

HOUSE BILL No. 4471

March 8, 2005, Introduced by Rep. Stewart and referred to the Committee on House Oversight, Elections, and Ethics.

A bill to amend 1954 PA 116, entitled
"Michigan election law,"
by amending sections 4, 309, 312, 642, and 863 (MCL 168.4, 168.309, 168.312, 168.642, and 168.863), sections 4 and 863 as amended and section 312 as added by 2003 PA 302, section 309 as added by 2004 PA 288, and section 642 as amended by 2004 PA 292, and by adding section 301a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 4. As used in this act:

2 (a) "School board" means the governing body of a school
3 district, including the board of trustees of a community college.

4 (b) "School board member" means an individual holding the

1 office of school board member under the revised school code, 1976
2 PA 451, MCL 380.1 to 380.1852, or the office of board of trustees
3 member under the community college act of 1966, 1966 PA 331, MCL
4 389.1 to 389.195. School board member includes a school board
5 member of an intermediate school district if that intermediate
6 school district has adopted sections 615 to 617 of the revised
7 school code, 1976 PA 451, MCL 380.615 to 380.617.

8 (c) "School district" means a school district, a local act
9 school district, or an intermediate school district, as those terms
10 are defined in the revised school code, 1976 PA 451, MCL 380.1 to
11 380.1852, or a community college district under the community
12 college act of 1966, 1966 PA 331, MCL 389.1 to 389.195.

13 (d) "School district election coordinating committee" means 1
14 of the following:

15 (i) For a school district whose entire territory lies within a
16 single city or township, a committee composed of the secretary of
17 the school board or his or her designee, the city or township
18 election commission, and the school district election coordinator.

19 (ii) For a school district that has territory in more than 1
20 city or township, a committee composed of the secretary of the
21 school board or his or her designee, the school district election
22 coordinator, and the clerk of each city or township in which school
23 district territory is located.

24 (e) "School district election coordinator" means 1 of the
25 following:

26 (i) For a school district whose entire territory lies within a
27 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.

(iii) FOR A SCHOOL DISTRICT THAT CHOOSES TO CONDUCT ITS OWN ELECTIONS PURSUANT TO SECTION 301A, THE SECRETARY OF THE SCHOOL BOARD.

(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. 301A. (1) A SCHOOL DISTRICT MAY CHOOSE TO CONDUCT ITS OWN REGULAR ELECTIONS AND SPECIAL ELECTIONS BY ADOPTING A RESOLUTION IN COMPLIANCE WITH THIS SECTION. THE RESOLUTION MUST BE APPROVED BY A MAJORITY OF THE MEMBERS OF THE SCHOOL DISTRICT'S SCHOOL BOARD ELECTED OR APPOINTED AND SERVING.

(2) THE RESOLUTION SHALL DESIGNATE THE SECRETARY OF THE SCHOOL BOARD AS THE SCHOOL DISTRICT'S ELECTION COORDINATOR.

1 (3) THE RESOLUTION SHALL DESIGNATE 1 OF THE REGULAR ELECTION
2 DATES SET FORTH IN SECTION 641(1) AS THE SCHOOL DISTRICT'S REGULAR
3 ELECTION DATE.

4 (4) THE SCHOOL DISTRICT'S REGULAR ELECTIONS AND SPECIAL
5 ELECTIONS SHALL BE HELD IN COMPLIANCE WITH THIS ACT.

6 (5) THE SCHOOL BOARD SHALL FILE THE RESOLUTION ADOPTED UNDER
7 THIS SECTION WITH THE SECRETARY OF STATE.

8 Sec. 309. Within 5 business days after certification of an
9 election, each member-elect shall be notified of the election.
10 Within 10 business days after notification by the school district
11 election coordinator of election or appointment to the board, each
12 person shall file with the secretary of the board an acceptance of
13 the office to which the person has been elected or appointed. ~~The~~
14 **EXCEPT FOR A SCHOOL DISTRICT THAT CONDUCTS ITS OWN ELECTIONS**
15 **PURSUANT TO SECTION 301A, THE** secretary of the board shall forward
16 a copy of the acceptance to the school district election
17 coordinator.

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

1 coordinator shall send a copy of the ballot question language to
2 the county clerk of each county not less than 68 days before the
3 election.

4 (2) If a special election is called on a date provided under
5 section 641(4), the school district election coordinating committee
6 shall schedule the special election date. **IF A SCHOOL DISTRICT**
7 **CONDUCTS ITS OWN SPECIAL ELECTIONS PURSUANT TO SECTION 301A, THE**
8 **SCHOOL DISTRICT ELECTION COORDINATOR SHALL SCHEDULE THE DATE FOR A**
9 **SPECIAL ELECTION PROVIDED UNDER SECTION 641(4).**

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

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

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

17 (c) A city that holds its regular election for a city office
18 annually or in the even year on the November regular election date
19 shall continue holding elections on that schedule.

20 (d) A city that holds its regular election primary for a city
21 office annually or in the even year on the August regular primary
22 election date shall continue holding primary elections on that
23 schedule.

