

HOUSE BILL No. 4904

September 22, 2015, Introduced by Rep. McBroom and referred to the Committee on Elections.

<<A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 641, 646a, and 841 (MCL 168.641, 168.646a, and 168.841), section 641 as amended by 2015 PA 101, section 646a as amended by 2013 PA 253, and section 841 as amended by 1995 PA 261>>.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 641. (1) Except as otherwise provided in this section,
2 ~~and section 613a,~~ an election held under this act shall be held on
3 1 of the following regular election dates:

4 (a) The May regular election date, which is the first Tuesday
5 after the first Monday in May.

6 (b) The August regular election date, which is the first
7 Tuesday after the first Monday in August.

8 (c) The November regular election date, which is the first
9 Tuesday after the first Monday in November.

1 (D) IN EACH PRESIDENTIAL ELECTION YEAR WHEN A STATEWIDE
2 PRESIDENTIAL PRIMARY ELECTION IS HELD, THE DATE OF THE STATEWIDE
3 PRESIDENTIAL PRIMARY ELECTION AS PROVIDED IN SECTION 613A.

4 (2) If an elective office is listed by name in section 643,
5 requiring the election for that office to be held at the general
6 election, and if candidates for the office are nominated at a
7 primary election, the primary election shall be held on the August
8 regular election date.

9 (3) Except as otherwise provided in this subsection and
10 subsection (4), a special election shall be held on a regular
11 election date. A special election called by the governor under
12 section 145, 178, 632, 633, or 634 to fill a vacancy or called by
13 the legislature to submit a proposed constitutional amendment as
14 authorized in section 1 of article XII of the state constitution of
15 1963 may, but is not required to be, held on a regular election
16 date.

17 (4) A school district may call a special election to submit a
18 ballot question to borrow money, increase a millage, or establish a
19 bond if an initiative petition is filed with the county clerk. The
20 petition shall be signed by a number of qualified and registered
21 electors of the district equal to not less than 10% of the electors
22 voting in the last gubernatorial election in that district or 3,000
23 signatures, whichever number is lesser. Section 488 applies to a
24 petition to call a special election for a school district under
25 this section. In addition to the requirements set forth in section
26 488, the proposed date of the special election shall appear beneath
27 the petition heading, and the petition shall clearly state the

1 amount of the millage increase or the amount of the loan or bond
2 sought and the purpose for the millage increase or the purpose for
3 the loan or bond. The petition shall be filed with the county clerk
4 by 4 p.m. of the twelfth Tuesday before the proposed date of the
5 special election. The petition signatures shall be obtained within
6 60 days before the filing of the petition. Any signatures obtained
7 more than 60 days before the filing of the petition are not valid.
8 If the special election called by the school district is not
9 scheduled to be held on a regular election date as provided in
10 subsection (1), the special election shall be held on a Tuesday. A
11 special election called by a school district under this subsection
12 shall not be held within 30 days before or 35 days after a regular
13 election date as provided in subsection (1). A school district may
14 only call 1 special election pursuant to this subsection in each
15 calendar year.

16 (5) The secretary of state shall direct and supervise the
17 consolidation of all elections held under this act.

18 (6) This section shall be known and may be cited as the
19 "Hammerstrom election consolidation law".

20 Sec. 646a. (1) If a local officer is to be elected at a
21 general November election, candidates for the local office shall be
22 nominated in the manner provided by law or charter, subject to
23 sections 641 and 642. If candidates for the local office are to be
24 nominated at caucuses, the caucuses shall be held on a date before
25 the date set for the primary election or on the Saturday before the
26 day of the primary election as determined by the local legislative
27 body at least 20 days before the date of the caucus. If candidates

1 are nominated by filing petitions or affidavits, they shall be
2 filed at a time provided by charter, but not later than the date of
3 the primary. Except as provided in section 642, the local primary
4 election shall be held on the same day as a state or county primary
5 election. If a state or county primary is being held on the same
6 day, the last day for local candidates to file nominating petitions
7 is the same as the last date to file petitions for state and county
8 offices. The names of all local candidates and titles of office
9 shall be certified to the county clerk by the local clerk within 5
10 days after the last day for filing petitions, and certification of
11 nominees shall be made to that clerk within 5 days after the date
12 on which the primary or caucus was held.

