

**SUBSTITUTE FOR
SENATE BILL NO. 810**

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 4, 381, 642, and 642a (MCL 168.4, 168.381, 168.642, and 168.642a), section 4 as amended by 2010 PA 181, section 381 as amended by 2012 PA 276, and sections 642 and 642a as amended by 2011 PA 233; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 4. As used in this act:

2 (a) "School board" means the governing body of a school
3 district, including the board of trustees of a community college.

4 (b) "School board member" means an individual holding the
5 office of school board member under the revised school code, 1976
6 PA 451, MCL 380.1 to 380.1852, or the office of board of trustees

1 member under the community college act of 1966, 1966 PA 331, MCL
2 389.1 to 389.195. School board member includes a school board
3 member of an intermediate school district if that intermediate
4 school district has adopted sections 615 to 617 of the revised
5 school code, 1976 PA 451, MCL 380.615 to 380.617.

6 (c) "School district" means a school district, a local act
7 school district, or an intermediate school district, as those terms
8 are defined in the revised school code, 1976 PA 451, MCL 380.1 to
9 380.1852, or a community college district under the community
10 college act of 1966, 1966 PA 331, MCL 389.1 to 389.195.

11 (d) "School district election coordinating committee" means 1
12 of the following:

13 (i) For a school district whose entire territory lies within a
14 single city or township, a committee composed of the secretary of
15 the school board or his or her designee, the city or township
16 election commission, and the school district election coordinator.

17 (ii) For a school district that has territory in more than 1
18 city or township, a committee composed of the secretary of the
19 school board or his or her designee, the school district election
20 coordinator, and the clerk of each city or township in which school
21 district territory is located.

22 (e) "School district election coordinator" means 1 of the
23 following:

24 (i) For a school district whose entire territory lies within a
25 single city or township, the city or township clerk.

26 (ii) For a school district that has territory in more than 1
27 city or township, the county clerk of the county in which the

1 largest number of registered school district electors reside.

2 ~~—— (f) "September election" means the election held on the first~~
3 ~~Tuesday after the second Monday in September in an odd year for the~~
4 ~~election of village offices.~~

5 (F) ~~(g)~~ "Special election" means an election to elect an
6 individual to, or nominate an individual for, a partial term in
7 office or to submit a ballot question to the electors.

8 (G) ~~(h)~~ "Special primary" means a primary called by competent
9 authority for the nomination of candidates to be voted for at a
10 special election.

11 (H) ~~(i)~~ "Uniform voting system" means the voting system that
12 is used at all elections in every election precinct throughout the
13 state.

14 (I) ~~(j)~~ "Village" is defined in section 9.

15 Sec. 381. (1) Except as provided in this section and sections
16 383, 641, 642, **642A**, and 644g, the qualifications, nomination,
17 election, appointment, term of office, and removal from office of a
18 village officer shall be as determined by the charter provisions
19 governing the village.

20 (2) If the membership of the village council of a village
21 governed by the general law village act, 1895 PA 3, MCL 61.1 to
22 74.25, is reduced to less than a quorum of 4 and a special election
23 for the purpose of filling all vacancies in the office of trustee
24 is called under section 13 of chapter II of the general law village
25 act, 1895 PA 3, MCL 62.13, temporary appointments of trustees shall
26 be made as provided in this subsection. The board of county
27 election commissioners of the county in which the largest portion

1 of the population of the village is situated shall make temporary
2 appointment of the number of trustees required to constitute a
3 quorum for the transaction of business by the village council. A
4 trustee appointed under this subsection shall hold the office only
5 until the trustee's successor is elected and qualified. A trustee
6 who is temporarily appointed under this subsection shall not vote
7 on the appointment of himself or herself to an elective or
8 appointive village office.

9 (3) Notwithstanding another provision of law or charter to the
10 contrary, an appointment to an elective or appointive village
11 office made by a quorum constituted by temporary appointments under
12 this subsection expires upon the election and qualification of
13 trustees under the special election called to fill the vacancies in
14 the office of trustee.

15 (4) Filing for a village office shall be with the township
16 clerk if the township is conducting the election or if the village
17 is located in more than 1 township with the township in which the
18 largest number of the registered electors of the village reside.
19 Until December 31, 2013, ~~and except as provided in subsection (5),~~
20 nominating petitions for village offices shall be filed with the
21 appropriate township clerk by 4 p.m. on the twelfth Tuesday before
22 the general November election. Beginning January 1, 2014, ~~and~~
23 ~~except as otherwise provided in subsection (5),~~ nominating
24 petitions for village offices shall be filed with the appropriate
25 township clerk by 4 p.m. on the fifteenth Tuesday before the
26 general November election. After a nominating petition is filed for
27 a candidate for a village office, the candidate is not permitted to

1 withdraw unless a written withdrawal notice, signed by the
2 candidate, is filed with the appropriate township clerk not later
3 than 4 p.m. of the third day after the last day for filing the
4 nominating petition.

