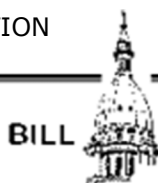




Senate Fiscal Agency
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BILL ANALYSIS

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Senate Bill 204 (as reported without amendment)
Sponsor: Senator Mike Kowall
Committee: Local Government and Elections

(as passed by the Senate)

Date Completed: 9-15-11

RATIONALE

Under State law, if a vacancy on a county board of commissioners occurs during an election year, the board must appoint a person to fill the vacancy for the remainder of the unexpired term. If a vacancy occurs in an odd-numbered year, however, a special election must be held to fill the vacancy. It has been suggested that the special election requirement be eliminated due to the cost it places on local governments.

CONTENT

The bill would amend Public Act 261 of 1966 (which governs the apportionment of county boards of commissioners) to eliminate a requirement that a special election be held when a county commission vacancy occurs in an odd-numbered year.

Under the Act, a county board of commissioners must fill a vacancy in the office of commissioner by appointment within 30 days after the vacancy occurs. In an odd-numbered year, the appointed person serves until the vacancy is filled in a special election called by the board. In an election year, the appointed person serves for the remainder of the unexpired term.

Under the bill, a person appointed to fill a vacancy would serve for the remainder of the unexpired term (whether the vacancy occurred in an odd-numbered year or an election year).

The bill would retain a requirement that a vacancy be filled by a special election if the county board of commissioners does not appoint someone within 30 days.

MCL 46.412

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

Special elections to fill county commission vacancies can be costly to local units of government, exacerbating the fiscal difficulties they are experiencing. For example, a recent special election to fill a vacancy on the Oakland County Board of Commissioners involved both a primary and a general election, and cost about \$90,000. Sometimes, there are no other issues on the ballot in a special election called in response to a county commission vacancy, and voter turnout at special elections typically is very low. A special election to fill an off-year vacancy is not required for any other office. Eliminating this requirement would create consistency with regard to the way vacancies are filled, save taxpayer dollars, and lessen the burden on local governments.

Legislative Analyst: Julie Cassidy

FISCAL IMPACT

The bill would have no impact on local unit revenue, but would reduce expenditures in

local units affected by the bill by an unknown amount. No information exists on the number of county commissioner vacancies that would occur in an odd-numbered year and would require a special election, absent the bill. Data are not available for the cost of these types of special elections, assuming that other elections do not occur concurrently. However, for a general statewide election, the average cost of conducting an election is approximately \$2,000 per precinct. It is unknown if the low turnout typical of these special elections results in a lower cost per precinct.

The bill would have no impact on State revenue or expenditure.

Fiscal Analyst: David Zin

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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.