

Act No. 302
Public Acts of 2003
Approved by the Governor
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**STATE OF MICHIGAN
92ND LEGISLATURE
REGULAR SESSION OF 2003**

Introduced by Reps. Stakoe, Hummel, Farhat, Brandenburg, Garfield, Drolet, Hoogendyk, Amos, Casperson, Emmons, Wenke, Tabor, Palsrok, Sheen, Stahl, Vander Veen, Acciavatti, LaJoy, Steil, Walker, Pastor, Meyer, Voorhees, Taub, Ward, Ruth Johnson, Rocca, Kooiman, Robertson, Moolenaar and Richardville

ENROLLED HOUSE BILL No. 4824

AN ACT to amend 1954 PA 116, entitled "An act to reorganize, consolidate, and add to the election laws; to provide for election officials and prescribe their powers and duties; to prescribe the powers and duties of certain state departments, state agencies, and state and local officials and employees; to provide for the nomination and election of candidates for public office; to provide for the resignation, removal, and recall of certain public officers; to provide for the filling of vacancies in public office; to provide for and regulate primaries and elections; to provide for the purity of elections; to guard against the abuse of the elective franchise; to define violations of this act; to provide appropriations; to prescribe penalties and provide remedies; and to repeal certain acts and all other acts inconsistent with this act," by amending sections 2, 3, 4, 30a, 321, 322, 358a, 370, 381, 382, 500f, 500g, 501a, 505, 509n, 509r, 509gg, 538, 635, 643, 644e, 644g, 644k, 646a, 690, 821, 862, 863, 954, 963, 971, and 972 (MCL 168.2, 168.3, 168.4, 168.30a, 168.321, 168.322, 168.358a, 168.370, 168.381, 168.382, 168.500f, 168.500g, 168.501a, 168.505, 168.509n, 168.509r, 168.509gg, 168.538, 168.635, 168.643, 168.644e, 168.644g, 168.644k, 168.646a, 168.690, 168.821, 168.862, 168.863, 168.954, 168.963, 168.971, and 168.972), sections 2 and 971 as amended by 2002 PA 163, section 321 as amended by 1994 PA 277, section 322 as amended by 1999 PA 218, section 358a as amended by 1990 PA 235, section 370 as amended by 1990 PA 83, section 381 as amended by 1991 PA 16, section 501a as amended by 1995 PA 87, section 509n as amended by 1999 PA 216, sections 509r and 509gg as added by 1994 PA 441, section 643 as amended by 1998 PA 364, section 646a as amended by 2002 PA 431, section 821 as amended by 1988 PA 275, section 963 as amended by 1999 PA 220, and section 972 as amended by 1989 PA 26, and by adding chapter XIV and sections 642, 642a, and 659; and to repeal acts and parts of acts.

The People of the State of Michigan enact:

Sec. 2. As used in this act:

- (a) "Absent voter" is defined in section 758.
- (b) "Ballot container" is defined in section 14a.
- (c) "Business day" or "secular day" means a day that is not a Saturday, Sunday, or legal holiday.
- (d) "Clearly observable boundaries" is defined in section 654a.
- (e) "Election" means an election or primary election at which the electors of this state or of a subdivision of this state choose or nominate by ballot an individual for public office or decide a ballot question lawfully submitted to them.
- (f) "Election precinct" is defined in section 654.
- (g) "Fall" state and county conventions and "spring" state and county conventions are assigned meanings in section 596.
- (h) "General election" or "general November election" means the election held on the November regular election date in an even numbered year.
- (i) "Immediate family" means an individual's father, mother, son, daughter, brother, sister, and spouse and a relative of any degree residing in the same household as that individual.

Sec. 3. As used in this act:

- (a) "Locked and sealed" is defined in section 14.
- (b) "Major political party" is defined in section 16.
- (c) "Metal seal" or "seal" is defined in section 14a.
- (d) "Name that was formally changed" means a name changed by a proceeding under chapter XI of the probate code of 1939, 1939 PA 288, MCL 711.1 to 711.3, or former 1915 PA 314, or through a similar, statutorily sanctioned procedure under the law of another state or country.
- (e) "Odd year general election" means the election held on the November regular election date in an odd numbered year.
- (f) "Odd year primary election" means the election held on the August regular election date in an odd numbered year.
- (g) "Primary" or "primary election" is defined in section 7.
- (h) "Qualified elector" is defined in section 10.
- (i) "Qualified voter file" is defined in section 509m.
- (j) "Regular election" means an election held on a regular election date to elect an individual to, or nominate an individual for, elective office in the regular course of the terms of that elective office.
- (k) "Regular election date" means 1 of the dates established as a regular election date in section 641.
- (l) "Residence" is defined in section 11.

Sec. 4. As used in this act:

- (a) "School board" means the governing body of a school district, including the board of trustees of a community college.
- (b) "School board member" means an individual holding the office of school board member under the revised school code, 1976 PA 451, MCL 380.1 to 380.1852, or the office of board of trustees member under the community college act of 1966, 1966 PA 331, MCL 389.1 to 389.195. School board member includes a school board member of an intermediate school district if that intermediate school district has adopted sections 615 to 617 of the revised school code, 1976 PA 451, MCL 380.615 to 380.617.
- (c) "School district" means a school district, a local act school district, or an intermediate school district, as those terms are defined in the revised school code, 1976 PA 451, MCL 380.1 to 380.1852, or a community college district under the community college act of 1966, 1966 PA 331, MCL 389.1 to 389.195.
- (d) "School district election coordinating committee" means 1 of the following:
 - (i) For a school district whose entire territory lies within a single city or township, a committee composed of the secretary of the school board or his or her designee, the city or township election commission, and the school district election coordinator.
 - (ii) For a school district that has territory in more than 1 city or township, a committee composed of the secretary of the school board or his or her designee, the school district election coordinator, and the clerk of each city or township in which school district territory is located.
- (e) "School district election coordinator" means 1 of the following:
 - (i) For a school district whose entire territory lies within a single city or township, the city or township clerk.
 - (ii) For a school district that has territory in more than 1 city or township, the county clerk of the county in which the largest number of registered school district electors reside.
- (f) "September primary election" means the primary election, or for a village that holds its regular election for a village office in September, the regular election, held on the first Tuesday after the second Monday in September in an odd year.
- (g) "Special election" means an election to elect an individual to, or nominate an individual for, a partial term in office or to submit a ballot question to the electors.
- (h) "Special primary" means a primary called by competent authority for the nomination of candidates to be voted for at a special election.
- (i) "Uniform voting system" means the voting system that is used at all elections in every election precinct throughout the state.
- (j) "Village" is defined in section 9.

