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BILL ANALYSIS

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Senate Bill 877 (as enrolled)
House Bill 4820 (enrolled)
House Bill 4822 through 4828 (as enrolled)
Sponsor: Senator Bev Hammerstrom (S.B. 877)
Representative Chris Ward (H.B. 4820)
Representative Ruth Ann Jamnick (H.B. 4822)
Representative Jack Brandenburg (H.B. 4823)
Representative John Stakoe (H.B. 4824)
Representative Glenn Steil, Jr. (H.B. 4825)
Representative John Garfield (H.B. 4826)
Representative Rich Brown (H.B. 4827)
Representative Leon Drolet (H.B. 4828)

PUBLIC ACT 298 of 2003
PUBLIC ACT 299 of 2003
PUBLIC ACTS 300-306 of 2003

Senate Committee: Government Operations
House Committee: Local Government and Urban Policy (House bills)

Date Completed: 4-8-04

CONTENT

The bills amend the Michigan Election Law and several other statutes to do the following:

- **Establish four regular election dates each year and require all elections to be held on those days, except for a special election called by the Governor or the Legislature, or a special election held by a school district.**
- **Remove from school districts the power to administer and operate elections, and require that school elections be conducted by local units of government under the Election Law.**
- **Require city and village regular elections to be held at the even-year November general election, and school district regular elections to be held at the odd-year November election.**
- **Allow a city, village, or school district to choose an alternate date for its regular election, under certain conditions.**
- **Require community college elections to be administered and conducted under the Election Law.**
- **Place in the Election Law provisions for calling, administering, and canvassing school elections, and require a "school district election coordinator" for a school district to conduct all regular and special school elections.**

All of the bills will take effect on January 1, 2005, except that sections of House Bill 4824 dealing with election dates will take effect on September 1, 2004. All of the bills were tied to each other.

Senate Bill 877

Overview

The bill amends Section 641 of the Michigan Election Law to establish four regular election dates per year; require the Secretary of State to direct and supervise the consolidation of all elections held under the Election Law; allow school districts to hold one special election a year; require the primary for certain offices to be held in August; and require the Secretary of State to issue a report regarding special elections. Section 641 is to be known as the "Hammerstrom Election Consolidation Law".

Election Dates

Under the bill, with specific exceptions, beginning January 1, 2005, an election must be held on one of four regular election dates: the fourth Tuesday in February; the first Tuesday after the first Monday in May; the first Tuesday after the first Monday in August; and the first Tuesday after the first Monday in November.

The bill provides that, if an elective office is listed by name in Section 643 of the Election Law, requiring the election for that office to be held at the general election, and if candidates for the office are nominated at a primary election, the primary election must be held on the August regular election date. (Under Section 643 the following officials must be elected at the general election, when required by law: "Presidential electors"; a Governor, Lieutenant Governor, Secretary of State, and Attorney General; a U.S. Senator; a Representative in Congress in each congressional district; a State Senator and Representative in each district; Supreme Court Justices; Court of Appeals judges; district, probate, and circuit court judges; members of university boards; various county officials, including a sheriff, prosecutor, and drain commissioner; and township officials.)

Special Elections

The bill requires a special election to be held on a regular election day, except as noted below and as provided for school district elections.

The bill provides that a special election called by the Governor to fill a vacancy in a congressional, legislative, or local elected office, or a special election called by the Legislature to submit a proposed constitutional amendment to the voters, may be held on a regular election day, but is not required to be.

School Elections

The bill provides that a school district may call a special election to submit a ballot question to borrow money, increase a millage, or establish a bond, if an initiative petition is filed with the county clerk. The petition must be signed by 3,000 qualified and registered electors of the district or a number equal to at least 10% of the electors voting in the last gubernatorial election in that district, whichever is less. The petition must be filed with the county clerk by 4 p.m. of the 10th Tuesday before the proposed date of the special election, and the petition signatures must be obtained within 60 days before the petition is filed.

