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Senate Bills 130 through 133 (as introduced 2-11-21)
Sponsor: Senator Aric Nesbitt (S.B. 130 and 132)
Senator Paul Wojno (S.B. 131 and 133)
Committee: Elections

Date Completed: 6-23-21

CONTENT

Senate Bill 130 would amend the Michigan Election Law to do the following:

- Amend the definition of "odd year primary election" to mean the election held on the June, instead of August, regular election date in an odd numbered year.
- Require general primaries that currently take place on the Tuesday after the first Monday in August before every November general election to take place in June.
- Specify that nominating petitions would have to be received by the Secretary of State (SOS) or filed with an applicable clerk up to 4 PM on the fifteenth Tuesday before the June, instead of August, primary.
- Require certain election activities that are scheduled in accordance with an August primary to be scheduled in accordance with a June primary.
- Require the filing deadline or certification deadline for a nomination by caucus or by filing a petition or affidavit to be 4 PM on the fifteenth Tuesday before the March, instead of May, election.
- Require the chairperson of the county committee or district committee of a Congressional district of each political party, by February 1 in even numbered years, instead of April 1, to provide to the board of election commissioners a certificate showing the number of delegates to the county convention in which each precinct of the county is entitled.
- Require the chairperson of the State central committee of a political party to notify the chairperson of the county or district committee of a congressional district, by no later than January 1 in even numbered years, instead of March 1, that the certificate is to be delivered to the board of election commissioners on or before February 1, instead of April 1.
- Replace the May and August regular election date with a March and June regular election date, respectively.
- Require the primary election for an elective office requiring the election for that office to be held at the general election to be held on the June regular election date.
- Require a city council that, after December 21, 2020, adopted a resolution so that its regular election was held on the May regular election date to hold its regular election on the March regular election date.
- Require a city that held its regular election primary for a city office annually or in the even year on the August regular primary election date to hold its regular election primary on the June regular election date.
- Require a recall election to be held on the next March, instead of May, regular election date, or the next November regular election, whichever occurred first.

- **Require a special recall election to be held on the next March regular election date or the next November regular election date, whichever occurred first.**
- **Require a recall general election to be held on the next March regular election date or the next June regular election date, whichever occurred first.**

Senate Bill 131 would amend Public Act 156 of 1851, which defines the powers and duties of county boards of commissioners, to require the election of a township board for a consolidated township to occur at the next June primary, instead of August primary, and November general elections.

Senate Bill 132 would amend the Revised School Code to do the following:

- **Eliminate language that allows appointed school electors of an annexed intermediate school district (ISD) to serve on the board of the reorganized ISD until July 1, if the ISD's regular school election is held in May.**
- **Eliminate language that allows appointed school electors of an ISD that is enlarged by the dissolution of another ISD to serve on the board of the enlarged district until July 1, if the ISD's regular school election is held in May.**

Senate Bill 133 would amend the Revised Judicature Act to require resolutions that add or eliminate a circuit court, probate, or district court judgeship to be filed by each clerk of each county or district control unit adopting the resolution by no later than 4 PM if the sixteenth Tuesday before the June, instead of August, primary.

Senate Bills 131 through 133 are tie-barred to Senate Bill 130.

Senate Bill 130

"Odd Year Primary Election"; June Regular Election

Currently, "odd year primary election" means the election held on the August regular election date in an odd numbered year. Under the bill, the term would mean the election held on the June regular election date in an odd numbered year.

Under the bill, the following election activities, which currently take place on the Tuesday after the first Monday in August before every November general election instead would take place in June:

- A general primary election of all political parties during a year in which the Governor is elected.
- A general primary election of all political parties held in every county where electors of each party may vote for party candidates for those offices.
- A general primary election in which county road commissioners are elected.
- A primary held in every organized township to vote for candidates for township offices.
- Special elections for township office, which must be held on the next regular election date this is not less than 60 days after the deadline for submitting nominees for office if the next regular election date is the even year August primary or the general November election.
- A general nonpartisan primary election for judges of the Court of Appeals, circuit courts, district courts, and probate courts.
- A general primary election for all political parties at which party voters may vote for party candidates for Governor, US Senator, Representative in Congress, State senator, State representative, county executive, prosecuting attorney, sheriff, county clerk, county

treasurer, register of deeds, drain commissioner, public works commissioner, county road commissioners, county mine inspector, surveying, and candidates for office in the township.

