

# Legislative Analysis



## ELECTION CONSOLIDATION REVISIONS

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**House Bill 5990 as enrolled  
Public Act 286 of 2004  
Sponsor: Rep. Fulton Sheen**

**House Bill 5998 as enrolled  
Public Act 293 of 2004  
Sponsor: Rep. Ruth Ann Jamnick**

**House Bill 5991 as enrolled  
Public Act 287 of 2004  
Sponsor: Rep. Craig DeRoche**

**House Bill 5999 as enrolled  
Public Act 294 of 2004  
Sponsor: Rep. Joe Hune**

**House Bill 5992 as enrolled  
Public Act 288 of 2004  
Sponsor: Rep. Chris Ward**

**House Bill 6000 as enrolled  
Public Act 295 of 2004  
Sponsor: Rep. Frank Accavitti, Jr.**

**House Bill 5993 as enrolled  
Public Act 289 of 2004  
Sponsor: Rep. John Stahl**

**House Bill 6001 as enrolled  
Public Act 296 of 2004  
Sponsor: Rep. Matt Milosch**

**House Bill 5994 as enrolled  
Public Act 257 of 2004  
Sponsor: Rep. Ruth Johnson**

**House Bill 6002 as enrolled  
Public Act 297 of 2004  
Sponsor: Rep. David Palsrok**

**House Bill 5995 as enrolled  
Public Act 290 of 2004  
Sponsor: Rep. Bill Huizenga**

**House Bill 6003 as enrolled  
Public Act 298 of 2004  
Sponsor: Rep. Scott Hummel**

**House Bill 5996 as enrolled  
Public Act 291 of 2004  
Sponsor: Rep. Jacob Hoogendyk**

**House Bill 6004 as enrolled  
Public Act 299 of 2004  
Sponsor: Rep. Brian Palmer**

**House Bill 5997 as enrolled  
Public Act 292 of 2004  
Sponsor: Rep. Doug Hart**

**House Bill 6005 as enrolled  
Public Act 300 of 2004  
Sponsor: Rep. Jerry O. Kooiman**

**House Committee: Local Government and Urban Policy  
Senate Committee: Government Operations**

**Complete to 2-8-05**

## **A SUMMARY OF HOUSE BILLS 5990 - 6005 AS ENROLLED**

Public Acts 298 through 306 of 2003 made comprehensive changes to Michigan Election Law, notably establishing four regular election dates each year (in February, May, August, and November, with appropriate primary dates) and requiring all elections to be

held on those days, with the exception of a very limited number of special elections; requiring that school elections be conducted by local units of government under the state election law rather than by school districts under the Revised School Code; and establishing the permissible dates for cities, villages, and townships to conduct their election of officers. Most of the provisions took effect January 1, 2005, although provisions allowing local units to choose among permitted election dates took effect September 1, 2004. A number of bills were subsequently introduced to address technical issues remaining after the passage of the so-called election consolidation package. A description of these “cleanup” bills follows.

House Bill 5990 would amend the Michigan Election Law (MCL 168.301) to prohibit a school election coordinator from delegating any duties to the secretary of the school board. Under recently enacted legislation, a school district coordinator who is a county clerk can delegate duties to the city or township clerk. Those duties include distributing, receiving, and processing absent voter ballot applications, making voting systems available, and making available the list of election inspectors for the city or township. The bill would retain all of these provisions, and add the prohibition that the school district election coordinator could not delegate duties to any person not named in this section of the law.

House Bill 5991 would amend the Michigan Election Law (MCL 168.305) to permit a city or township clerk to use school election precincts and polling places with the consent of the school district election coordinator when conducting a school election in conjunction with a city or township election. In such cases, the local clerk would also be allowed to consolidate election precincts as otherwise provided by the election law.

House Bill 5992 would amend the Michigan Election Law (MCL 168.309) to require a written acceptance of office and a written affidavit of eligibility from school board members. The bill requires that within five business days after certification of an election, each member-elect be notified of the election by the school district election coordinator. Within ten business days after notification by the school district election coordinator of election or appointment to the board, each person would be required to file with the secretary of the board an acceptance of the office. The secretary of the board would then be required to forward a copy of the acceptance to the school district election coordinator.

