. Mich Const 1963, art. 7, sec. 3. Similarly, a majority vote of the electors in each affected county is necessary for the consolidation of two or more counties. Mich Const 1963, art. 7, sec. 13.

by the Constitution and by law “shall include those fairly implied and not prohibited by this Constitution.” Mich Const 1963, art. 7, sec. 34; *Youngblood v Jackson County*, 28 Mich App 361; 184 NW2d 290 (1970).

Even so, these constitutional provisions are not self-executing; therefore, the rights which they bestow and duties which they impose may not be enforced without the aid of legislative enactment. *County Comm’rs of Oakland County v Oakland County Executive*, 98 Mich App 639; 296 NW2d 621 (1980).


It is well-settled that Counties possess only such powers as are expressly conferred or delegated to them by the Constitution or statutes. *Alan v Wayne County*, 388 Mich 210; 200 NW2d 628 (1972). There is provision in the law for a County to relocate its County seat, without the approval of the State Legislature. Mich Const 1963, art. 7, sec. 10; MCL 46.17; *Bagot v Supervisors of Antrim*, 43 Mich 577; 5 NW 1018 (1880). This process requires the approval by a 2/3 vote of the elected County Board of Commissioners, and a majority vote of the electors within the County at an election for that purpose. However, as noted above, there is no express statutory authority or legal procedure for a County to change its name. Thus, it would appear that any action to legally change the name of a County would be by State legislative enactment.²

In the absence of express statutory authority for a County to change its name, whether by vote of the electors or otherwise, those desiring to effect such a change would likely have to seek the introduction of specific legislation to that effect by a member of the Legislature. There is otherwise available the indirect initiative process, Mich Const 1963, art. 2, sec. 9, which entails gathering signatures on a petition for the enactment of specific legislation by the State Legislature, where if it declines to act, the question is submitted to a vote of the electors in a statewide election. See MCL 168.472 *et seq.*

Please contact me if you have any questions.

Very Truly Yours,

COHL, STOKER & TOSKEY, P.C.



Timothy M. Perrone

TMP/gmk

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² The names of all Michigan Counties were established by act of the Territorial Legislature or the State Legislature. In 1843, the Legislature passed a single act changing the names of sixteen counties. Thus, changing the current name of a County would likely require an act of similar form and equal dignity.