5 ~~—— (5) Until December 31, 2013, if a village council adopts a~~
6 ~~resolution in compliance with section 642(7) to hold its regular~~
7 ~~election at the September election, the nominating petitions for~~
8 ~~village offices to be filled at the September election shall be~~
9 ~~filed with the village clerk by 4 p.m. on the twelfth Tuesday~~
10 ~~before the September election. Beginning January 1, 2014, if a~~
11 ~~village adopts a resolution in compliance with section 642(7) to~~
12 ~~hold its regular election at the September election, the nominating~~
13 ~~petitions for village offices to be filled at the September~~
14 ~~election shall be filed with the village clerk by 4 p.m. on the~~
15 ~~fifteenth Tuesday before the September election. After a nominating~~
16 ~~petition is filed for a candidate for a village office, the~~
17 ~~candidate is not permitted to withdraw unless a written withdrawal~~
18 ~~notice, signed by the candidate, is filed with the village clerk~~
19 ~~not later than 4 p.m. of the third day after the last day for~~
20 ~~filing the nominating petition.~~

21 Sec. 642. (1) Except as otherwise provided in this section and
22 section 642a, on the effective date of this act, a city shall hold
23 its regular election or regular primary election as follows:

24 (a) A city shall hold its regular election for a city office
25 at the odd year general election.

26 (b) A city shall hold its regular election primary at the odd
27 year primary election.

1 (c) A city that holds its regular election for a city office
2 annually or in the even year on the November regular election date
3 shall continue holding elections on that schedule.

4 (d) A city that holds its regular election primary for a city
5 office annually or in the even year on the August regular primary
6 election date shall continue holding primary elections on that
7 schedule.

8 (2) If, on September 1, 2004, a city holds its regular
9 election at other than a regular November election date, the city
10 council may choose to hold the regular election on the May regular
11 election date by adopting a resolution in compliance with this
12 section. Except as provided in section 642a, if a city council
13 adopts the resolution in compliance with this section to hold its
14 regular election on the May regular election date, after December
15 31, 2004, the city's regular election is on the May regular
16 election date. If a city's regular election is held on the May
17 regular election date, the city's regular election primary shall be
18 held on the February regular election date immediately before its
19 regular election.

20 (3) If, on September 1, 2004, a city holds its regular
21 election annually or in the even year on the November regular
22 election date, the city council may choose to hold the regular
23 election at the odd year general election by adopting a resolution
24 in compliance with this section. Except as provided in section
25 642a, if a city council adopts the resolution in compliance with
26 this section to hold its regular election at the odd year general
27 election, after December 31, 2004, the city's regular election is

1 at the odd year election. If a city's regular election is held at
2 the odd year general election, the city's regular election primary
3 shall be held at the odd year primary election.

4 (4) If, on September 1, 2004, a city holds its regular
5 election annually on the November regular election date, the city
6 council may choose to hold the regular election at the even year
7 general election by adopting a resolution in compliance with this
8 section. Except as provided in section 642a, if a city council
9 adopts the resolution in compliance with this section to hold its
10 regular election at the even year general election, after December
11 31, 2004, the city's regular election is at the even year election.
12 If a city's regular election is held at the even year general
13 election, the city's regular election primary shall be held at the
14 even year primary election.

15 ~~—— (5) If, on September 1, 2004, a city holds its regular~~
16 ~~election primary at the September primary election, the city~~
17 ~~council may choose to continue holding its regular election primary~~
18 ~~at the September primary election by adopting a resolution in~~
19 ~~compliance with this section. Except as provided in section~~
20 ~~642a(2), if a city council adopts the resolution in compliance with~~
21 ~~this section to hold its regular election primary at the September~~
22 ~~primary election, after December 31, 2004, the city's regular~~
23 ~~election primary is at the September primary election.~~

24 (5) ~~(6)~~ Except as otherwise provided in ~~this section and~~
25 section 642a, on September 1, 2004, a village shall hold its
26 regular election as follows:

27 (a) A village shall hold its regular election for a village

1 office at the general election and the appropriate township clerk
2 shall conduct the election.

3 (b) A village shall not hold a regular primary election.