If the special election is not scheduled to be held on a regular election date, the special election must be held on a Tuesday. A special election called by a school district may not be held within 30 days before or 35 days after a

regular election date.

A school district may call only one special election in each calendar year.

An initiative petition to call a school district special election is subject to Section 488 of the Election Law (which regulates ballot question petitions and prescribes penalties for violations).

Secretary of State Report

The bill requires the Secretary of State, by December 1, 2006, to make a report regarding special elections to the House and Senate committees that consider election issues. The report must include, at least, the number of times a special election has been held; which school districts have held special elections; information about the success rate of the ballot questions submitted at the special elections; and information about voter turnout, including the percentage and number of registered voters who voted in each special election.

House Bill 4824

Overview

The bill amends the Michigan Election Law to do the following:

- Require city and village regular elections to be held at the general election in November in an even-numbered year.
- Require school district regular elections for the election of school board members to be held at the odd-year general election.
- Allow a city, village, or school district to choose another date for its regular election, if it complies with certain requirements in the bill.
- Provide that school district elections are governed by the Election Law, and include community colleges in the definition of "school district".
- Require a school district election coordinator to conduct school district elections, and provide for a school district election coordinating committee.
- Prescribe procedures for the determination and payment of school district election costs.
- Allow the consolidation of election precincts, under certain conditions.

City, Village & School District Election Dates

The following provisions take effect on September 1, 2004.

Regular Date; Resolution to Change. Under the bill, except as otherwise provided, as of September 1, 2004, a city must hold its regular election or regular primary election as follows:

- A city must hold its regular election for a city office at the odd year general election.
- A city must hold its regular election primary at the odd year primary election.
- A city that holds its regular election for a city office annually on the November regular election date, must continue holding elections on that schedule.

(The bill defines "general election" or "general November election" as the election held on the November regular election date in an even-numbered year. "Regular election" means an election held on a regular election date to elect an individual to, or nominate an individual for, elective office in the regular course of the terms of that office. "Regular election date" means one of the four dates established as a regular election date in Section 641 of the Election Law.)

If, on September 1, 2004, a city holds its regular election at other than an odd year general election or annually on the regular November election date, then the city council may choose to hold the regular election on the May regular election date by adopting a resolution in compliance with the bill. If a city's regular election date is held on the May regular election date, its regular election primary must be held on the February regular election date.

If, on September 1, 2004, a city holds its regular election annually on the November regular election date, the city council may choose to hold the regular election at the odd year general election by adopting a resolution. If a city's regular election is held at the odd year general election, its regular election primary must be held at the odd-year primary election.

If, on September 1, 2004, a city holds its regular election primary at the September primary election, the city council may choose to continue holding its regular election primary at the September primary election by adopting

a resolution. (Under the bill, the September primary election is held on the first Tuesday following the first Monday in September in an odd year.)

If, on September 1, 2004, a school district holds its regular election at other than the odd year general election, the district's school board may adopt a resolution to hold its regular election on the odd year May regular election; the May regular election in both even and odd years; or the November general election in both even and odd years. A school board that adopts such a resolution may adopt another resolution to change its regular election to that date; this resolution must be adopted before January 1 of the year in which the change in date takes effect.

Except as otherwise provided, as of September 1, 2004, a school district must hold its regular election for the office of school board member at the odd year general election. If, on that date, a school district holds its regular election at other than the odd year general election, the district's board may choose to hold its regular election on one of the following by adopting a resolution:

- The odd year May regular election date.
- The general election in both even and odd years.
- The May regular election date in both even and odd years.

As of September 1, 2004, except as otherwise provided, a village must hold its regular election for a village office at the general election, and the appropriate township clerk must conduct the election. A village may not hold a regular primary election.

A village council may choose to hold the regular election at the September primary election by adopting a resolution. If a village's regular or special election is held in conjunction with another election conducted by a township, the village must pay the township a proportionate share of the election expenses. If a village's regular or special election is not held in conjunction with a township election, the village must pay the township 100% of the actual costs of conducting the village's regular or special election.