House Bill 5993 would amend the Michigan Election Law (MCL 168.311) to require that within three days after an appointment was made to fill a vacancy in an elected office in a school district, the secretary of the school board notify the school district election coordinator, in writing, of the name, address, and office of the person who vacated the office, as well as the person filling the office.

House Bill 5994 would amend the Michigan Election Law (MCL 168.316) to provide for the procedure to recall school board members. The bill specifies that each member of a board of a school district, a local act school district, or an intermediate school district

would be subject to recall by the school electors of the district, in the manner prescribed in Chapter XXXVI of the election law.

House Bill 5995 would amend the Michigan Election Law (MCL 168.381) to specify that filing for a village office would be with the township clerk, if the township was conducting the election. If the village was located in more than one township, then the filing for a village office would be with the township in which the largest number of the registered electors of the village resided.

House Bill 5996 would amend the Michigan Election Law (MCL 168.500f) to require a township clerk to transfer the information necessary to complete the village registration to a village clerk; this applies only in the case of an election for village officers conducted by a village that held as its regular election in September.

House Bill 5997 would amend the Michigan Election Law (MCL 168.642) to clarify various matters of scheduling for local elections. Under the recently enacted election consolidation legislation, a city that holds its regular election for a city office annually on the November regular election date would continue to do so. House Bill 5997 would retain this provision and extend it to cities that hold their regular election for city office “in the even year.” Further, the bill specifies that a city that holds its regular election primary for a city official annually or in the even year on the August regular primary election date would continue holding primary elections on that schedule.

House Bill 5997 specifies that, if on September 1, 2004, a city held its regular election annually on the November regular election date, the city council could choose to hold the regular election at the even-year general election by adopting a resolution. Further, if a city council adopted the resolution to hold its regular election at the even-year general election, then after December 31, 2004, the city’s regular election would be at the even-year election. Finally, if a city’s election were held at the even-year general election, then the city’s regular election primary would be held at the even-year primary election.

House Bill 5997 also specifies that a village council may make a one-time choice to hold the regular election at the September primary election by adopting a resolution, and the village clerk would conduct the election. The resolution could provide for the terms of office and for staggered terms of office. Under the bill, the township would be required to make voting equipment available to a village, and if the village were located in more than one township, then the township with the largest number of village electors would be required to furnish the voting equipment. (Villages must pay a proportionate share of elections held in conjunction with other elections in a township, and must pay 100 percent of actual costs of conducting an election not held in conjunction with another election in the township.)

Under the law, a resolution permitted under Section 642a of the election law (to change an election date) is valid only if a city council, a village council, or a school board adopts a resolution in compliance with certain provisions, including among other things, the requirement that before adopting the resolution, the council or school board holds at least

one public hearing on the resolution. House Bill 5997 would retain this provision, and add that the public hearing *could* be held on the same day and immediately before considering the adoption of the resolution. Currently the law specifies that the council or school board vote 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, adopted the resolution. House Bill 5997 would retain this provision, but remove the requirement that the vote occur "immediately following the close of a public hearing on the resolution."

House Bill 5998 would amend the Michigan Election Law (MCL 168.644g) to eliminate unnecessary language in the provision that extends an official's term in office when an election date was changed. Currently under the law, and also under the bill, an official serves until a successor is elected and qualified, if a regular election date is changed.

House Bill 5999 would amend the Michigan Election Law (MCL 168.642a) to allow, after December 31, 2004, a village council that had adopted a resolution to hold the village's regular election on the September primary election date could change its regular election to the November regular election date, by adopting a resolution. If a village council adopted such a resolution, then after December 31 of the year the resolution was adopted, the village's regular election would be held on the November regular election date.

The bill also specifies that after December 31, 2004, a city council that holds its regular election for city offices annually or in the even year on the November regular election date may change its election schedule (both primary and regular election) to the odd year general election by adopting a resolution.

House Bill 6000 would amend the Michigan Election Law (MCL 168.646a) to strike unnecessary language concerning ballot questions and the election of state officers. Currently the law specifies that 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 wording of the ballot question must be certified to the local or county clerk at least 70 days before the election. The bill would retain this provision, but refer only to regular or special elections, and strike the phrase "at which state officers are to be voted for." Further, the bill specifies that if a local, school district, or county ballot question were to be voted on at a regular election date or special election at which no state or federal offices were to be voted for, then the ballot wording of the ballot question would have to be certified to the local or county clerk responsible for printing the ballot at least 60 days before the election date.

