

Legislative Analysis



LOCAL BALLOT QUESTIONS: MODIFY DEADLINE

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House Bills 4907 & 4709
Sponsor: Rep. Sharon Tyler

House Bill 4911
Sponsor: Rep. Ken Horn

House Bill 4910
Sponsor: Rep. Cindy Denby

House Bill 4912
Sponsor: Rep. Marty Knollenberg

Committee: Redistricting and Elections
Complete to 10-24-11

A SUMMARY OF HOUSE BILLS 4907 AND 4909 - 4912 AS INTRODUCED 9-7-11

Generally, the five bills would modify various laws to require that local ballot questions be filed not later than 4 p.m. on the twelfth Tuesday before an election date.

House Bills 4909-4912 are tie-barred to House Bill 4907, so that none of those bills could go into effect unless House Bill 4907 is also enacted into law.

A more detailed description of each bill follows.

House Bill 4907 would amend the Michigan Election Law (MCL 168.312 & 168.646a), to require that a school board certify its ballot question language to the local election coordinator (that is, a local clerk) not later than 4 p.m. on the twelfth Tuesday before the election date, rather than 70 days before the election, as is now the requirement. Further, the bill would require the election coordinator to send a copy of the ballot question language to the county clerk of each appropriate county not less than 82 days before the election, rather than 68 days, as is now the requirement. The bill would require the same changes for all local, school district, or county ballot questions that will be voted on.

House Bill 4909 would amend RS 16 of 1846, which concerns the election duties of township officers (MCL 41.8), to require that when a township board submits a ballot question concerning the re-establishment of its annual meeting of electors, it do so by filing a resolution with the township clerk "not later than 4 p.m. on the twelfth Tuesday before the election date," rather than 70 days before the election, as is now the requirement.

House Bill 4910 would amend Public Act 425 of 1994 (MCL 123.1073), which provides for the creation of community swimming pool authorities, to require that authority officials file their resolutions calling for millage elections with the clerk of any participating municipality "not later than 4 p.m. on the twelfth Tuesday" before the date of election, rather than 70 days before the election, as is now the requirement.

House Bill 4911 would amend Public Act 31 of 1948 (MCL 123.958b), which provides for the creation of transportation and recreation authorities by local governments and school districts. Currently the law allows any governing body creating an authority, by a majority vote on a written resolution, to authorize the execution of a full faith and credit general obligation contract of lease with the authority, and also to submit that contract to a vote of the electors for approval. Now under the law, when this occurs, the contract must be submitted to the voters at the next general or primary election to be held not less than 70 days after the date of the resolution. House Bill 4911 would require, instead, that such contracts be submitted at the next appropriate election to be held "not earlier than the twelfth Tuesday" after the date of the resolution.

House Bill 4912 would amend the Metropolitan Councils Act (MCL 124.677) to prohibit a proposal for a tax authorized for levy by a metropolitan council from being placed on a ballot, unless the proposal had been adopted by a resolution and then certified by the council not later than "4 p.m. on the twelfth Tuesday" before the election, rather than not later than 70 days before the election, as is now the case. (The resolutions are certified, for inclusion on the ballot, to the county clerk of each county in which all or part of a participating city, village, or township is located.)

FISCAL IMPACT:

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

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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.