

**SUBSTITUTE FOR
SENATE BILL NO. 130**

A bill to amend 1954 PA 116, entitled
"Michigan election law,"
by amending sections 641, 642, and 642a (MCL 168.641, 168.642, and
168.642a), section 641 as amended by 2015 PA 197, section 642 as
amended by 2015 PA 100, and section 642a as amended by 2012 PA 523.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

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

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



1 **(b)** ~~(e)~~—The November regular election date, which is the first
2 Tuesday after the first Monday in November.

3 **(c)** ~~(d)~~—In each presidential election year when a statewide
4 presidential primary election is held, the date of the statewide
5 presidential primary election as provided in section 613a.

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

11 (3) Except as otherwise provided in this subsection and
12 subsection (4), a special election ~~shall~~**must** be held on a regular
13 election date. A special election called by the governor under
14 section 145, 178, 632, 633, or 634 to fill a vacancy or called by
15 the legislature to submit a proposed constitutional amendment as
16 authorized in section 1 of article XII of the state constitution of
17 1963 may, but is not required to be, held on a regular election
18 date.

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



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

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

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

21 Sec. 642. (1) Except as otherwise provided in this section and
 22 section 642a, beginning on September 1, 2004, a city shall hold its
 23 regular election or regular primary election as follows:

24 (a) A city shall hold its regular election for a city office
 25 at the odd year general election.

26 (b) A city shall hold its regular election primary at the odd
 27 year primary election.

28 (c) A city that holds its regular election for a city office
 29 annually or in the even year on the November regular election date



1 shall continue holding elections on that schedule.

2 (d) A city that holds its regular election primary for a city
3 office annually or in the even year on the August regular primary
4 election date shall continue holding primary elections on that
5 schedule.

6 (2) If, on September 1, 2004, a city holds its regular
7 election at other than a regular November election date, the city
8 council may choose to hold the regular election on the May regular
9 election date by adopting a resolution in compliance with this
10 section. Except as provided in section 642a, if a city council
11 adopts the resolution in compliance with this section to hold its
12 regular election on the May regular election date, after December
13 31, 2004, the city's regular election is on the May regular
14 election date. If a city's regular election is held on the May
15 regular election date, the city shall not hold a regular primary
16 election.

17 (3) If, on September 1, 2004, a city holds its regular
18 election annually or in the even year on the November regular
19 election date, the city council may choose to hold the regular
20 election at the odd year general election by adopting a resolution
21 in compliance with this section. Except as provided in section
22 642a, if a city council adopts the resolution in compliance with
23 this section to hold its regular election at the odd year general
24 election, after December 31, 2004, the city's regular election is
25 at the odd year election. If a city's regular election is held at
26 the odd year general election, the city's regular election primary
27 ~~shall~~**must** be held at the odd year primary election.

28 (4) If, on September 1, 2004, a city holds its regular
29 election annually on the November regular election date, the city



1 council may choose to hold the regular election at the even year
 2 general election by adopting a resolution in compliance with this
 3 section. Except as provided in section 642a, if a city council
 4 adopts the resolution in compliance with this section to hold its
 5 regular election at the even year general election, after December
 6 31, 2004, the city's regular election is at the even year election.
 7 If a city's regular election is held at the even year general
 8 election, the city's regular election primary ~~shall~~**must** be held at
 9 the even year primary election.

10 (5) A village shall hold its regular election as follows:

11 (a) A village shall hold its regular election for a village
 12 office at the general election and the appropriate township clerk
 13 shall conduct the election.

14 (b) A village shall not hold a regular primary election.

15 (6) If a village's special election is held in conjunction
 16 with another election conducted by a township, the village shall
 17 pay the township a proportionate share of the election expenses. If
 18 a village's special election is not held in conjunction with
 19 another election conducted by a township, the village shall pay the
 20 township 100% of the actual costs of conducting the village's
 21 special election.

22 (7) A resolution permitted under this section or section 642a
 23 is valid only if a city council adopts the resolution in compliance
 24 with all of the following:

25 (a) The resolution is adopted before 1 of the following:

26 (i) If the resolution is permitted under subsection (2), (3),
 27 or (4), January 1, 2005.

28 (ii) If the resolution is permitted under section ~~642a(1), (2),~~
 29 ~~or (4),~~ **642a(2) or (4)**, January 1 of the year in which the change



1 in the date of the election takes effect.

2 (b) Before adopting the resolution, the council holds at least
3 1 public hearing on the resolution. The public hearing may be held
4 on the same day and immediately before considering the adoption of
5 the resolution.

6 (c) The council gives notice of each public hearing on the
7 resolution in a manner designed to reach the largest number of the
8 jurisdiction's qualified electors in a timely fashion.

9 (d) The council votes on the resolution and, on a record roll
10 call vote, a majority of the council's board members, elected or
11 appointed, and serving, adopt the resolution.

12 (e) The council files the resolution with the secretary of
13 state.

14 Sec. 642a. (1) After December 31, ~~2004,~~ **2022**, a city council
15 that adopted a resolution so that its regular election is held on
16 the May regular election date ~~may change its regular election to~~
17 ~~the odd year general election by adopting a resolution in~~
18 ~~compliance with section 642. If a city council adopts the~~
19 ~~resolution in compliance with section 642 to hold its regular~~
20 ~~election at the odd year general election, after December 31 of the~~
21 ~~year in which the resolution is adopted, the city's regular~~
22 ~~election is at the odd year general election.~~ **shall hold its regular**
23 **election on the June regular election date.**

24 (2) After December 31, 2004, a city council that holds its
25 regular election for city offices annually or in the even year on
26 the November regular election date may change its regular election
27 schedule to the odd year general election and the odd year primary
28 election by adopting a resolution in compliance with section 642.
29 If a city council adopts the resolution in compliance with section



1 642, the city's regular election is at the odd year general
2 election and its primary is at the odd year primary election.

3 (3) After December 31, 2010, a city that adopted a resolution
4 so that its regular election primary is held at the September
5 election shall hold its regular election primary at the odd year
6 primary election.

7 (4) After December 31, 2011, a city that holds its regular
8 election for city offices annually or in the odd year on the
9 November regular election date may change its regular election
10 schedule to the even year general election and the even year
11 primary election by adopting a resolution in compliance with
12 section 642. If a city council adopts the resolution in compliance
13 with section 642, after December 31 of the year in which the
14 resolution is adopted, the city's regular election is at the even
15 year general election and its primary is at the even year primary
16 election.

17 (5) After December 31, 2012, a village that adopted a
18 resolution so that its regular election is held at the September
19 election shall hold its regular election at the general November
20 election.

21 **(6) After December 31, 2022, a city that holds its regular**
22 **election primary for a city office annually or in the even year on**
23 **the August regular primary election date shall hold its regular**
24 **election primary on the June regular primary election date.**

25 Enacting section 1. This amendatory act takes effect January
26 1, 2023.

27 Enacting section 2. This amendatory act does not take effect
28 unless House Bill No. 4530 of the 101st Legislature is enacted into
29 law.

