

**STATE OF MICHIGAN
96TH LEGISLATURE
REGULAR SESSION OF 2012**

Introduced by Rep. Hammel

ENROLLED HOUSE BILL No. 4121

AN ACT to amend 1954 PA 116, entitled "An act to reorganize, consolidate, and add to the election laws; to provide for election officials and prescribe their powers and duties; to prescribe the powers and duties of certain state departments, state agencies, and state and local officials and employees; to provide for the nomination and election of candidates for public office; to provide for the resignation, removal, and recall of certain public officers; to provide for the filling of vacancies in public office; to provide for and regulate primaries and elections; to provide for the purity of elections; to guard against the abuse of the elective franchise; to define violations of this act; to provide appropriations; to prescribe penalties and provide remedies; and to repeal certain acts and all other acts inconsistent with this act," by amending sections 24a, 509q, 558, 659, 863, and 960 (MCL 168.24a, 168.509q, 168.558, 168.659, 168.863, and 168.960), section 24a as amended by 2010 PA 52, section 509q as amended by 2005 PA 71, section 558 as amended by 2002 PA 163, section 659 as amended by 2004 PA 296, section 863 as amended by 2003 PA 302, and section 960 as amended by 1989 PA 26, and by adding section 17 and chapter XVIII.

The People of the State of Michigan enact:

Sec. 17. As used in this act:

(a) "Metropolitan district" means a district incorporated under the metropolitan district act, 1929 PA 312, MCL 119.1 to 119.18.

(b) "Metropolitan district election coordinator" means the county clerk of the county in which the largest number of registered electors of the metropolitan district reside.

Sec. 24a. (1) A 4-member board of county canvassers is established in every county in this state. All of the powers granted to and duties required by law to be performed by all boards of canvassers established by law, other than the board of state canvassers, boards of city canvassers in cities having more than 5 precincts, boards of canvassers in counties having a population of 1,500,000 or more, and boards of township canvassers in townships having more than 5 precincts, are granted to and required to be performed by the board of county canvassers.

(2) The board of county canvassers shall conduct all recounts of elections in cities, townships, villages, school districts, metropolitan districts, or any other districts and be vested with all of the powers and required to perform all the duties in connection with any recount.

(3) If a city, village, metropolitan district, or any other district, other than a school district, lies in more than 1 county, and a duty is to be performed by the board of county canvassers, the board of county canvassers in the county in which the greatest number of registered voters of the city, village, metropolitan district or other district resides at the close of registration for the election involved shall perform the duty.

(4) Except as otherwise provided in this subsection, if a school district lies in more than 1 county, the board of county canvassers for each county in which a portion of the school district lies shall canvass that portion of a school district election that is held in that county. If a school district election precinct lies in more than 1 county, the board of county

canvassers of the county in which the largest number of registered electors of that precinct reside shall canvass the results of that precinct. Notwithstanding the provisions of the preceding 2 sentences, unless the school district election is conducted on the same date as another election in the county, a board of county canvassers that is not responsible for certifying the results of the school district election is not required to meet to canvass the school district election and the board of county canvassers responsible for certifying the results of the school district election shall canvass that portion of the school district election held in that county. Upon completion of the canvass, the clerk of the board of county canvassers shall transmit the canvassed results to the county clerk of the county in which the largest number of registered electors of that school district reside. Upon receipt of the canvassed results, the county clerk of the county in which the largest number of registered electors of that school district reside shall make a statement of returns and certify the results of the school district election to the secretary of the school board. Notwithstanding any of the foregoing provisions of this subsection, if a city or village that lies in more than 1 county conducts an election on the same date as a school district that lies within the city or village that is conducting an election, that portion of the school district election held within that city or village shall be canvassed by the canvassing board responsible for canvassing the city or village election.

(5) The cost of canvass of school, metropolitan district, city, township, and village elections shall be borne by the school district, metropolitan district, city, township, or village holding the election, and upon presentation of a bill for the costs incurred by the board of county canvassers, the school district, metropolitan district, city, township, or village shall reimburse the county treasurer.

(6) All boards of canvassers provided for in law including boards of school canvassers, the duties of which are by this act required to be performed by boards of county canvassers, are abolished.

(7) Members of the board of county canvassers shall be appointed for terms of 4 years beginning on November 1 following their appointment. Of the members first appointed, 1 member of each of the political parties represented on the board of county canvassers shall be appointed for a term of 4 years and 1 for a term of 2 years. The county clerk shall notify members of the board of county canvassers of their appointment within 5 days of being appointed.