A resolution permitted under the provisions described above must be adopted before January 1, 2005.

Subsequent Resolution. After December 31, 2004, a city council that adopted a resolution so that its regular election is held on the May regular election date, may change its regular election to the odd year general election by adopting a resolution. After December 31, 2004, a city council that adopted a resolution so that its regular election primary is held at the September primary election may change its regular election primary to the odd year primary by adopting a resolution. If the city council adopts either resolution, the city's regular or primary election will be at the odd year general election or the odd year primary, as applicable, after December 31 of the year in which the resolution is adopted.

After December 31, 2004, if the board of a school district adopted a resolution so that its regular election is held on a date other than the odd year general election, the board may change its regular election to the odd year general election by adopting a resolution. If a board does so, the district must hold its regular election at the odd-year general election after December 31 of the year in which the resolution is adopted.

Adoption of Resolution. Before adopting a resolution, a city or village council or school board must hold at least one public hearing on it, and give notice in a manner designed to reach the largest number of the jurisdiction's qualified electors in a timely fashion. The notice must indicate that the hearing is being held on the issue of scheduling the regular election or regular election primary, and when the election will be held if the resolution is not adopted.

The council or board must vote on the resolution immediately after the public hearing on it, and file the resolution with the Secretary of State.

School Elections

Chapter 14. The bill adds Chapter 14 (School and Community College Elections) to the Michigan Election Law. The bill states that, unless a particular power or duty of an election official or a particular election procedure is specifically governed by a provision of Chapter 14, a school district election is governed by the provisions of the Election Law that generally govern elections. (The bill defines "school district" as a school district, a local act school district, or an intermediate school district, as those terms are defined in the Revised School Code, or a

community college under the Community College Act.)

Election Coordinator & Coordinating Committee. The bill assigns certain responsibilities to the "school district election coordinator" and to the "school district election coordinating committee" for a school district. A school district election coordinator is either: 1) the city or township clerk, for a school district whose entire territory lies within a single city or township; or 2) the county clerk of the county in which the largest number of registered school district electors reside, for a district with territory in more than one city or township. The bill defines "school district election coordinating committee" as one of the following:

- For a school district whose entire territory lies within a single city or township, a committee composed of the secretary of the school board, the city or township election commission, and the school district election coordinator.
- For a school district that has territory in more than one city or township, a committee composed of the secretary of the school board, the clerk of each city and township that contains any portion of the territory of the school district, and school district election coordinator.

The bill requires the school district election coordinator for a school district to conduct each regular election and each special school election that is requested by the district to submit a ballot question to the voters or fill a vacancy on the school board. The coordinator also must receive filing fees or nominating petitions and affidavits of identity from candidates for school board and petitions for special elections; procure the necessary qualified voter file precinct lists; certify candidates; receive ballot proposal language; and issue absent voter ballots.

A school district election coordinator who is a county clerk may delegate all or part of the coordinator's duties to the city or township clerk, if he or she agrees. A coordinator who is a county clerk also may delegate, and the city or township clerk must perform, the duties to distribute, receive, and process absent voter ballot applications for a school election; make voting systems available for the conduct of a school election; and make the city's or township's list of election inspectors available to the coordinator.

Within 30 days after the effective date of

Chapter 14, the school district election coordinating committee for each district must hold an initial meeting. Within 14 days after the meeting, the committee must file with the Secretary of State a report stating the arrangements that are agreed upon to conduct the school district's elections. Each committee member must sign the report and retain a copy. The participating parties will be bound by the arrangements for two years following the filing.

Every two years after filing its initial report, a coordinating committee must meet to review and, if necessary, alter the arrangements. The coordinating committee then must notify the Secretary of State that the previous report is not being altered, or file a report with the alterations. The bill specifies that election arrangements made by the clerks of the jurisdictions participating in a coordinating committee meeting are binding on the participating jurisdictions for at least two years after the report is filed, and each jurisdiction will continue to be bound until an altered report is filed.