Sec. 30a. (1) A 4-member board of canvassers is established in every city and township having more than 5 precincts, notwithstanding a statutory or charter provision, or other rule or law, to the contrary. All of the powers granted to and duties required by law to be performed by city and township boards of canvassers are granted to and required to be performed by the boards of city and township canvassers in cities and townships having more than 5 precincts. Members of the board of canvassers shall be appointed for terms of 4 years beginning the January 1 after their appointment. Members of the board of canvassers shall be notified of their appointment within 5 days after appointment by their city or township clerk.

(2) The city council or the township board of a city or township having more than 5 precincts may contract with the board of commissioners of the county in which all or the greater portion of the city or township's population resides to provide that the board of county canvassers of that county shall perform all the functions of the board of city or township canvassers. Financial arrangements of a contract with the board of commissioners may provide that the city or township shall bear all or part of the cost of the work of the county board of canvassers.

CHAPTER XIV

SCHOOL AND COMMUNITY COLLEGE ELECTIONS

Sec. 301. (1) Unless a particular power or duty of an election official or a particular election procedure is specifically governed by a provision of this chapter, a school district election is governed by the provisions of this act that generally govern elections.

(2) Except as provided in section 305, the school district election coordinator for a school district shall conduct each regular election and each special election that is requested by the school board to submit a ballot question or to fill a vacancy on the school board. In addition to receiving requests from the school board to hold special elections, the school district election coordinator shall do all of the following:

(a) Receive filing fees or nominating petitions and affidavits of identity from candidates for school board and petitions for special elections.

(b) Procure the necessary qualified voter file precinct lists.

(c) Certify candidates.

(d) Receive ballot proposal language.

(e) Issue absent voter ballots.

(3) A school district election coordinator who is a county clerk may delegate, if the city or township clerk agrees, all or a portion of the school district election coordinator's duties to that city or township clerk.

(4) A school district election coordinator who is a county clerk may delegate the following duties to the city or township clerk, who shall perform the following duties:

(a) Distribute, receive, and process absent voter ballot applications for a school election.

(b) Make voting systems available for the conduct of a school election.

(c) Make available to the school district election coordinator the list of election inspectors for that city or township.

Sec. 302. An individual is eligible for election as a school board member if the individual is a citizen of the United States and is a qualified and registered elector of the school district the individual seeks to represent by the filing deadline. At least 1 school board member for a school district shall be elected at each of the school district's regular elections held as provided in section 642a. Except as otherwise provided in this section or section 310 or 644g, a school board member's term of office is prescribed by the applicable provision of section 11a, 617, 701, or 703 of the revised school code, 1976 PA 451, MCL 380.11a, 380.617, 380.701, and 380.703, or section 34, 34a, 41, 54, or 83 of the community college act of 1966, 1966 PA 331, MCL 389.34, 389.34a, 389.41, 389.54, and 389.83. A school board member's term begins on 1 of the following dates:

(a) If elected at an election held on a November regular election date, January 1 immediately following the election.

(b) If elected at an election held on a May regular election date, July 1 immediately following the election.

Sec. 303. (1) Subject to subsection (4), for an individual's name to appear on the official ballot as a candidate for school board member, the candidate shall file a nominating petition and the affidavit required by section 558 with the school district filing official not later than 4 p.m. on the twelfth Tuesday before the election date. The nominating petition must be signed by the following number of electors of the school district:

(a) If the population of the school district is less than 10,000 according to the most recent federal census, a minimum of 6 and a maximum of 20.

(b) If the population of the school district is 10,000 or more according to the most recent federal census, a minimum of 40 and a maximum of 100.

(2) The nominating petition shall be substantially in the form prescribed in section 544c, except that the petition shall be nonpartisan and shall include the following opening paragraph:

We, the undersigned, registered and qualified voters of _____ and residents of the _____, the county of _____, state of Michigan, nominate _____

(legal name of school district)

(city or township)

(name of candidate)

(street address)

(city or township)

a registered and qualified elector of the district as a member of the board of education of the school district for a term of _____ years, expiring _____, to be voted for at the election to be held on the _____ day of _____, _____.

(month) (year)

(3) A school elector shall not sign petitions for more candidates than are to be elected.

(4) Instead of filing nominating petitions, a candidate for school board member may pay a nonrefundable filing fee of \$100.00 to the school district filing official. If this fee is paid by the due date for a nominating petition, the payment has the same effect under this section as the filing of a nominating petition.

(5) A nominating petition filed under this chapter is subject to the examination and investigation process prescribed in section 552 as to its sufficiency and the validity and genuineness of the signatures on the nominating petition, and to the other procedures prescribed in that section relevant to a petition filed under this chapter.

(6) After a nominating petition is filed or filing fee is paid for a candidate for school board member, the candidate is not permitted to withdraw unless a written withdrawal notice, signed by the candidate, is filed with the school district filing official not later than 4 p.m. of the third day after the last day for filing the nominating petition. If the school district filing official is not a county clerk, the school district filing official shall notify the county clerk of the candidates' names and addresses not later than 3 days after the last day for filing a withdrawal notice.

Sec. 305. (1) Within 30 days after the effective date of this chapter, the school district election coordinating committee for each school district shall hold an initial meeting. Within 14 days after convening the initial meeting, the school district election coordinating committee shall file a report with the secretary of state that sets forth the arrangements that are agreed upon for the conduct of the school district's elections. Each school district election coordinating committee member shall sign the report and retain a copy.