Under the Election Law, nominating petitions for the office of Governor, US Senator, Congressional representative, and State senator or representative, county road commissioners, township office, judge of the Court of Appeals, judge of a circuit court, judges of probate, and judges of the district court currently must be filed with the Secretary of State or applicable clerk for filing in accordance with the Law up to 4 PM of the fifteenth Tuesday before the August primary. Under the bill, this would have to happen by no later than 4 PM of the fifteenth Tuesday before the June, instead of August, primary.

The following election activities, which currently take place in August, instead would take place in June:

- County conventions of all political parties for the election of delegates to State convention for the nomination of State officers in the even numbered years must be held no less than eight days nor more than 25 days after the August primaries.
- Designating the day, place, and hour of all county conventions of political parties, which must be issued no later than 45 days before the August primaries.
- The State central committee of each political party must forward by mail, at least 60 days before the August primary, to the chairperson of each county committee of the party indicating the number of delegates that each county is entitled to in the State convention of that party.
- Apportionment must be based on the precincts as they exist 180 days before the August primary election in even number years.
- The election of board of election commissioners must occur at the August primary in even-numbered years.
- The provision of forms for the declaration of intent to be a write-in candidate must be available in the polling places during the August primary.
- The board of election commissioners of each county in the State must prepare and furnish the necessary official primary election ballots, except for city offices, that may be required for use by the elector of any political party at the August primary.

Other Changes

If a city provides for nomination by caucus or by filing a petition or affidavit directly for the May election, the candidate filing deadline or certification deadline is 4 PM on the fifteenth Tuesday before the May election. Under the bill, this would take place in March instead of May.

On or before April 1 in even numbered years, the chairperson of the county committee or district committee of a Congressional district or a part of a Congressional district considered a county of each political party must forward by mail or otherwise deliver to the board of election commissioners in that county a certificate showing the number of delegates to the county convention in which each precinct of the county is entitled. Under the bill, this would have to occur on or before February 1, instead of April 1.

The chairperson of the State central committee of a political party must notify the chairperson of the county committee or district committee of a Congressional district, or a part of a Congressional district considered a county of that political party, by no later than March 1 in

even numbered years that the certificate required by the Law is to be delivered to the board of election commissioners on or before April 1 of that year. Under the bill, this would have to occur by no later than January 1, instead of March 1, and on or before February 1, instead of April 1.

Except as otherwise provided by the Law, an election must be held on one of the following regular election dates:

- The May regular election date, which is the first Tuesday after the first month in May.
- The August regular election date, which is the first Tuesday after the first Monday in August.
- The November election date, which is the first Tuesday after the first Monday in November.
- In each presidential election year when a statewide presidential primary election is held, the date of the statewide presidential primary.

The bill would eliminate the latter of the four dates. Instead, an election would have to be held on one of the following regular election dates:

- The March regular election date, which would be the first Tuesday after the first Monday in March; however, in each presidential election year when a statewide presidential primary would be held under Section 613a, the March regular election date would be the second Tuesday in March.
- The June regular election date, which would be the first Tuesday after the first Monday in June.
- The November election date, which would be the first Tuesday after the first Monday in November (as is currently the case).

If an elective office is listed by name in Section 643, 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 the bill, the election would have to be held on the June regular election date. (Section 643 requires certain officers to be elected at a general election including presidential electors, the Governor and Lieutenant Governor, Secretary of State, and Attorney General, a US Senator, Congressional representatives, State senators, State representatives, justices of the Michigan Supreme Court, and two members of the State Board of Education.)

Currently, 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 in compliance with the Law. If a city council adopts the resolution, after December 31 of the year in which the resolution is adopted, the city's regular election is at the odd year general election.

Instead, under the bill, after December 31, 2020, a city council that adopted a resolution so that its regular election was held on the May regular election date would have to hold its regular election on the March regular election date. After December 31, 2020, a city that held its regular election primary for a city office annually or in the even year on the August regular primary election date would have to hold its regular election primary on the June regular election date.

If a political party entitled to a position on the ballot failed to have at least one candidate who polled at least 5% of the total vote cast for all candidates for SOS at the last preceding election at which a SOS was elected, candidates for that political party must be nominated as provided in Section 532 (i.e., by caucuses or conventions rather than by direct primary method). County caucuses and State convention for these political parties must be held no later than

on the August primary. Under the bill, the caucuses and convention would have to be held no later than the June primary.

If, at an election held on the May regular election date, a ballot question appears on the ballot concerning an authorized millage that is subject to a millage reduction as provided in Section 34d of the General Property Tax Act, the Board of County Canvassers must meet to canvass and certify the results of the vote on that proposition after May 31 and before June 15 following the election. The bill would remove this language.