Under the arrangements agreed upon by a coordinating committee, if a school district election is held on the same day as an election of a jurisdiction that overlaps with the school district, an elector wishing to vote in both may not be required to vote at two different locations.

If a city or township is holding an election for elective office or on a ballot question at the same time that a school district located entirely or partly in the city or township is holding an election, the city or township clerk also must conduct the school district election within his or her jurisdiction. The clerk must use the same precincts that are used for State and Federal elections as the precincts for the school election. If those precincts change the polling places for the school electors, the clerk must notify them of the different location.

School Board Elections. The bill provides that an individual is eligible for election as a school board member if he or she is a citizen of the United States and a qualified and registered elector of the school district he or she seeks to represent. ("School board member" includes a school board member under the Revised School Code, a member of a community college board of trustees, and a member of the board of an intermediate school district whose board members are popularly elected.) The bill requires that at least one school board

member for a school district be elected at the district's regular election, prescribes a board member's term of office and starting date, and sets forth procedures for filling a vacancy.

Candidates. Under the bill, for the name of a school board candidate to appear on the ballot, the candidate must file an affidavit as prescribed in the Michigan Election Law, and a nominating petition signed by a number of registered electors as follows: 1) if a school district's population is less than 10,000, between six and 20 signatures; 2) if the school district's population is 10,000 or more, between 40 and 100 signatures.

Instead of filing nominating petitions, a candidate may pay a nonrefundable filing fee of \$100 to the school district filing official. If this fee is paid by the due date for a nominating petition, the payment will have the same effect as the filing of a nominating petition.

Canvassers. The bill requires the appropriate county, city, or township board of canvassers to canvass the votes for school board candidates and ballot questions at a regular or special school election in each school district. The number of candidates equal to the number of individuals to be elected, who receive the greatest number of votes cast at the election (as set forth in the report of the board of canvassers), based upon the returns from the various election precincts or as determined by the board of canvassers as a result of a recount, will be elected to the office of school board member. Upon completing the canvass, the board of canvassers must make a statement of returns and certify the election of school board members to the secretary of the school board, the county clerk, and the school district election coordinator. The official must file and preserve in his or her office the certified statement of returns and certification of the canvassers of the election result. The local clerk who is the secretary to the board of canvassers immediately must execute a certificate of election and give it to the individuals declared elected.

School Election Costs. The bill requires a school district to pay to each county, city, and township that conducts a regular or special election for the school district an amount determined under the bill. If a school district's regular or special election is held in conjunction with another election conducted by a county, city, or township, the district

must pay the local unit 100% of the actual additional costs attributable to conducting the district's election. If a school district's regular or special election is not held in conjunction with another election, the district must pay the county, city, or township 100% of the actual costs of conducting the district's election. If a local unit and a school board cannot agree on the actual costs of an election, the Secretary of State must determine the costs.

Ballot Questions. The bill permits a school board to submit a ballot question to the school electors on a regular election date; on a date when a city or township within the district's jurisdiction is holding an election by adopting a resolution to that effect at least 70 days before the election date; or on a special election date as provided in Section 641 of the Election Law. The school board must certify the ballot question language to the school district election coordinator at least 70 days before the election. If the ballot question is submitted on the same date as an election for a State or county office, the election coordinator must send a copy of the ballot question language to the county clerk at least 68 days before the election.

If a special election is called on a date provided under Section 641, the election coordinating committee must schedule the special election date.

Recount; Recall. The bill specifies that the votes cast for a school board candidate or a question submitted to the voters at a school election are subject to a recount as provided in the Election Law. A person elected to a school board is subject to recall as provided in the Law and the State Constitution.