(2) After filing its initial report under subsection (1), a school district election coordinating committee shall meet at 2-year intervals to review and, if necessary, alter the election arrangements set forth in its previous report. After each review, a school district election coordinating committee shall either notify the secretary of state in writing that its previous report is not being altered or file with the secretary of state a report with the alterations. Election arrangements made by the clerks of the jurisdictions participating in the school district election coordinating committee meeting are binding on the participating jurisdictions for at least 2 years after the report is filed, and each jurisdiction continues to be bound until an altered report is filed.

(3) The arrangements agreed upon by a school district election coordinating committee for the conduct of the school district's elections shall accomplish at least both of the following:

(a) If a school district election is held on the same day as an election of a jurisdiction that overlaps with the school district, an elector wishing to vote in both elections shall not be required to vote at 2 different locations.

(b) If, before the filing of an initial report or of the notice or altered report after its 2-year review, a city or township clerk notifies the school district election coordinating committee that the city or township clerk has decided to participate in the conduct of the school district's elections, the school district election coordinating committee shall include that city or township clerk in its initial or an altered report as the person conducting the school district's elections in the clerk's city or township.

(4) Notwithstanding the other provisions of this chapter, if a city or township is holding an election for elective office or on a ballot question at the same time that a school district located in whole or part in the city or township is holding an election, the city or township clerk shall also conduct the school district election within his or her jurisdiction. If a city or township clerk is conducting a school election under this subsection, the clerk shall use the same precincts that are used for state and federal elections as the precincts for the school district election. If these precincts change the polling place location for school district electors, the clerk shall notify those school district electors of the location of the different polling place.

Sec. 307. (1) The appropriate board of canvassers as prescribed in section 24a or 30a shall canvass the votes for candidates for school board member and votes for and against a ballot question at a regular or special election in each school district. That number of candidates equal to the number of individuals to be elected who receive the greatest number of votes cast at the election, as set forth in the report of the board of canvassers canvassing the votes, based upon the returns from the election precincts or as determined by the board of canvassers as a result of a recount, are elected to the office of school board member. Upon completion of the canvass, the board of canvassers shall make a statement of returns and certify the election of school board members to the secretary of the school board, the county clerk, and, if other than the county clerk, the school district election coordinator.

(2) The votes cast for a candidate for school board member or on a ballot question submitted to the electors at a school election are subject to recount as provided in chapter XXXIII. An individual elected to the office of school board member is subject to recall as provided in chapter XXXVI and in section 8 of article II of the state constitution of 1963.

Sec. 308. A local official who receives the certification of the board of canvassers under section 307 shall preserve and file in his or her office the certified statement of returns and certification of the board of canvassers of the result of the election. The city, township, or county clerk who is the secretary to the board of canvassers canvassing the school board election shall immediately execute and provide to the individuals declared elected to the office of school board member a certificate of election.

Sec. 310. (1) Before entering upon the duties of his or her office, an individual elected to the office of school board member shall take and subscribe to the oath provided in section 1 of article XI of the state constitution of 1963.

(2) The office of a school board member becomes vacant immediately, regardless of declaration by an officer or acceptance by the school board or 1 or more of its members, upon any of the following events:

(a) The death of the school board member.

(b) The school board member's being adjudicated insane or being found to be a legally incapacitated individual by a court of competent jurisdiction.

(c) The school board member's resignation.

(d) The school board member's removal from office.

(e) The school board member's conviction for a felony.

(f) The school board member's election or appointment being declared void by a competent tribunal.

(g) The school board member's neglect or failure to file the acceptance of office, to take the oath of office, or to give or renew an official bond required by law.

(h) The school board member ceasing to possess the legal qualifications for holding office.

(i) The school board member moving his or her residence from the school district.

Sec. 311. (1) If less than a majority of the offices of school board member of a school district become vacant, the remaining school board members shall fill each vacant office by appointment. If a vacancy in the office of school board member is not filled within 30 days after the vacancy occurs or if a majority of the offices of school board member of a school district become vacant, the intermediate school board for that school district shall fill each vacancy by appointment. An individual appointed under this subsection serves until a successor is elected and qualified.

(2) If a vacancy occurs in an office of school board member more than 90 days before a regular school election, an election shall be held at that regular school election to fill that office for the remainder of the office's unexpired term, if any. This subsection applies regardless of whether an individual is appointed under subsection (1) to fill the vacancy.

Sec. 312. (1) A school board may submit a ballot question to the school electors on a regular election date, on a date when a city or township within the school district's jurisdiction is holding an election by adopting a resolution to that effect not less than 70 days before the election date, or on a special election date as provided in section 641(4). The school board shall certify the ballot question language to the school district election coordinator not less than 70 days before the election date. If the ballot question is submitted on the same date as an election for a state or county office, the school district election coordinator shall send a copy of the ballot question language to the county clerk of each county not less than 68 days before the election.

(2) If a special election is called on a date provided under section 641(4), the school district election coordinating committee shall schedule the special election date.

Sec. 315. (1) A school district shall pay to each county, city, and township that conducts a regular or special election for the school district an amount determined in accordance with this section.

(2) If a school district's regular or special election is held in conjunction with another election conducted by a county, city, or township, the school district shall pay the county, city, or township 100% of the actual additional costs attributable to conducting the school district's regular or special election. If a school district's regular or special election is not held in conjunction with another election conducted by a county, city, or township, the school district shall pay the county, city, or township 100% of the actual costs of conducting the school district's regular or special election.

(3) The county, city, or township shall present to a school district a verified account of actual costs of conducting the school district's regular or special election not later than 84 days after the date of the election. The school board shall pay or disapprove all or a portion of the verified account within 84 days after the school district receives a verified account of actual costs under this subsection.

(4) If the school board disapproves all or a portion of a verified account of actual costs under subsection (3), the school board shall send a notice of disapproval along with the reasons for the disapproval to the county, city, or township. Upon request of a county, city, or township whose verified account or portion of a verified account was disapproved under this section, the school board shall review the disapproved costs with the county, city, or township.

(5) A school board, county, city, or township shall use the agreement made between the department of treasury and the secretary of state, as required by section 487, as a basis for preparing and evaluating verified accounts under this section. The secretary of state shall assist a school board, county, city, or township in preparing and evaluating a verified account under this section. If a county, city, or township and a school board cannot agree on the actual costs of an election as prescribed by this section, the secretary of state shall determine those actual costs.