Recall Elections

If a recall petition is filed or a recall petition immediately upon determining that the recall petition is sufficient, but no later than 35 days after the date of filing of the petition, the county clerk with whom the petition is filed must call the recall election and proceed as prescribed by the Law. The recall election must be held no later than 95 days after the date the recall petition was filed and must be held on the next May regular election date or the next November regular election date, whichever occurs first. Under the bill, the election instead would have to be held on the next March regular election date or the next November regular election date, whichever occurred first.

If a filed recall petition demanded the recall of the Governor, the filing official with whom the petition is filed must call a special recall election and must proceed as specified in the Law. The special recall election must be held no later than 95 days after the date the recall petition is filed and must be held the next May regular election date or the next August regular election date, whichever occurs first. Under the bill, the special recall election would have to be held on the next March regular election date or the next November regular election date, whichever occurred first.

Subject to Section 970b (which specifies that, unless an incumbent subject to recall declines, he or she is the nominee of the political party at the recall general election), the candidate of each political party receiving the greatest number of votes cast for candidates at the recall primary election as set forth in the report of the Board of State Canvassers, based on the returns from the various election precincts, must be declared the nominee of that political party at the recall general election to be held on the next May regular election date or the next June regular election date, whichever occurs first. Under the bill, the recall general election would be held on the next March regular election date or the next June regular election date, whichever occurred first.

Senate Bill 131

Under the Public Act 156, the county clerk must notify the clerk of each township affected by a consolidation petition (a petition to consolidate two or more townships into a charter township) under Section 16b of the date for the election and the question to be submitted.

If a majority of the electors in each township counted separately approve the consolidation, the county board of commissioners must approve the consolidation by resolution. In the resolution approving the consolidation, the county board of commissioners must call an election of the township board for the consolidated township at the next August primary and November general elections. These elections replace the elections of the boards of the townships that are consolidated. Under the bill, the election of the township board for the consolidated township would have to occur at the next June primary and November general elections.

Senate Bill 132

Under the Code, an ISD may be annexed to another ISD if the intermediate school board of the annexing ISD approves the annexation by resolution, and a majority of the school electors of the ISD to be annexed voting on the question at a regular or special school election in the ISD approves the annexation.

Within 30 days after annexation, the board of the annexing ISD must appoint two school electors of the annexed ISD to membership on the intermediate school board of the reorganized ISD, who must serve until January 1, or if the ISD's regular school election is held in May, until July 1 after the next ISD election. The bill would remove the language pertaining to the regular school election held in May.

An ISD comprised of less than five constituent districts and having no bonded indebtedness may be disorganized and its constituent districts attached to contiguous ISDs. Within 30 days after a district attaches to a contiguous ISD, the board of the ISD whose boundaries have been enlarged by the dissolution may appoint two school electors of constituent district, one of whom must be an elector of the attached district, to membership on the intermediate school board. Intermediate school board members must serve until January 1, or if the ISD's regular school election was held in May, until July 1 after the next ISD election. The bill would remove the language pertaining to the ISD's regular school election held in May.

Senate Bill 133

The Revised Judicature Act allows for the addition, elimination, or filling of circuit court and probate judgeships. Under the Act, adding or eliminating a judgeship or filling a new judgeship requires a resolution to be adopted by the county board of commissioners. The county clerk must file the resolution with the State Court Administrator no later than 4 PM of the sixteenth Tuesday before the August primary for the election immediately preceding the effective date of the addition judgeship or before the date on which the August primary would have been held for that judgeship. The bill would replace the August primary with a June primary.

Generally, the provisions described above pertain to the addition or filling of district court judgeships, except that a district control unit of the district must adopt the resolution and the clerk of each district control unit adopting that resolution files a copy of the resolution with the State Court Administrator no later than 4 PM of the sixteenth Tuesday before the August primary for the election immediately before the effective date of the new district. A resolution that is filed after the effective date of legislation that authorizes the new district is a valid approval for the purposes of the Act only if the filing occurs no later than 4 PM of the sixteenth Tuesday before the August primary for the election immediately before the effective date of the new district. The bill would replace the August primary with a June primary.

MCL 168.3 et al. (S.B. 130)
46.16c (S.B. 131)
380.702 & 380.703 (S.B. 132)
600.550 et al. (S.B. 133)

Legislative Analyst: Dana Adams

FISCAL IMPACT

The bills could result in savings for cities and townships as they would allow for one fewer election in a year. The bills would reduce the number of possible election dates (excluding the November general election) from the current three to two days in a year. The cost of an

election according the Department of State averages \$2,000 per precinct. The potential savings to a city or township is indeterminate and would depend on the number of precincts in that city or township.

Fiscal Analyst: Joe Carrasco

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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.