

HOUSE BILL No. 4169

February 5, 2013, Introduced by Reps. Pagel, Kowall, Haines and Jacobsen and referred to the Committee on Elections and Ethics.

A bill to amend 1895 PA 3, entitled "The general law village act," by amending section 18a of chapter XIV (MCL 74.18a), as amended by 2003 PA 305.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

CHAPTER XIV

Sec. 18a. (1) To initiate the disincorporation of a village, a petition signed by not less than 15% of the registered electors of the village requesting a vote on the question of whether the village shall disincorporate shall be filed with the township clerk.

(2) A petition shall designate the township or townships into which the village is proposed to be disincorporated. A village shall be disincorporated into the township or townships in which it

1 is located, along existing township boundaries.

2 (3) After the petition is filed with the township clerk a
3 petition affecting the village shall not be filed with the state
4 boundary commission and a petition requesting disincorporation of
5 the village into a different township shall not be filed under this
6 act until the disincorporation process provided for by this act has
7 concluded.

8 (4) ~~By not~~ **NOT** more than 14 days after the petition is filed,
9 the township clerk shall verify the signatures and determine the
10 sufficiency of the petition. Unless the council proceeds under
11 sections 23 to 23i of this chapter, if the clerk determines that
12 the petition is sufficient, the question of the disincorporation of
13 the village shall appear on the ballot at the next general or
14 special election to be held in the village, subject to the Michigan
15 election law, 1954 PA 116, MCL 168.1 to 168.992. The township clerk
16 shall prepare the ballot language, in substantially the following
17 form:

18 "Shall incorporation of the village of _____ be vacated?
19 () Yes
20 () No".

21 (5) The county election commission of the county in which the
22 greatest number of electors of the village reside shall provide
23 ballots for the election.

24 (6) The clerk and election officials of each township into
25 which the village is proposed to be disincorporated shall conduct
26 the election on the proposed disincorporation in the village and
27 the portions of the township outside the boundaries of the village,

1 respectively.

2 (7) If the election on the proposed disincorporation is to be
3 held in conjunction with a general election or a state primary
4 election immediately before a general election, the notices of
5 close of registration and election shall be published as provided
6 for by the state election laws. Otherwise, the county clerk of the
7 county in which the greatest number of electors of the village
8 reside shall publish the notices of close of registration and
9 election. The notice of close of registration shall include the
10 ballot language of the proposal.

11 (8) The results of the election on the proposed
12 disincorporation shall be canvassed by the board of **COUNTY**
13 canvassers of the ~~village and the board of canvassers of each~~
14 ~~township~~ **COUNTY** in which the village is located.

15 (9) The disincorporation of the village shall take place under
16 this section only if 2/3 of the electors voting on the questions
17 vote "yes". If the disincorporation is approved, the council shall
18 immediately cause a transcript of all the proceedings in the case
19 to be certified to both of the following:

20 (a) The county clerk of the county in which the village or the
21 principal part of the village is located.

22 (b) The secretary of state.

23 Enacting section 1. This amendatory act does not take effect
24 unless Senate Bill No. _____ or House Bill No. 4171 (request no.
25 00059'13) of the 97th Legislature is enacted into law.