Sec. 321. (1) Except as provided in subsection (3) and sections 327, 641, 642, and 644g, the qualifications, nomination, election, appointment, term of office, and removal from office of a city officer shall be in accordance with the charter provisions governing the city.

(2) Within 3 days after the last day on which a candidate for a city office may withdraw, the city clerk shall deliver to the county clerk of the county in which the city is located a list setting forth the name and address of each candidate for a city office.

(3) If the membership of the legislative body of a city governed by the home rule city act, 1909 PA 279, MCL 117.1 to 117.38, is reduced to less than a quorum, unless another method of appointing members of the legislative body is provided by the city charter, members of the legislative body are appointed as provided in this subsection. The board of county election commissioners of the county in which the largest portion of the population of the city resides shall appoint the number of members of the legislative body required to constitute a quorum for the transaction of business by the legislative body. A member of the legislative body appointed under this subsection shall hold the office only until the member's successor is elected and qualified. The successor shall be elected at a special or regular election on the next regular election date that is not less than 60 days after the appointment is made. The successor shall serve for the balance of the unexpired term. A member who is appointed under this subsection shall not vote on the appointment of himself or herself to an elective or appointive city office.

(4) Notwithstanding another provision of law or charter to the contrary, an appointment to an elective or appointive city office made by a quorum constituted by appointments under this section expires upon the election and qualification of a sufficient number of members of the legislative body so that the elected members constitute a quorum.

Sec. 322. For the name of a candidate of a political party for a city office, including a ward office, to appear under the particular party heading on the official primary election ballots for use in the city, a nominating petition shall be filed with the city clerk not later than 4 p.m. on the twelfth Tuesday before the August primary, or not later than 4 p.m. on the twelfth Tuesday before the September primary election for a city that holds a September primary election. A nominating petition shall be signed by a number of qualified and registered electors of the political party who reside in the city or ward as determined under section 544f. This section does not apply to a city if the city charter provides for a different method of nominating candidates for public office. The form of the petition shall be as provided in section 544c.

Sec. 358a. The township board of a township may call a special election to be held in the township for the purpose of submitting a ballot question to the electors of the township. A special election shall be held on a regular election date. Notice of the special election shall be given in the same manner required by section 653a.

Sec. 370. (1) Except as provided in subsection (2), if a vacancy occurs in an elective or appointive township office, the vacancy shall be filled by appointment by the township board, and the person appointed shall hold the office for the remainder of the unexpired term.

(2) If 1 or more vacancies occur in an elective township office that cause the number of members serving on the township board to be less than the minimum number of board members that is required to constitute a quorum for the transaction of business by the board, the board of county election commissioners shall make temporary appointment of the number of members required to constitute a quorum for the transaction of business by the township board. An official appointed under this subsection shall hold the office only until the official's successor is elected or appointed and qualified. An official who is temporarily appointed under this subsection shall not vote on the appointment of himself or herself to an elective or appointive township office.

(3) If a township official submits a written resignation from an elective township office, for circumstances other than a resignation related to a recall election, that specifies a date and time when the resignation is effective, the township board, within 30 days before that effective date and time, may appoint a person to fill the vacancy at the effective date and time of the resignation. The resigning official shall not vote on the appointment.

(4) Except as provided in subsection (5), if the township board does not make an appointment under subsection (3), or if a vacancy occurs in an elective township office and the vacancy is not filled by the township board or the board of county election commissioners within 45 days after the beginning of the vacancy, the county clerk of the county in which the township is located shall notify the governor of the fact. The governor shall call a special election to fill the vacancy. The governor shall provide for the date for the filing of the petitions, and that date shall also be the last date to register for the special primary election. A special primary or election called by the governor under authority of this section does not affect the rights of a qualified elector to register for any other election. A person elected to fill a vacancy shall serve for the remainder of the unexpired term.

(5) Subsection (4) does not apply to the office of township constable. If a vacancy occurs in the office of township constable, the township board shall determine if and when the vacancy shall be filled by appointment. If the township board does not fill the vacancy by appointment, the office of township constable shall remain vacant until the next general or special election in which township offices are filled.

Sec. 381. (1) Except as provided in subsection (2) and sections 383, 641, 642, and 644g, the qualifications, nomination, election, appointment, term of office, and removal from office of a village officer shall be as determined by the charter provisions governing the village.

(2) If the membership of the village council of a village governed by the general law village act, 1895 PA 3, MCL 61.1 to 74.25, is reduced to less than a quorum of 4 and a special election for the purpose of filling all vacancies in the office of trustee is called under section 13 of chapter II of the general law village act, 1895 PA 3, MCL 62.13, temporary appointments of trustees shall be made as provided in this subsection. The board of county election commissioners of the county in which the largest portion of the population of the village is situated shall make temporary appointment of the number of trustees required to constitute a quorum for the transaction of business by the village council. A trustee appointed under this subsection shall hold the office only until the trustee's successor is elected and qualified. A trustee who is temporarily appointed under this subsection shall not vote on the appointment of himself or herself to an elective or appointive village office.

(3) Notwithstanding another provision of law or charter to the contrary, an appointment to an elective or appointive village office made by a quorum constituted by temporary appointments under this subsection expires upon the election and qualification of trustees under the special election called to fill the vacancies in the office of trustee.

Sec. 382. Except as otherwise provided in this act, the general law village act, 1895 PA 3, MCL 61.1 to 74.25, or the home rule village act, 1909 PA 278, MCL 78.1 to 78.28, if the charter of a village does not specify the time, manner, and means of nominating and electing its public officers, the village shall nominate and elect its officers in accordance with the provisions governing the selection of township officers, as provided in chapter XV.

Sec. 500f. The clerk of a township shall transmit to the village clerk of a village that lies partly or completely in the township the information necessary to complete the village registration of a person registered under sections 500a to 500j.

Sec. 500g. A registration card prepared under sections 500a to 500j shall be sworn to and signed by the voter at the first election during which the voter appears at the polls, or may be signed in the clerk's office. The application shall be retained by the city or township clerk for signature purposes until the registration card is signed, except that the application shall be sent to the appropriate precinct for each election until the registration card is signed. The secretary of state may provide an application form that allows a completed attestation to be attached to a registration card prepared by a local clerk. The registrant shall not be required to sign a registration card if the completed attestation is attached.