House Bill 6001 would amend the Michigan Election Law (MCL 168.659) to require that consolidated precincts not exceed 5,000 registered electors. Currently under the law, if a county, city, ward, township, or village was divided into two or more election precincts, then any one of those jurisdictions could consolidate the election precincts for a particular election (but only if the election was not a general November election, primary election, or other statewide or federal election). However, in making the determination to

consolidate precincts, the election commission is required to take into consideration 1) the number of choices the voter must make, 2) the percentage of registered votes who voted in the last similar election, and 3) the intensity of the interest of the electors concerning the candidates and proposals to be voted on. House Bill 6001 would retain all of these provisions, and require that consolidated precincts have 5,000 or fewer registered electors.

House Bill 6002 would amend the Michigan Election Law (MCL 168.699) to specify the order of position for village officers who appear on the nonpartisan ballot. Currently under the law, at the general November election, the names of the nonpartisan officers to be voted for must be placed on a separate judicial ballot in the following order: justices of the supreme court, judges of the court of appeals, judges of the circuit court, judges of the probate court, and circuit court commissioners in the years in which they are elected. House Bill 6002 would update the order (to delete references both to judges of the probate court and circuit court commissioners) and also remove the term “judicial” to describe this portion of the ballot. In addition, the bill would add the following village offices in substantially the following order, in years in which elections for village officers were held: president, clerk, treasurer, and trustees, and in any year in which an election for the office was held, school board member.

House Bill 6003 would amend the Michigan Election Law (MCL 168.972) to clarify with whom a candidate seeking to fill an unexpired term, created by a recall of a school board member, files nominating petitions, or in the alternative, pays a \$100 fee. Currently under the law, a candidate files his or her nominating petition, or in lieu of the petitions, files his or her \$100 nonrefundable fee, with the school district filing official. The bill would eliminate the clause “school district filing official,” and make reference, instead, to “school district election coordinator.” Further, and currently under the law, the candidate must file by 4 p.m. on the 15<sup>th</sup> day after the election is called. Under House Bill 6003, the candidate would file at that time with the clerk of the county. The bill also would require the clerk to publicly announce the results of a recall election at the conclusion of the meeting held by the board of county canvassers in order to certify the election.

House Bill 6004 would amend the Home Rule Village Act (MCL 78.21) to provide home rule village officials the option of holding their regular or special election in compliance with section 642 or section 642a of the Michigan Election Law. Currently under the law, a home rule village holds its regular or special election in compliance with section 642. [Section 642 governs the dates on which cities, villages, townships, and school districts hold their regular and primary elections. Section 642a allows cities and school districts to change their regular election to the odd-year general election.]

House Bill 6005 would amend the General Law Village Act (MCL 62.1, 62.5, and 63.1) to provide for elections in general law villages under the election consolidation laws. Specifically, the bill would give general law village officials the option of holding their regular or special election in compliance with Section 642 or Section 642a of the Michigan Election Law (as explained in the paragraph above).

House Bill 6005 would allow a village council by a two-thirds vote provide “for the election of all trustees at the same election for two-year terms, at the first possible election after 2004.” Further, the bill would allow the council to provide by ordinance for the method of changing from two-year staggered terms to four-year staggered terms. (References in the act to two-year staggered terms would be eliminated.)

Also, under current law an ordinance dealing with village elections must be voted on and adopted at a meeting that occurs not less than 10 days after the initial meeting or public hearing at which it was considered, *and* specific notice that the council will consider the ordinance must be published not less than 10 days before the meeting in a newspaper of general circulation in the village. House Bill 6005 would retain these provisions, and extend them to an ordinance that would change the time of election of the trustees composing the council.

### **FISCAL INFORMATION:**

In general, the bills would not have a significant fiscal impact on the state or on local governments. House Bill 5994 would have an indeterminate impact depending on the number of recall elections for school officials. House Bill 6001 could result in savings if there were an efficient consolidation of election precincts.

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