13 (2) If a ~~local, school district, or county~~ ballot question **OF**
14 **A POLITICAL SUBDIVISION OF THIS STATE INCLUDING, BUT NOT LIMITED**
15 **TO, A COUNTY, CITY, VILLAGE, TOWNSHIP, SCHOOL DISTRICT, SPECIAL USE**
16 **DISTRICT, OR OTHER DISTRICT** is to be voted on at a regular election
17 date or special election, the ballot wording of the ballot question
18 shall be certified to the **PROPER** local or county clerk not later
19 than 4 p.m. on the twelfth Tuesday before the election. If the
20 wording is certified to a clerk other than the county clerk, the
21 clerk shall certify the ballot wording to the county clerk at least
22 82 days before the election. Petitions to place a county or local
23 ballot question on the ballot at the election shall be filed with
24 the clerk at least 14 days before the date the ballot wording must
25 be certified to the local clerk.

26 (3) The provisions of this section apply **TO AND CONTROL THE**
27 **FILING DEADLINES FOR CANDIDATES FOR LOCAL OFFICE TO BE ELECTED AT**

House Bill No. 4904 as amended September 29, 2015
as amended November 4, 2015

1 THE GENERAL NOVEMBER ELECTION AND FOR ALL BALLOT QUESTIONS OF A
2 POLITICAL SUBDIVISION OF THIS STATE AT ANY REGULAR ELECTION,
3 PRIMARY ELECTION, OR SPECIAL ELECTION notwithstanding any
4 provisions of law or charter to the contrary. ~~unless an earlier~~
5 ~~date for the filing of affidavits or petitions, including~~
6 ~~nominating petitions, is provided in a law or charter, in which~~
7 ~~case the earlier filing date is controlling.~~

<<Sec. 841. (1) The board of state canvassers shall canvass the returns and determine the result of all elections for electors of president and ~~vice president~~ VICE PRESIDENT of the United States, state officers, United States senators, representatives in congress, circuit judges, state senators and representatives elected by a district that is located in more than 1 county, and other officers as required by law. The board of state canvassers shall also determine the result of an election on a proposed amendment to the constitution or on any other ballot question that has been submitted, pursuant to law, to the qualified and registered electors of this state at large for ratification or rejection. **THE BOARD OF STATE CANVASSERS SHALL CANVASS THE RETURNS AND DETERMINE THE RESULT OF AN ELECTION ON A BALLOT QUESTION SUBMITTED TO THE QUALIFIED AND REGISTERED ELECTORS OF MORE THAN 1 COUNTY UNDER THE REGIONAL TRANSIT AUTHORITY ACT, 2012 PA 387, MCL 124.541 TO 124.558.** Upon making the determination, the board of state canvassers shall immediately prepare a certificate of determination and deliver the properly certified certificate of determination to the secretary of state.

(2) Upon receipt of a properly certified certificate of determination from a board of county canvassers pursuant to section 826, the board of state canvassers, at its next meeting, shall record the results of the county canvass contained in the certificate.>>

8

[

9

]

10 Enacting section [1]. <<Section 646a of the Michigan election
11 law, 1954 PA 116, MCL 168.646a, as amended by this>> amendatory act is
12 curative and intended to correct any misinterpretation of legislative intent by
13 the Michigan court of appeals in Meridian Charter Township v Ingham
14 County Clerk, 285 Mich App 581 (2009). It is the intent of the
15 legislature that <<section 646a of the Michigan election law, 1954
16 PA 116, MCL 168.646a, as amended by>> this amendatory act expresses
17 the original intent of the legislature that MCL 168.646a(3) supersedes any and all
18 conflicting provisions of law or charter prescribing the filing
19 deadlines for candidates for local office to be elected at the
20 general November election and for all ballot questions of a
political subdivision of this state at any regular election,
primary election, or special election.