Sec. 501a. The board of election commissioners of a city, village, or township may authorize the clerk of the city, village, or township to create a registration list. The registration list shall be alphabetically arranged and shall contain the name of each registered elector in a precinct. The name shall be followed by the address and date of birth of the elector. The board of election commissioners may also provide that the registration list may be used instead of the precinct registration file when this act provides for the use of a precinct registration file. A city, village, or township shall maintain a file containing the signature of each elector registered in the city, village, or township.

Sec. 505. (1) At the time an elector is applying for registration, the registration officer shall ascertain if the elector is already registered as a voter. If the elector is previously registered, the elector shall at the time of applying for registration sign an authorization to cancel a previous registration. The secretary of state shall prescribe forms for this purpose. The form may be a part of the application or a separate form. The clerk of the city or township in which the elector is newly registered shall notify the registration officer of the place of previous registration of the authorization to cancel.

(2) An authorization to cancel that indicates a previous address in a state other than this state shall be forwarded to the secretary of state of that state. Notice may be made by forwarding the separate cancellation form, by forwarding the portion of an application listing a previous place of registration, or by forwarding a list certified by the clerk containing the names of people authorizing cancellation.

(3) Notices of cancellation shall contain the name, birth date, and address at which the elector was previously registered, and the name of the city or township of previous registration of all persons authorizing cancellations. Notices shall be sent within 30 days after receipt, but not later than 5 days after the close of registration.

(4) Upon receipt of the notice, the clerk shall cancel the registration of the persons listed on the notice. The clerk receiving the notice shall also notify the clerk of each village in which a person listed on the notice resides of receipt of an authorization to cancel. An authorization to cancel a voter registration signed by the voter and received from another state or a notice from an election official of another state that an elector has registered in that state has the same force and effect as the notice of authorization to cancel of this state.

Sec. 509n. The secretary of state is responsible for the coordination of the requirements imposed under this chapter and the national voter registration act of 1993. The secretary of state shall do all of the following:

(a) Develop a mail registration form and make the form available for distribution through governmental and private entities, with special emphasis on making the form available to voter registration programs established for the purpose of registering citizens of this state to vote.

(b) Instruct designated voter registration agencies and county, city, township, and village clerks about the voter registration procedures and requirements imposed by law.

(c) By June 15 of each odd numbered year, submit to each member of the committees of the senate and house of representatives with primary responsibility for election matters a report on the qualified voter file. The report shall include, but need not be limited to, both of the following:

(i) Information on the efficiency and effectiveness of the qualified voter file as a voter registration system.

(ii) Recommendations of the secretary of state for amendments to this act to increase the efficiency and effectiveness of the qualified voter file as a voter registration system.

Sec. 509r. (1) The secretary of state shall establish and maintain the computer system and programs necessary to the operation of the qualified voter file. The secretary of state shall allow each county, city, township, or village access to the qualified voter file. The county, city, township, and village clerks shall verify the accuracy of the names and addresses of registered voters in the qualified voter file.

(2) Subject to subsection (3), the secretary of state and county, city, township, and village clerks shall compile the qualified voter file that consists of all qualified electors from the following sources and in the following priority:

(a) A driver's license or, if there is no driver's license, a state personal identification card, including renewals and changes of address with the department of state.

(b) An application for benefits or services, including renewals and changes of address, taken by a designated voter registration agency.

(c) An application to register to vote taken by a county, city, township, or village clerk.

(3) A person whose name does not otherwise appear in the qualified voter file shall be placed in the qualified voter file only if the person signs under penalty of perjury an application that contains an attestation that the applicant meets all of the following requirements:

(a) Is 17-1/2 years of age or older.

(b) Is a citizen of the United States and this state.

(c) Is a resident of the city or township where the person's street address is located.

(4) A designated voter registration agency or a county, city, township, or village clerk shall not add to, delete from, or change any information contained in the qualified voter file during the period beginning on the seventh day before an election and ending on the day of the election.

Sec. 509gg. The information described in this section that is contained in a registration record is exempt from the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246. The secretary of state, a designated voter registration agency, or a county, city, township, or village clerk shall not release a copy of that portion of a registration record that contains any of the following:

(a) The record that a person declined to register to vote.

(b) The office that received a registered voter's application.

(c) A registered voter's driver's license or state personal identification card number.

(d) The month and day of birth of a registered voter.

(e) The telephone number provided by the registered voter.

Sec. 538. Primary election notices shall be published and posted as provided in section 653a.

Sec. 635. A special election for the submission of a proposition may be held on a regular election date.

Sec. 642. (1) Except as otherwise provided in this section and section 642a, on the effective date of this act, a city shall hold its regular election or regular primary election as follows:

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

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

(c) A city that holds its regular election for a city office annually on the November regular election date shall continue holding elections on that schedule.

(2) If, on the effective date of this section, a city holds its regular election at other than the odd year general election or annually on the regular November election date, the city council may choose to hold the regular election on the May regular election date by adopting a resolution in compliance with this section. Except as provided in section 642a, if a city council adopts the resolution in compliance with this section to hold its regular election on the May regular election date, after December 31, 2004, the city's regular election is on the May regular election date. If a city's regular election is held on the May regular election date, the city's regular election primary shall be held on the February regular election date immediately before its regular election.

(3) If, on the effective date of this section, a city holds its regular election annually on the November regular election date, the city council may choose to hold the regular election at the odd year general election by adopting a resolution in compliance with this section. Except as provided in section 642a, if a city council adopts the resolution in compliance with this section to hold its regular election at the odd year general election, after December 31, 2004, the city's regular election is at the odd year election. If a city's regular election is held at the odd year general election, the city's regular election primary shall be held at the odd year primary election.

(4) If, on the effective date of this section, a city holds its regular election primary at the September primary election, the city council may choose to continue holding its regular election primary at the September primary election by adopting a resolution in compliance with this section. Except as provided in section 642a(2), if a city council adopts the resolution in compliance with this section to hold its regular election primary at the September primary election, after December 31, 2004, the city's regular election primary is at the September primary election.

