

Legislative Analysis



TERM OF OFFICE FOR LOCAL ELECTED OFFICIALS

Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 4358 as reported from committee
Sponsor: Rep. Mike Hoadley

Analysis available at
<http://www.legislature.mi.gov>

House Bill 4359 as reported
Sponsor: Rep. Pat Outman

House Bill 4698 as reported
Sponsor: Rep. Gregory Alexander

House Bill 4699 as reported
Sponsor: Rep. Joseph D. Fox

Committee: Election Integrity
Complete to 8-26-25

SUMMARY:

House Bills 4358, 4359, 4698, and 4699 would amend different acts to require terms of office for elected city, village, and township officials to begin no earlier than either December 1 or the first day of the month following the month of the applicable election (which, for a November election, would be December 1). Individuals elected to fill a vacancy could not take office until the election results have been certified. The bills are described individually below.

House Bill 4358 would amend the Home Rule City Act to provide that, except for individuals elected to fill a vacancy, the term of office of elected city officials cannot begin earlier than 12 noon on the first day of the month after the month of their election. This would apply to officers elected after December 31, 2024, and would apply even if a charter provision provides for an earlier start to the term.

For individuals elected to fill a vacancy, the bill would provide that they cannot take the oath of office until the election results have been certified by the appropriate board of canvassers.

Proposed MCL 117.3c

House Bill 4359 would amend the General Law Village Act, which currently provides that the term of office for a president, trustee, clerk, or treasurer elected at the village's regular (i.e., November) election begins on November 20 after the officer's election and qualification.

The bill would instead provide that the term of office for these officers begins on December 1 after the officer's election and qualification.

The bill also would change the date for a council to appoint a president pro tempore (who acts as president in the president's absence) from November 20 to December 1, or as soon as possible after the specified date.

Finally, notwithstanding an ordinance to the contrary, an individual elected to fill a vacancy could not take the oath of office until the election results have been certified by the appropriate board of canvassers.

MCL 62.4 et seq.

House Bill 4698 would amend the Home Rule Village Act to provide that, except for individuals elected to fill a vacancy, the term of office of elected village officials cannot begin earlier than 12 noon on the first day of the month after the month of their election (e.g., December 1 for a November election). This would apply to officers elected after December 31, 2024, and would apply even if a charter provision provides for an earlier start to the term.

For individuals elected to fill a vacancy, the bill would provide that they cannot take the oath of office until the election results have been certified by the appropriate board of canvassers.

Proposed MCL 78.24e

House Bill 4699 would amend the Election Law, which currently provides that the term of township officers begins at precisely 12 noon on November 20 after the officer's election.¹

The bill would instead provide that the term of office for these officers begins at precisely 12 noon on December 1 after the officer's election. This would apply to township officers elected after December 31, 2024.

In addition, notwithstanding an ordinance or resolution to the contrary, an individual elected to fill a vacancy could not take the oath of office until the election results have been certified by the appropriate board of canvassers.

MCL 168.362 and 168.370

BRIEF DISCUSSION:

According to committee testimony, many municipalities provide for terms of office to begin as soon as the Friday or Monday following an election. But recent changes to Michigan election law require a six-day window after an election to allow for the ballots of servicemembers and overseas voters to arrive and be counted (as long as they were postmarked by election day). Because of this, some local officials are now required to be sworn in before all the votes cast in the election can even be counted. The bills would prohibit terms of office from beginning earlier than a specified date to allow enough time after election day for all of the votes to be processed.

FISCAL IMPACT:

The bills would have no fiscal impact on the state or local units of government.

POSITIONS:

Representatives of the following entities testified in support of the bills (7-1-25):

- Michigan Association of Municipal Clerks
- Michigan Association of County Clerks
- Oakland County
- Kent County

¹ The applicable officers are found here: <https://www.legislature.mi.gov/Laws/MCL?objectName=MCL-168-358>

A representative of Tyrone Township testified in support of House Bill 4699. (7-1-25)

The following entities indicated support for the bills:

- Department of State (7-1-25)
- Michigan Fair Elections Institute (7-1-25)
- Pure Integrity Michigan Elections (7-15-25)
- Promote the Vote (7-1-25)
- Salem Meetup (7-15-25)

The Michigan Municipal League indicated support for House Bills 4358, 4359, and 4698. (7-1-25)

The Michigan Townships Association indicated a neutral position on House Bill 4699. (7-1-25)

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