4 ~~—— (7) A village council may make a 1 time choice to hold the~~
5 ~~regular election at the September primary election by adopting a~~
6 ~~resolution in compliance with this section. Except as provided in~~
7 ~~section 642a, if a village council adopts the resolution in~~
8 ~~compliance with this section to hold its regular election at the~~
9 ~~September primary election, after December 31, 2004, the village's~~
10 ~~regular election is at the September primary election and the~~
11 ~~village clerk shall conduct the election. The resolution may~~
12 ~~provide for the terms of office and for staggered terms. If a~~
13 ~~village's regular or special election is held in conjunction with~~
14 ~~another election conducted by a township, the village shall pay the~~
15 ~~township a proportionate share of the election expenses. If a~~
16 ~~village's regular or special election is not held in conjunction~~
17 ~~with another election conducted by a township, the village shall~~
18 ~~pay the township 100% of the actual costs of conducting the~~
19 ~~village's regular or special election. The township shall make~~
20 ~~voting equipment available to a village if the village conducts an~~
21 ~~election. If the village is located in more than 1 township, the~~
22 ~~township with the largest number of village electors shall furnish~~
23 ~~the voting equipment.~~

24 (6) ~~(8)~~—A resolution permitted under this section or section
25 642a is valid only if a city council ~~or village council~~ adopts the
26 resolution in compliance with all of the following:

27 (a) The resolution is adopted before 1 of the following:

1 (i) If the resolution is permitted under subsection (2), (3),
2 OR (4), ~~(5), or (7)~~, January 1, 2005.

3 (ii) If the resolution is permitted under section 642a(1), ~~or~~
4 (2), OR (4), January 1 of the year in which the change in the date
5 of the election takes effect.

6 (b) Before adopting the resolution, the council holds at least
7 1 public hearing on the resolution. The public hearing may be held
8 on the same day and immediately before considering the adoption of
9 the resolution.

10 (c) The council gives notice of each public hearing on the
11 resolution in a manner designed to reach the largest number of the
12 jurisdiction's qualified electors in a timely fashion.

13 (d) The council votes on the resolution and, on a record roll
14 call vote, a majority of the council's board members, elected or
15 appointed, and serving, adopt the resolution.

16 (e) The council files the resolution with the secretary of
17 state.

18 Sec. 642a. (1) After December 31, 2004, a city council that
19 adopted a resolution so that its regular election is held on the
20 May regular election date may change its regular election to the
21 odd year general election by adopting a resolution in compliance
22 with section 642. If a city council adopts the resolution in
23 compliance with section 642 to hold its regular election at the odd
24 year general election, after December 31 of the year in which the
25 resolution is adopted, the city's regular election is at the odd
26 year general election.

27 (2) After December 31, 2004, a city council that holds its

1 regular election for city offices annually or in the even year on
2 the November regular election date may change its regular election
3 schedule to the odd year general election and the odd year primary
4 election by adopting a resolution in compliance with section 642.
5 If a city council adopts the resolution in compliance with section
6 642, the city's regular election is at the odd year general
7 election and its primary is at the odd year primary election.

8 (3) After December 31, 2010, a city that adopted a resolution
9 so that its regular election primary is held at the September
10 election shall hold its regular election primary at the odd year
11 primary election.

12 ~~—— (4) After December 31, 2004, a village council that adopted a~~
13 ~~resolution so that its regular election is held on the September~~
14 ~~election date may change its regular election to the November~~
15 ~~regular election date by adopting a resolution in compliance with~~
16 ~~section 642. If a village council adopts the resolution in~~
17 ~~compliance with section 642 to hold its regular election at the~~
18 ~~November regular election date, after December 31 of the year in~~
19 ~~which the resolution is adopted, the village's regular election is~~
20 ~~at the November regular election date.~~

21 (4) AFTER DECEMBER 31, 2011, A CITY THAT HOLDS ITS REGULAR
22 ELECTION FOR CITY OFFICES ANNUALLY OR IN THE ODD YEAR ON THE
23 NOVEMBER REGULAR ELECTION DATE MAY CHANGE ITS REGULAR ELECTION
24 SCHEDULE TO THE EVEN YEAR GENERAL ELECTION AND THE EVEN YEAR
25 PRIMARY ELECTION BY ADOPTING A RESOLUTION IN COMPLIANCE WITH
26 SECTION 642. IF A CITY COUNCIL ADOPTS THE RESOLUTION IN COMPLIANCE
27 WITH SECTION 642, AFTER DECEMBER 31 OF THE YEAR IN WHICH THE

1 RESOLUTION IS ADOPTED, THE CITY'S REGULAR ELECTION IS AT THE EVEN
2 YEAR GENERAL ELECTION AND ITS PRIMARY IS AT THE EVEN YEAR PRIMARY
3 ELECTION.

4 (5) AFTER DECEMBER 31, 2012, A VILLAGE THAT ADOPTED A
5 RESOLUTION SO THAT ITS REGULAR ELECTION IS HELD AT THE SEPTEMBER
6 ELECTION SHALL HOLD ITS REGULAR ELECTION AT THE GENERAL NOVEMBER
7 ELECTION.

8 Enacting section 1. Section 500f of the Michigan election law,
9 1954 PA 116, MCL 168.500f, is repealed.