Consolidated Election Precincts

The bill provides that, if a county, city, ward, township, village, or school district is divided into two or more election precincts, the county, city, ward, township, or village election commissioners may, by resolution, consolidate the election precincts for a particular election. Election precincts may not be consolidated for a general November election, a primary election immediately before a general November election, or another statewide or Federal election. In determining to consolidate, the election commission must consider the number of choices a voter will have to make, the percentage of registered voters who voted at

the last similar election in the jurisdiction, and the intensity of interest of the electors in the jurisdiction concerning the candidates and proposals to be voted upon.

When consolidating precincts for a particular election, the election commissioners, or other designated election officials, must do both of the following (unless the polling places for the precincts to be consolidated are located in the same building):

- Notify the registered electors of the affected precincts of the consolidation of precincts for the election, and the location of the polling place for the precinct or precincts for that election.
- Post a written notice at each election precinct polling place stating the location of the consolidated precinct polling place.

A consolidation of precincts may not be made less than 60 days before a primary, general, or special election.

If a county, city, ward, township, or village consolidates election precincts, each affected precinct must be treated as a whole unit and may not be divided during consolidation.

Recalls

The bill removes current requirements for scheduling an election if a recall is successful, and instead requires an election to fill a vacancy caused by a successful recall to be held at the next regular election date. Currently, upon determining that recall petitions contain sufficient signatures, the county clerk must submit to the county election scheduling committee a proposed date for a special election. The bill, instead, requires the county clerk to schedule the special election on the next regular election date that is at least 70 days after the petitions are filed.

The bill specifies that a candidate for a nonpartisan office or school board member vacated by a recall may become a candidate by filing a \$100 filing fee instead of nominating petitions.

Repeals

The bill repeals sections of the Election Law that do the following:

- Require certain township primary elections to be held in February.

- Require a county, city, township, village, or school district to submit an election schedule for special elections to the county election scheduling committee, and prescribe the membership of the committee.
- Allow home rule cities, school districts, community colleges, cities, and villages to hold elections on various dates as provided in the Law.
- Declare voters in an election precinct with fewer than 50 registered electors as absentee voters, for purposes of voting in a community college special election.

House Bill 4820

The bill amends the Revised School Code to do the following:

- Declare that the Michigan Election Law governs election procedures for a school district, local act school district, or intermediate school district (ISD) regular school election or special school election.
- Repeal, on January 1, 2005, parts of the Code that provide for the administration and operation of elections by school districts.
- Provide that a special school election must be held on a regular election day.

The bill requires a school district, local act school district, or ISD regular or special election to be administered and conducted as provided in Chapter 14 of the Michigan Election Law (added by House Bill 4824). A district may use general operating funds to reimburse local units of government involved in administering and conducting a regular or special school election for the district, as required under the Election Law.

The bill repeals Parts 12, 13, and 14 of the School Code, which govern school elections, including provisions regarding notification of elections; voter challenges; ballot applications; the casting of ballots; duties of a board of school canvassers; recounts; special elections; determination of voter qualifications; use of local unit registration records; payment of expenses; voter registration deadlines; school board-appointed election inspectors; nominating petitions; candidate withdrawal; notification of election results; acceptance of office by a person elected to a school board; and board vacancies. The bill also repeals Section 662 of the Code, which governs the dates of and procedures for ISD special elections.

The Code allows a regular school election to be held on specified dates in April, June, or November of any year, or on the same date that a school district held its regular elections before July 1, 1996. The Code also contains a number of references to "annual" school elections. The bill refers instead to "regular" school elections. "Regular school election" or "regular election" means an election held in a school district, local act school district, or ISD to elect a school board member in the regular course of the terms of that office, held on the regular school election day as determined under the Michigan Election Law. "Special school election" or "special election" means a school district election to fill a vacancy on a school board, or submit a ballot question to the school electors, that is held on a regular election day established under Section 641 of the Election Law.