(5) Except as otherwise provided in this section and section 642a, on the effective date of this act, a village shall hold its regular election as follows:

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

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

(6) A village council may choose to hold the regular election at the September primary election by adopting a resolution in compliance with this section. Except as provided in section 642a, if a village council adopts the resolution in compliance with this section to hold its regular election at the September primary election, after December 31, 2004, the village's regular election is at the September primary election. If a village's regular or special election is held in conjunction with another election conducted by a township, the village shall pay the township a proportionate share of the election expenses. If a village's regular or special election is not held in conjunction with another election conducted by a township, the village shall pay the township 100% of the actual costs of conducting the village's regular or special election.

(7) Except as otherwise provided in this section and section 642a, on the effective date of this act, a school district shall hold its regular election for the office of school board member at the odd year general election.

(8) If, on the effective date of this section, a school district holds its regular election at other than the odd year general election, the school district's school board may choose to hold its regular election on 1 of the following by adopting a resolution in compliance with this section:

(a) The odd year May regular election date.

(b) The general election in both even and odd years.

(c) The May regular election date in both even and odd years.

(9) A resolution permitted under section 642a is valid only if a city council, village council, or school board adopts the resolution in compliance with all of the following:

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

(i) If the resolution is permitted under subsection (2), (3), (4), (6), or (8) of this section, January 1, 2005.

(ii) If the resolution is permitted under section 642a(1), (2), or (3), January 1 of the year in which the change in the date of the election takes effect.

(b) Before adopting the resolution, the council or school board holds at least 1 public hearing on the resolution.

(c) The council or school board gives notice of each public hearing on the resolution in a manner designed to reach the largest number of the jurisdiction's qualified electors in a timely fashion, and the notice states at least the following, as applicable:

(i) That the hearing is being held on the issue of whether to schedule the city's regular election on the May regular election date and that, if the resolution is not adopted, the city's regular election will be held at the odd year general election.

(ii) That the hearing is being held on the issue of whether to schedule the city's regular election primary at the September primary election and that, if the resolution is not adopted, the city's regular election primary will be held on the odd year primary election.

(iii) That the hearing is being held on the issue of whether to schedule the village's regular election at the September primary election and that, if the resolution is not adopted, the village's regular election will be held at the general election.

(iv) That the hearing is being held on the issue of whether to schedule the school district's regular election at other than the odd year general election and that, if the resolution is not adopted, the school district's regular election will be held at the odd year general election. The notice shall specifically state the regular election date permitted under subsection (8) on which the school board is proposing that the school district's regular election be held.

(v) That the hearing is being held on the issue of whether to schedule the school district's regular election at the odd year general election and that, if the resolution is not adopted, the school district's regular election will continue to be held on the date on which it is currently being held.

(d) The council or school board votes on the resolution immediately following the close of a public hearing on the resolution and, on a record roll call vote, a majority of the council's or school board's members, elected or appointed, and serving, adopt the resolution.

(e) The council or school board files the resolution with the secretary of state.

(10) This section takes effect September 1, 2004.

Sec. 642a. (1) 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 section 642. If a city council adopts the resolution in compliance with section 642 to hold its regular election at the odd year general election, after December 31 of the year in which the resolution is adopted, the city's regular election is at the odd year general election.

(2) After December 31, 2004, a city council that adopted a resolution so that its regular election primary is held at the September primary election may change its regular election primary to the odd year primary election by adopting a resolution in compliance with section 642. If a city council adopts the resolution in compliance with section 642 to hold its regular election primary on the odd year primary election date, after December 31 of the year in which the resolution is adopted, the city's regular election primary is on the odd year primary election date.

(3) After December 31, 2004, a school district's school board that adopted a resolution so that its regular election is held on a date other than at the odd year general election may change its regular election to the odd year general election by adopting a resolution in compliance with section 642. If a school board adopts the resolution in compliance with section 642 to hold its regular election at the odd year general election, after December 31 of the year in which the resolution is adopted, the school board's school district shall hold its regular election at the odd year general election.

(4) This section takes effect September 1, 2004.

Sec. 643. At the general election, the following officers shall be elected when required by law:

(a) Presidential electors.

(b) In the state at large, a governor and a lieutenant governor, a secretary of state, and an attorney general.

(c) A United States senator.

(d) In each congressional district, a representative in congress.

(e) In each state senatorial district, a state senator.

(f) In each state representative district, a representative in the state legislature.

(g) Justices of the supreme court.

(h) Two members of the state board of education.

(i) Two regents of the University of Michigan.

(j) Two trustees of Michigan State University.

(k) Two governors of Wayne State University.

(l) In each county or district, judges of the court of appeals, a judge or judges of the circuit court, a judge or judges of probate, a judge or judges of the district court, a prosecuting attorney, a sheriff, a treasurer, an auditor, a mine inspector, a county road commissioner, a drain commissioner, a surveyor, and, subject to section 200, a clerk and a register of deeds or a clerk register.

(m) Township officers.

(n) Any other officers required by law to be elected at that election.

Sec. 644e. Except as provided in section 642, an officer required to be elected at the odd year general election shall be nominated at the odd year primary election. Subject to section 382, if a charter provides for nomination by caucus or by filing a petition or affidavit directly for the general election, or provides for the election at the primary of a candidate who receives more than 50% of the votes cast for that office, the governing body by ordinance may provide for a caucus date, filing date, or other provisions to the extent necessary to be consistent with the odd year general election requirement of this act and the intent of the charter provisions.

Sec. 644g. (1) A term of office shall not be shortened by the provisions of sections 641 to 644i. An officer scheduled by prior law to be elected at a time other than the odd year general election shall not be elected on the date scheduled but shall continue in office until a successor takes office after being elected in the first odd year general election following that date. If the regular election date for holding a jurisdiction's regular election is changed under section 642 or 642a, the term of an official who was elected before the effective date of the change continues until a successor is elected and qualified at the next regular election following the date the official's term would have ended but for the change of the day of the jurisdiction's regular election.

(2) Notwithstanding a law or charter provision to the contrary, an officer required to be elected at the odd year general election, who by law or charter is elected for a term of an odd number of years shall, after the effective date of the amendatory act that added section 642, be elected for a term of 1 year longer than provided by law or charter.

