

## METROPOLITAN DISTRICT ELECTIONS

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### House Bills 4121 & 4122

**Sponsor: Rep. Richard Hammel**

**Committee: Redistricting and Elections**

**Complete to 1-30-12**

## A SUMMARY OF HOUSE BILLS 4121 AND 4122 AS INTRODUCED 1-20-11

The bills would amend various acts to provide for elections in metropolitan districts, and to ensure that those elections are governed by the provisions of state statute that generally govern elections for other local units of government. The bills are tie-barred to each other, so that neither can go into effect unless both are enacted into law. A more detailed description of each bill follows.

### House Bill 4121

The bill would amend the Michigan Election Law (MCL 24a et al) to create a new section entitled "Metropolitan District Elections" that would extend the statute's provisions concerning local government elections to metropolitan districts.

Since 1929, Michigan law has allowed two or more cities, villages, or townships (or any combination of these local units of government) to incorporate into a metropolitan district comprising territory within their respective limits, for the purpose of owning and operating (either inside or outside their boundaries) parks or public utilities to supply sewage disposal, drainage, water, or transportation services (or any combination of these services). Each organized district is then recognized as a body corporate under the law.

The Michigan Election Law provides the framework under which local elections clerks (working in conjunction with the Bureau of Elections in the Department of State and the Secretary of State) conduct elections. Within that framework, House Bill 4121 specifies (among other things) how local metropolitan district election coordinators would either themselves, or by delegating their authority to a local city or township clerk, conduct regular elections, receive nominating petitions, procure the qualified voter file precinct lists, certify candidates, receive ballot proposal language, issue absent voter ballots, and prepare both polling places and the official ballot.

Under the bill, before entering upon the duties of office, an individual elected as an officer to the legislative body of a metropolitan district would be required to take the oath of office, as provided in Section 1 of Article XI of the State Constitution.

The bill also specifies how vacancies in office would be filled. If less than a majority of the offices of a district became vacant, then the remaining officers would fill each vacancy by appointment. If a vacancy was not filled within 30 days, or a majority of the offices became vacant, then the county election commission of the county in which the

largest number of registered electors of the metropolitan district resided would fill each vacancy by appointment.

In addition, the bill specifies that the legislative body of a metropolitan district could submit a ballot question to the district electors on a regular election date. The legislative body would have to certify the ballot question language to the election coordinator not less than 70 days before the election date. The election coordinator would then be required to send a copy of the ballot question to the county clerk of each county not less than 68 days before the election.

Under the bill, the metropolitan district would pay each county, city, and township involved in the election for all of the costs attributable to the district's election when the election was held in conjunction with other units of government, and if only the metropolitan district election appeared on the ballot, then the district would pay all of the costs of that election. House Bill 4121 describes in some detail the protocol (including a timeline) that would be followed, in order to ascertain and verify the account of the actual costs of conducting the election. Assistance in this process would be available from the the Secretary of State, and if no agreement between the parties could be reached, then the Secretary of State would unilaterally determine the actual costs.

Currently the Michigan Election Law specifies the information about each voter that must appear in the Qualified Voter File, such as name, residence, driver's license number, jurisdictional information, precinct and ward numbers, and voting history for a five-year period. House Bill 4121 would retain these provisions, and also require that the file contain in the jurisdictional information, the voter's metropolitan district, if any.

The Michigan Election Law also specifies in some detail how candidates for local office must proceed when filing their nominating petitions, filing fees, and affidavits of candidacy for a federal, county, state, city, township, village, or school district office. House Bill 4121 would retain these provisions, and extend them to candidates seeking metropolitan district offices.

Now under the law, the order that nonpartisan positions appear on the local ballot is specified, as follows: president, clerk, treasurer, and trustees, and in a year in which an election for the office is held, local school district board member, community college board of trustees member, intermediate school district board member, and district library board member. House Bill 4121 would retain this provision, but modify it to add metropolitan district officer before district library board member.

The bill also allows a metropolitan district to petition for a recount of votes cast in any precincts within the district's boundaries.

The bill also specifies that a petition demanding the recall of an elected metropolitan district officer be filed with the county clerk of the county in which the largest portion of the registered voters in the electoral district reside. Further, the bill would extend the

notice of recall provision that is in the law to the legislative body of the metropolitan district from which the official was recalled.

### **House Bill 4122**

The bill would amend Public Act 312 of 1929, known as the Metropolitan District Act (MCL 119.3 et al), to revise its provisions concerning elections, bringing them into conformity with the Michigan Election Law.

The bill specifies that notwithstanding any law or charter provision to the contrary, beginning on the effective date of House Bill 4122, all elections in a metropolitan district would be administered and conducted under the provisions of the Michigan Election Law. Further, all elections in the metropolitan district would be held on a regular election date, as established under Section 641 of the Michigan Election Law.

Currently the Metropolitan District enabling act specifies that an incorporated district may (but need not) provide in its charter for (among other things) assessments, sinking funds, taxation, purchases, gifts, initiative and referendum to amend the charter, and for the recall of all its officials. House Bill 4122 would eliminate "the recall of all its officials" from this list of possible charter provisions. Likewise, the bill would eliminate to the need for the metropolitan district to provide for polling places, election inspectors, and a canvassing board. With regard to amending the charter by initiative and referendum, the bill would establish time frames within which the proposed amendment must be submitted to the voters. Further, the bill specifies that if a petition conforms to the act's provisions, then the legislative body of the metropolitan district must submit the ballot question to the electors as provided in Section 389 of the Michigan Election Law.

### **FISCAL IMPACT:**

House Bills 4121 and 4122 would have an indeterminate fiscal impact on state and local government. Collectively the bills would prescribe uniform election procedures for metropolitan districts. Metropolitan district elections are not currently governed by Michigan election law. The fiscal impact on local units of government would depend on the extent to which the provisions of the bills move metropolitan district elections in line with normally held elections. Metropolitan districts could realize cost savings to the extent that they are combining their elections with normally scheduled elections under the election code as opposed to carrying out their own elections. Metropolitan districts would be required to cover the district's share of the cost of the election.

While the bill would allow metropolitan districts to be governed by Michigan election law, the Secretary of State indicated that they would realize no fiscal impact.

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.