The bill provides for petitions to be filed with, resolutions to be submitted to, and filing fees to be paid to the "school district filing official", rather than the secretary of a school district or board. The bill also transfers to the school district filing official certain responsibilities for giving notice and certifying petitions. The bill defines "school district filing official" as the school district election coordinator as defined in the Michigan Election Law, or an authorized agent of the election coordinator.

Under the bill, the members of the board of a general powers school district must be elected by the school electors for terms of four or six years. At each regular school election, board members must be elected to fill the positions of those whose terms will expire. The school board may submit to the electors of the school district a question that is within the scope of the powers of the electors and that the board considers proper for the management of, or the advancement of education in, the district. Upon adopting the question, the board must submit it to the electors of the school district, at a regular or special election called by the board as provided in the Election Law.

Under the bill, in an ISD that elects its board members, they must be elected at the regular school election of the constituent districts, and every two years thereafter. The ISD board members must be elected as provided in Chapter 14 of the Election Law. The bill eliminates provisions that: allow an ISD to hold its regular election at other times; prescribe the content of and timing of filing ISD nominating petitions; provide for the distribution of ballots to constituent school

districts; provide for the filling of vacancies on an ISD board; provide for the submission of questions at a special ISD election; and prescribe the conduct of an ISD in administering an election regarding a school's consolidation question.

Currently, an ISD board must meet each year by the fourth Monday of July. The bill requires the meeting to be held by the fourth Monday in December, or if the ISD's regular election is in May, by the fourth Monday in June.

Under the Code, if an intermediate superintendent receives petitions for the consolidation of districts, signed by at least 50% of the registered electors residing in each primary school district, and at least 5% of the school electors residing in other school districts, the superintendent must have the question submitted to the electors of the districts at a special election held within 90 days after the petitions were received, on a date approved by the county election scheduling committee. The bill provides, instead, that if the school district filing official receives petitions signed by at least 5% of the school electors residing in each school district, the filing official must submit the question of consolidation to the school electors at the next regular school election or a special election.

The bill deletes provisions requiring city and township clerks to certify to the intermediate superintendent the number of registered voters residing in a school district, upon request; requiring the local board to conduct the election in each school district operating 12 grades, and requiring the intermediate school board to conduct the election for the other districts; and requiring the superintendent to give notices about the election to the secretary of the board of each affected district. Under the bill, the school district filing official must give notice of the election date to the board secretaries.

House Bill 4822

The bill amends a section of the Charter Township Act that requires that a referendum on an annexation question to be held at the first primary or general election held in the county at least 60 days after the validation of the petition, or under Section 639 of the Michigan Election Law. The bill deletes reference to Section 639 (which House Bill 4924 repeals), and refers to the Michigan Election Law.

House Bill 4823

The bill amends the Metropolitan Councils Act to provide that a special election for a tax to be levied by a council, must be scheduled in compliance with the Michigan Election Law. Currently, a proposed special election must be approved by the county election scheduling committee of the largest county member of the council. The bill deletes this provision.

House Bill 4825

The bill amends the Home Rule City Act to provide that an election held by a home rule city is subject to Section 641 of the Michigan Election Law, notwithstanding any home rule charter or provisions in the Home Rule City Act. The city charter of a home rule city must provide for the time, manner, and means of holding elections and the registration of electors subject to this provision, and other applicable laws.

Under the bill, a ballot question to incorporate, consolidate, or change the boundaries of a city, village, or township under the Act may not be submitted at a special or general election to be held less than 60 days after the county board of commissioners adopts a resolution to submit the question to the voters; or, if the territory in question affects more than one county, less than 60 days after the Secretary of State transmits certification that the petition and accompanying affidavits comply with the Act. (Currently, the question must be submitted at a general election occurring at least 40 days after the resolution is adopted or certification is transmitted, or at a special election if no general election will be held within 90 days.)