(3) In home rule cities where the charter provides for the election of city officers at a time other than at the odd year general election and provides that members of the governing body are not all to be elected in the same year, the governing body by ordinance adopted prior to April 1, 1971 may alter the length of terms now provided by charter to provide that the city may continue to elect part of the governing body at each election. A term shall not be extended beyond January 1 following the first odd year general election at which the officer would be elected as provided by charter. A term shall not be for more than 4 years.

Sec. 644k. (1) If all or a portion of a community college district is within 1 or more cities that elect city officers at the odd year general election, the community college district may hold its election biennially at the odd year general election if existing law requires each city to conduct the community college election at the same time as and in conjunction with the city election.

(2) The board of trustees of a community college may determine by resolution whether the district shall hold its election as provided in this section. The resolution shall be adopted not less than 6 months before the date of a regularly scheduled community college district election. In its resolution the board shall provide that the term of office of members of the board of trustees of the community college shall be for an even number of years and shall provide for an election schedule that implements the change. A term may be extended for not more than 1 year for this purpose. The board may change the filing date of nominating petitions for board of education candidates to conform with the filing dates of a city election that is held in conjunction with the school board election. The board may provide that all members shall not be elected at the same election. An incumbent's term is determined under section 644g(1). The date for taking office is prescribed in section 644h.

(3) This section does not change the prior provisions of law regarding petitions, nominations, or the conduct of community college district elections other than to allow a change in the date of the regular district election and changes in the date for taking office and the terms of office related to the change in election date.

Sec. 646a. (1) If a local officer is to be elected at a general November election, candidates for the local office shall be nominated in the manner provided by law or charter, subject to sections 641 and 642. If candidates for the local office are to be nominated at caucuses, the caucuses shall be held on a date before the date set for the primary election or on the Saturday before the day of the primary election as determined by the local legislative body at least 20 days before the date of the caucus. If candidates are nominated by filing petitions or affidavits, they shall be filed at a time provided by charter, but not later than the date of the primary. Except as provided in section 642, the local primary election shall be held on the same day as a state or county primary election. If a state or county primary is being held on the same day, the last day for local candidates to file nominating petitions is the same as the last date to file petitions for state and county offices. The names of all local candidates and titles of office shall be certified to the county clerk by the local clerk within 5 days after the last day for filing petitions, and certification of nominees shall be made to that clerk within 5 days after the date on which the primary or caucus was held.

(2) If a local, school district, or county ballot question is to be voted on at a primary, special, regular, or general election at which state officers are to be voted for, the ballot wording of the ballot question shall be certified to the local or county clerk at least 70 days before the election. If the wording is certified to a clerk other than the county clerk, the clerk shall certify the ballot wording to the county clerk at least 68 days before the election. Petitions to place a county or local ballot question on the ballot at the election shall be filed with the clerk at least 14 days before the date the ballot wording must be certified to the local clerk.

(3) The provisions of this section apply notwithstanding any provisions of law or charter to the contrary, unless an earlier date for the filing of affidavits or petitions, including nominating petitions, is provided in a law or charter, in which case the earlier filing date is controlling.

Sec. 659. (1) If a county, city, ward, township, village, or school district is divided into 2 or more election precincts, the county, city, ward, township, or village election commissioners may, by resolution, consolidate the election precincts for a particular election that is not a general November election, primary election immediately before a general November election, or other statewide or federal election. In making the determination to consolidate election precincts for a particular election, the election commission shall take into consideration the number of choices the voter must make, the percentage of registered voters who voted at the last similar election in the jurisdiction, and the intensity of the interest of the electors in the jurisdiction concerning the candidates and proposals to be voted upon.

(2) A consolidation under this section shall be made not less than 60 days before a primary, general, or special election.

(3) Unless the polling places for the election precincts to be consolidated are located in the same building, when a county, city, ward, township, or village consolidates election precincts for a particular election under subsection (1), the election commissioners or other designated election officials shall do both of the following:

(a) Provide notice to the registered electors of the affected election precincts of the consolidation of election precincts for the particular election and the location of the polling place for the election precinct or precincts for that election. Notice may be provided by mail or other method designed to provide actual notice to the registered electors.

(b) Post a written notice at each election precinct polling place stating the location of the consolidated election precinct polling place.

(4) If a county, city, ward, township, or village consolidates election precincts under this section, each affected election precinct shall be treated as a whole unit and shall not be divided during the consolidation.

Sec. 690. The township, city, or village board of election commissioners for each jurisdiction conducting the election shall have the ballots required for a regular or special township, village, city, school, or community college election, or official primary election for the nomination of candidates for township, city, ward, or community college offices, to be

printed and delivered to the election commission's township, village, or city clerk at least 10 days before the election. The duties imposed upon county boards of election commissioners and upon county, township, and city clerks relative to the printing, counting, packaging, sealing, and delivery of official ballots are imposed upon the township and municipal boards of election commissioners and the township, village, or city clerks relative to the printing, counting, packaging, sealing, and delivery of official ballots for use in each precinct of the township, village, or city at a municipal, township, village, school, or community college election.

Sec. 821. (1) The board of county canvassers shall meet at the office of the county clerk at 1 p.m. on the day after the day of a general election, August primary, or presidential primary election in the county. Except as provided in subsection (2), for other elections the board shall meet within 5 days following the election.

(2) If, at an election held on the May regular election date, a ballot question appears on the ballot concerning authorized millage that is subject to a millage reduction as provided in section 34d of the general property tax act, 1893 PA 206, MCL 211.34d, the board of county canvassers shall meet to canvass and certify the results of the vote on that proposition after May 31 and before June 15 following the election.

Sec. 862. A candidate for office who believes he or she is aggrieved on account of fraud or mistake in the canvass or returns of the votes by the election inspectors may petition for a recount of the votes cast for that office in any precinct or precincts as provided in this chapter.

Sec. 863. A qualified and registered elector voting in a city, township, or village election who believes there has been fraud or error committed by the inspectors of election in its canvass or returns of the votes cast at the election, upon a proposed amendment to the charter of the city or village or other ballot question submitted to the voters of the county, city, township, school district, community college district, or village, may petition for a recount of the votes cast in any precinct or precincts of that county, city, township, school district, community college district, or village, upon that proposed amendment or other ballot question as provided in this chapter.