24 (2) If, on September 1, 2004, a city holds its regular
25 election at other than a regular November election date, the city
26 council may choose to hold the regular election on the May regular
27 election date by adopting a resolution in compliance with this

1 section. Except as provided in section 642a, if a city council
2 adopts the resolution in compliance with this section to hold its
3 regular election on the May regular election date, after December
4 31, 2004, the city's regular election is on the May regular
5 election date. If a city's regular election is held on the May
6 regular election date, the city's regular election primary shall be
7 held on the February regular election date immediately before its
8 regular election.

9 (3) If, on September 1, 2004, a city holds its regular
10 election annually or in the even year on the November regular
11 election date, the city council may choose to hold the regular
12 election at the odd year general election by adopting a resolution
13 in compliance with this section. Except as provided in section
14 642a, if a city council adopts the resolution in compliance with
15 this section to hold its regular election at the odd year general
16 election, after December 31, 2004, the city's regular election is
17 at the odd year election. If a city's regular election is held at
18 the odd year general election, the city's regular election primary
19 shall be held at the odd year primary election.

20 (4) If, on September 1, 2004, a city holds its regular
21 election annually on the November regular election date, the city
22 council may choose to hold the regular election at the even year
23 general election by adopting a resolution in compliance with this
24 section. Except as provided in section 642a, if a city council
25 adopts the resolution in compliance with this section to hold its
26 regular election at the even year general election, after December
27 31, 2004, the city's regular election is at the even year election.

1 If a city's regular election is held at the even year general
2 election, the city's regular election primary shall be held at the
3 even year primary election.

4 (5) If, on September 1, 2004, a city holds its regular
5 election primary at the September primary election, the city
6 council may choose to continue holding its regular election primary
7 at the September primary election by adopting a resolution in
8 compliance with this section. Except as provided in section
9 ~~642a(2)~~ **642A**, if a city council adopts the resolution in
10 compliance with this section to hold its regular election primary
11 at the September primary election, after December 31, 2004, the
12 city's regular election primary is at the September primary
13 election.

14 (6) Except as otherwise provided in this section and section
15 642a, on September 1, 2004, a village shall hold its regular
16 election as follows:

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

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

21 (7) A village council may make a 1-time choice to hold the
22 regular election at the September primary election by adopting a
23 resolution in compliance with this section. Except as provided in
24 section 642a, if a village council adopts the resolution in
25 compliance with this section to hold its regular election at the
26 September primary election, after December 31, 2004, the village's
27 regular election is at the September primary election and the

1 village clerk shall conduct the election. The resolution may
2 provide for the terms of office and for staggered terms. If a
3 village's regular or special election is held in conjunction with
4 another election conducted by a township, the village shall pay the
5 township a proportionate share of the election expenses. If a
6 village's regular or special election is not held in conjunction
7 with another election conducted by a township, the village shall
8 pay the township 100% of the actual costs of conducting the
9 village's regular or special election. The township shall make
10 voting equipment available to a village if the village conducts an
11 election. If the village is located in more than 1 township, the
12 township with the largest number of village electors shall furnish
13 the voting equipment.

14 (8) Except as otherwise provided in this section and ~~section~~
15 **SECTIONS 301A AND 642a**, on September 1, 2004, a school district
16 shall hold its regular election for the office of school board
17 member at the odd year general election.

18 (9) If, on September 1, 2004, a school district holds its
19 regular election at other than the odd year general election, the
20 school district's school board may choose to hold its regular
21 election on 1 of the following by adopting a resolution in
22 compliance with this section:

23 (a) The odd year May regular election date.

24 (b) The November regular election date in both even and odd
25 years.

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

27 (10) A resolution permitted under this section or section 642a

1 is valid only if a city council, village council, or school board
2 adopts the resolution in compliance with all of the following:

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

4 (i) If the resolution is permitted under subsection (2), (3),
5 (4), (5), (7), or (9) of this section, January 1, 2005.

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

9 (b) Before adopting the resolution, the council or school
10 board holds at least 1 public hearing on the resolution. The public
11 hearing may be held on the same day and immediately before
12 considering the adoption of the resolution.

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

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

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

27 (iii) That the hearing is being held on the issue of whether to

1 schedule the village's regular election at the September primary
2 election and that, if the resolution is not adopted, the village's
3 regular election will be held at the general election.

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

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

17 (d) The council or school board votes on the resolution and,
18 on a record roll call vote, a majority of the council's or school
19 board's members, elected or appointed, and serving, adopt the
20 resolution.

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

23 (11) This section takes effect September 1, 2004.

24 Sec. 863. A qualified and registered elector voting in a city,
25 township, **SCHOOL DISTRICT**, or village election who believes there
26 has been fraud or error committed by the ~~inspectors of~~ election
27 **INSPECTORS** in ~~its~~ **THE** canvass or returns of the votes cast at the

1 election, upon a proposed amendment to the charter of the city or
2 village or other ballot question submitted to the voters of the
3 county, city, township, school district, community college
4 district, or village, may petition for a recount of the votes cast
5 in any precinct or precincts of that county, city, township, school
6 district, community college district, or village, upon that
7 proposed amendment or other ballot question as provided in this
8 chapter.