Under the Act, if an initiatory petition contains the signatures of at least 20% of the registered voters in the city and requests submission of the proposal at a special election, the city clerk must call a special election to be held between 120 and 130 days after the petition was filed, unless a primary or regular election will occur or a special election called for another purpose will be held within 150 days after the date of filing. The bill requires the city clerk, instead, to call a special election that will be held on the next regular election date that is at least 120 days after the petition was filed.

The bill eliminates provisions that allow a home rule city to hold a city election in February and April.

House Bill 4826

The bill amends the Home Rule Village Act to provide that, notwithstanding a charter provision to the contrary, the day on which a village holds its regular or special election is governed by the Michigan Election Law, or by a resolution adopted in compliance with Section 642 of the Election Law (which establishes election dates for cities, villages, and school districts, under House Bill 4824).

Currently, a village election for a president, clerk, or legislative body may be by partisan, nonpartisan, or preferential ballot, or by any other legal method of voting. The bill requires these village offices to be filled in a nonpartisan election.

Presently, all elections under the Act must be paid for by the locality where they are held and must receive publication and notice as determined by the legislative body, and be conducted in the same manner as and as near as possible to general biennial fall elections. The bill provides, instead, that all elections held under the Act must be paid for as provided by the Michigan Election Law, and the appropriate clerk must determine the publication and notice of the election.

Under the Act, if a petition to incorporate, consolidate, or change boundaries is filed and the county board of commissioners determines that it is in compliance with the Act, the board by resolution must provide for the question to be submitted to the electors of the district to be affected at the next general election, if one is to occur between 40 and 90 days after the resolution is adopted; if not, the resolution is to set a date within that period for a special election. Under the bill, the ballot question must be submitted at the next general election or at a special election before the next general election on a regular election day that is held 60 or more days after the adoption of the resolution.

Presently, if the petition to incorporate, consolidate, or change boundaries affects territory in more than one county and the Secretary of State determines that the petition complies with the Act and transmits certification to the local clerks, the ballot question must be submitted at the next general election, if one is to occur between 40 and 90 days after the certification is transmitted; if not, the question must be submitted at a special election preceding the next general election by at least 60 days.

Under the bill, the ballot question must be submitted at the next general election, or at a special election before the next general election, that is held at least 60 days after the date of transmittal of the certificate.

House Bill 4827

The bill amends the General Law Village Act to provide that, notwithstanding any charter provision or ordinance to the contrary, the day on which a village holds its regular or special election is governed by the Michigan Election Law, or a resolution adopted in compliance Section 642 with the Election Law.

Currently, village elections must be partisan, unless a village ordinance provides for nonpartisan elections. The bill requires village elections to be nonpartisan, notwithstanding a charter provision or ordinance to the contrary.

The Act provides that appointments to office, except appointments to fill vacancies, must be made on the second Monday in April in each year unless a different time is prescribed in the ordinance or resolution creating the office. The bill deletes reference to the second Monday in April, and requires appointments to a village office to be made at the first village council meeting after the qualification of a council member who is elected at the village's regular election.

Currently, unless provided otherwise by ordinance, the president, clerk, and treasurer hold office for a term of two years from the second Monday of March of the year elected. The Act also provides for the term of village trustees to begin the second Monday in March of the even-numbered year when elected. The bill deletes reference to the second Monday of March, and provides that the term of office for a president, clerk, treasurer, or trustee elected at the village's regular election begins on one of the following dates after the officer's election and qualification:

- If the regular election is held at the general election, November 20.
- If the regular election is held at the September primary election, October 1.

Under the Act, appointive officers hold office until the second Monday in April following appointment. The bill, instead, provides that appointive village officers hold office for two years after the date of appointment or until the village's next regular election, whichever is earlier.

Currently, if all of a village's officers and trustees have died or moved from the village, and no successors have been elected or appointed, the clerk of the township containing the village, upon a petition of 10% of the village's voters, must call a special election, on a date at least 30 days after receiving the petition. Under the bill, the special election must be held on a regular election date established under Section 641 of the Election Law.