Sec. 954. A recall petition shall be signed by registered and qualified electors of the electoral district of the official whose recall is sought. Each signer of a recall petition shall affix his or her signature, address, and the date of signing. A person who signs a recall petition shall be a registered and qualified elector of the governmental subdivision designated in the heading of the petition.

Sec. 963. (1) Within 35 days after the filing of the recall petition, the filing official with whom the recall petition is filed shall make an official declaration of the sufficiency or insufficiency of the petition. If the recall petition is determined to be insufficient, the filing official shall notify the person or organization sponsoring the recall of the insufficiency of the petition. It is not necessary to give notification unless the person or organization sponsoring the recall files with the filing official a written notice of sponsorship and a mailing address.

(2) Immediately upon determining that the petition is sufficient, but not later than 35 days after the date of filing of the petition, the county clerk with whom the petition is filed shall call the special election to determine whether the electors will recall the officer whose recall is sought. The election shall be held on the next regular election date that is not less than 70 days after the date the petition is filed.

(3) If a petition is filed under section 959, the filing official with whom the petition is filed shall call the special election. The election shall be held on the next regular election date that is not less than 70 days after the petition is filed.

Sec. 971. (1) If the recall is successful, a special election to fill the vacancy shall be held on the next regular election date. The provisions in section 964 for calling and conducting of the recall election govern the calling and conducting of the election to fill the vacancy created, except as otherwise provided in this section.

(2) If the governor appoints a review team under the local government fiscal responsibility act, 1990 PA 72, MCL 141.1201 to 141.1291, to perform the functions prescribed in that act relative to a city, township, or village and an elected official of the city, township, or village was the subject of a successful recall, the officer with whom the recall petition was filed does not have the authority to propose a date for a special election. If the review team described in this subsection is appointed after the officer submits a proposed special election date or the county election scheduling committee schedules the special election as required by subsection (1), but before the election is held, the officer's or county election scheduling committee's action becomes void when the review team is appointed. Within 5 days after the review team described in this subsection reports its findings to the governor as required by section 14 of the local government fiscal responsibility act, 1990 PA 72, MCL 141.1214, the review team shall submit to the county election scheduling committee a proposed date for the special election. A special election scheduled under this subsection is subject to all of the other provisions of subsection (1). This subsection applies to any special election scheduled but not yet held before April 9, 2002.

Sec. 972. (1) Except as provided in subsection (2), a candidate for a nonpartisan office shall be nominated and voted for in an election scheduled under section 971 by filing a nominating petition or paying a \$100.00 nonrefundable fee not later than 4 p.m. on the fifteenth day after the election is called. The nominating petition shall be filed with the clerk of

the electoral district and signed by a number of qualified and registered electors of the electoral district as determined under section 544f. Instead of filing a nominating petition, an individual may become a candidate by paying a \$100.00 nonrefundable fee with the clerk of the electoral district.

(2) This subsection applies to an election to fill a vacancy for an unexpired term created by a recall of a school board member, if the election is scheduled to be held on the same date as a general election. A nominating petition filed by a candidate shall be signed by a number of qualified and registered electors of the school district as determined under section 544f. The nominating petition shall clearly state that it relates to the filling of a vacancy for an unexpired term and shall be filed with the school district filing official, as designated by section 301, not later than 4 p.m. on the fifteenth day after the election is called. Instead of filing a nominating petition, an individual may become a candidate by paying a \$100.00 nonrefundable fee to the school district filing official not later than 4 p.m. on the fifteenth day after the election is called.

Enacting section 1. Sections 5, 6, 8, 9a, 12, 325, 348, 639, 640, 644a, 644b, 644c, 644j to 646, 646b, and 758c of the Michigan election law, 1954 PA 116, MCL 168.5, 168.6, 168.8, 168.9a, 168.12, 168.325, 168.348, 168.639, 168.640, 168.644a, 168.644b, 168.644c, 168.644j to 168.646, 168.646b, and 168.758c, are repealed January 1, 2005.

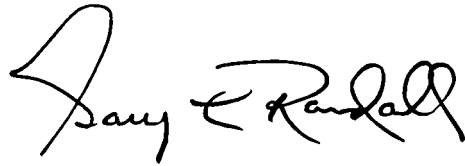
Enacting section 2. Sections 642 and 642a of the Michigan election law, 1954 PA 116, as added by this amendatory act, take effect September 1, 2004.

Enacting section 3. Sections 2, 3, 4, 30a, 321, 322, 358a, 370, 381, 382, 500f, 500g, 501a, 505, 509n, 509r, 509gg, 538, 635, 643, 644e, 644g, 644k, 646a, 690, 821, 862, 863, 954, 963, 971, and 972 of the Michigan election law, 1954 PA 116, MCL 168.2, 168.3, 168.4, 168.30a, 168.321, 168.322, 168.358a, 168.370, 168.381, 168.382, 168.500f, 168.500g, 168.501a, 168.505, 168.509n, 168.509r, 168.509gg, 168.538, 168.635, 168.643, 168.644e, 168.644g, 168.644k, 168.646a, 168.690, 168.821, 168.862, 168.863, 168.954, 168.963, 168.971, and 168.972, as amended by this amendatory act, take effect January 1, 2005.

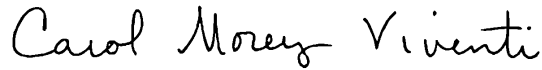
Enacting section 4. Chapter XIV of the Michigan election law, 1954 PA 116, as added by this amendatory act, takes effect January 1, 2005.

Enacting section 5. This amendatory act does not take effect unless all of the following bills of the 92nd Legislature are enacted into law:

- (a) Senate Bill No. 877.
- (b) House Bill No. 4820.
- (c) House Bill No. 4822.
- (d) House Bill No. 4823.
- (e) House Bill No. 4825.
- (f) House Bill No. 4826.
- (g) House Bill No. 4827.
- (h) House Bill No. 4828.



.....
Clerk of the House of Representatives



.....
Secretary of the Senate

Approved

.....
Governor