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BILL ANALYSIS

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House Bill 5990 (Substitute H-1 as passed by the House)
House Bill 5991 (Substitute H-1 as passed by the House)
House Bill 5992 (Substitute H-1 as passed by the House)
House Bills 5993 and 5994 (as passed by the House)
Sponsor: Representative Fulton Sheen (H.B. 5990)
Representative Craig DeRoche (H.B. 5991)
Representative Chris Ward (H.B. 5992)
Representative John Stahl (H.B. 5993)
Representative Ruth Johnson (H.B. 5994)
House Committee: Local Government and Urban Policy
Senate Committee: Government Operations

Date Completed: 6-29-04

CONTENT

The bills would make various changes to the Michigan Election Law pertaining to school district elections. The bills would do the following:

- Provide that school board and intermediate school board members would be subject to recall.**
- Prohibit a school district election coordinator from delegating his or her duties to anyone other than a city or township clerk.**
- Allow the consolidation of election precincts, and the use of school election precincts, when a city or township was conducting a school district election.**
- Require notice to a school board member-elect, and require him or her to file an acceptance of the office.**
- Require notice to school district election coordinators of appointments to fill vacancies.**

House Bill 5990 (H-1)

The Election Law permits a school district election coordinator who is a county clerk to delegate, if the city or township clerk agrees, all or a portion of his or her duties to that city or township clerk. The bill would prohibit a school district election coordinator from delegating his or her duties to any person who was not a city or township clerk.

Under the Law, the school district election coordinator for a school district must 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 request from the school board to hold special elections, the school district election coordinator must: receive filing fees or nominating petitions and affidavits of identity from candidates for school board and petitions for special elections; procure the necessary qualified voter file precinct lists; certify candidates; receive ballot proposal language; and issue absent voter ballots.

House Bill 5991 (H-1)

Under the Election Law, if a city or township is holding an election at the same time that a school district located entirely or partly within the city or township is holding an election, the city or township clerk also must conduct the school district election. The clerk must 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 places for school electors, the clerk must notify them of the different location.

The bill would permit the clerk, with the consent of the school district election coordinator, to use the school election precincts and polling places. The bill also would permit a city or township clerk to consolidate election precincts, as provided for in Section 659 of the Law (covering the consolidation of precincts), when conducting 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 was conducting an election under the clerk's jurisdiction.

The Election Law requires a school district election coordinating committee to meet at two-year intervals to review and, if necessary, alter the election arrangements that are agreed upon for the conduct of the school district's elections. If a city or township clerk notifies the school district election coordinating committee that the clerk has decided to participate in the conduct of the school district's elections, the committee must include the clerk as the person conducting the district's elections in the clerk's city or township, in a report to the Secretary of State. The bill would refer to the city or township clerk's decision, "in consultation with the city council or township board, as applicable", to participate in the school district's elections.

House Bill 5992 (H-1)

The Election Law requires the appropriate board of canvassers to canvass the votes for school board member at an election in each school district. After completing the canvass, the board of canvassers must 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.

The bill would require that, within five business days after the certification of an election, each member-elect be notified of the election. Within 10 business days after notification by the school district election coordinator of the election or appointment to the board, each person would have to file with the secretary of the board an acceptance of the office to which he or she had been elected or appointed. The secretary would be required to forward a copy of the acceptance to the school district election coordinator.

House Bill 5993

Under the Election Law, if less than a majority of the offices of school board member of a school district become vacant, the remaining school board members must fill each vacant office by appointment. If a vacancy is not filled within 30 days after it occurs, or if a majority of the offices of school board member of a district become vacant, the intermediate school board for that district must fill each vacancy by appointment.

The bill provides 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 would have to 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 it.

House Bill 5994

The bill provides that each member of a board of a school district, local act school district, or intermediate school district would be subject to recall by the school electors of the respective district in the manner prescribed in Chapter 36 of the Election Law (which governs recalls).

MCL 168.301 (H.B. 5990)
MCL 168.305 (H.B. 5991)
Proposed MCL 168.309 (H.B. 5992)
MCL 168.311 (H.B. 5993)
Proposed MCL 168.316 (H.B. 5994)

Legislative Analyst: J.P. Finet

FISCAL IMPACT

House Bills 5990 (H-1), 5992 (H-1), & 5993

The bills would have no fiscal impact on State or local government.

House Bill 5991 (H-1)

The bill would result in savings to local units of government through efficient use of precincts.

House Bill 5994

The bill would have an indeterminate impact depending on the number of recall elections that would occur.

Fiscal Analyst: Bill Bowerman

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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.