House Bill 4828

The bill amends the Community College Act to do the following:

- Require an election held under the Act to be called, administered, conducted, and canvassed as provided under the bill and in the Michigan Election Law.
- Require that an election to establish, organize, or annex to a community college be held on a regular election day; and delete current provisions that allow certain school district and community college boards and officials to set community college election dates.
- Require regular community college elections to be held at the same time as the regular school elections of its constituent school districts held on a day determined under the Election Law.
- Provide that a community college special election must be held on a regular election day, as established under the Election Law.

Currently, the first regular election of a community college must be held at the time of the annual election of its component school districts. Subsequent regular elections must be held biennially on the annual school district election dates, unless the community college board of trustees determines to hold its election in conjunction with a city election. The bill deletes these provisions. Under the bill, a regular community college election must be held at the same time as the regular school election. A constituent county must call a special election to be held on the date of the regular school election.

The bill provides for a school district filing official to perform certain functions, and transfers various responsibilities to a school district filing official. For example, various petitions, resolutions, propositions, and approvals must be filed with that official, and, upon request, he or she may call and hold a special election under certain circumstances.

The bill defines "school district filing official" as the school district election coordinator (as defined in House Bill 4824).

The Act prescribes the procedures for an intermediate school district, or two or more adjoining ISDs, to form a community college, including the submission of the question and a supporting property tax millage to the voters and the State Board of Education. The bill deletes these provisions. Instead, the board of an ISD or the boards of two or more contiguous ISDs, acting as a single board, may form a community college district. The board of the ISD or the joint ISD board may designate the territory of the proposed community college district and refer the questions of organizing the community college district and the proposed annual tax rate to the State Superintendent of Public Instruction for approval. If the State Superintendent approves, he or she must notify the board of the ISD or the joint ISD board, which must request that the school district filing official to include the necessary propositions for forming the community college district to the electors in the designated territory at the regular school election or at a special election called for that purpose.

The Act provides for the canvassing of different community college elections by various boards of canvassers. If an election area involves more than one county, the county board of canvassers of the county containing the highest valuation of the community college district or proposed community college district must conduct the canvass. In other cases, a township board of canvassers or a local or ISD board of canvassers must canvass an election. The bill deletes these provisions, and instead requires that all community college elections be canvassed by the appropriate board of canvassers as provided in the Election Law.

In various provisions, the Act allows or requires the board of trustees of a community college or the board of education of a school district to call a special election. The bill, instead, provides for the boards to request the school district filing official or the appropriate clerk under the Election Law (depending on the election) to call a special election.

The Act refers in a number of places to an "annual" school election. The bill replaces most of these references with "regular school election".

The bill also repeals sections of the Act that require community college boards of trustees to pay election expenses to local units or school districts upon the presentation of statements for those costs, and provide that the statements may not include charges for use of equipment or services of regular personnel unless otherwise agreed upon by the parties (MCL 389.20, 389.40, and 389.60).

MCL 168.641 (S.B. 877)
380.4 et al. (H.B. 4820)
42.34 (H.B. 4822)
124.677 (H.B. 4823)
168.2 et al. (H.B. 4824)
117.3 et al. (H.B. 4825)
78.4 et al. (H.B. 4826)
62.1 et al. (H.B. 4827)
389.2 et al. (H.B. 4828)

Legislative Analyst: Suzanne Lowe

FISCAL IMPACT

State. The bills will result in additional costs to the Department of State regarding programming changes to the Qualified Voter File. No estimate has been provided by the Department.

Local. The impact of election date consolidation for local jurisdictions is indeterminate. Responsibility for the conduct of school district elections will be shifted from the secretary of the school board to a school district election committee and coordinator. The coordinator will be a city, township, or county clerk. School districts will reimburse the appropriate clerks' office for actual election expenses. Costs and savings resulting from the bills will depend on the extent to which the number of elections is reduced, and the extent to which school elections are consolidated with their other elections.

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.