(8) This section applies to all elections, any charter provision to the contrary notwithstanding.

CHAPTER XVIIIA

METROPOLITAN DISTRICT ELECTIONS

Sec. 385. (1) Unless a particular power or duty of an election official or a particular election procedure is specifically governed by a provision of this chapter, a metropolitan district election is governed by the provisions of this act that generally govern elections.

(2) The metropolitan district election coordinator shall conduct each regular election that is requested by the legislative body of a metropolitan district to submit a ballot question or to fill a position or vacancy on the legislative body of the metropolitan district. The metropolitan district election coordinator shall do all of the following:

(a) Receive nominating petitions and affidavits of identity from candidates for officer to the legislative body of a metropolitan district and petitions for ballot questions.

(b) Procure the necessary qualified voter file precinct lists.

(c) Certify candidates.

(d) Receive ballot proposal language.

(e) Issue absent voter ballots.

(3) A metropolitan district election coordinator may delegate, if the city or township clerk agrees, all or a portion of the metropolitan district election coordinator's duties to that city or township clerk. The metropolitan district election coordinator shall not delegate duties to any person not named in this section.

(4) A metropolitan district election coordinator may delegate the following duties to the city or township clerk, who shall perform the following duties:

(a) Distribute, receive, and process absent voter ballot applications for a metropolitan district election.

(b) Make voting systems available for the conduct of a metropolitan district election.

(c) Make available to the metropolitan district election coordinator the list of election inspectors for that city or township.

(d) Notify metropolitan district electors of precinct and polling place location changes.

(5) The county election commission shall establish that metropolitan district's election precincts and polling place locations in accordance with this act.

Sec. 385a. (1) An individual is eligible for election as an officer to the legislative body of a metropolitan district if the individual is a citizen of the United States and is a qualified and registered elector of the metropolitan district the individual seeks to represent by the filing deadline.

(2) A metropolitan district officer's term of office is prescribed by the metropolitan district act, 1929 PA 312, MCL 119.1 to 119.18.

Sec. 386. (1) For an individual's name to appear on the official ballot as a candidate for metropolitan district officer, the candidate shall file a nominating petition and the affidavit required by section 558 with the metropolitan district election coordinator not later than 4 p.m. on the twelfth Tuesday before the election date. The nominating petitions shall be signed by a number of qualified and registered electors residing in the metropolitan district as determined under section 544f.

(2) The nominating petition shall be substantially in the form prescribed in section 544c, except that the petition shall be nonpartisan and shall include the following opening paragraph:

We, the undersigned, registered and qualified voters of the city or township of _____
and residents of the _____, the county of _____, state of _____
(legal name of metropolitan district)
Michigan, nominate _____
(name of candidate)

_____,
(street address) (city or township)
a registered and qualified elector of the metropolitan district as an officer of the legislative body of the metropolitan district for a term of ____ years, expiring _____, to be voted for at the election to be held on the _____ day of _____,
(month) (year).

(3) An elector shall not sign petitions for more candidates than are to be elected.

(4) A nominating petition filed under this chapter is subject to the examination and investigation process prescribed in section 552 as to its sufficiency and the validity and genuineness of the signatures on the nominating petition, and to the other procedures prescribed in that section relevant to a petition filed under this chapter.

(5) After a nominating petition is filed for a candidate for metropolitan district officer, the candidate is not permitted to withdraw unless a written withdrawal notice, signed by the candidate, is filed with the metropolitan district election coordinator not later than 4 p.m. of the third day after the last day for filing the nominating petition.

Sec. 386a. (1) The appropriate board of canvassers as prescribed in section 24a shall canvass the votes for candidates for metropolitan district officer and votes for and against a ballot question at a regular election in each metropolitan district. That number of candidates equal to the number of individuals to be elected who receive the greatest number of votes cast at the election, as set forth in the report of the board of canvassers canvassing the votes, based upon the returns from the election precincts or as determined by the board of canvassers as a result of a recount, are elected to the office of metropolitan district officer. Upon completion of the canvass, the board of canvassers shall make a statement of returns and certify the election of metropolitan district officers to the metropolitan district election coordinator and to the secretary of the legislative body of the metropolitan district.

(2) The votes cast for a candidate for metropolitan district officer or on a ballot question submitted to the electors at a metropolitan district election are subject to recount as provided in chapter XXXIII.

Sec. 386b. The metropolitan district election coordinator who receives the certification of the board of canvassers under section 386a shall preserve and file in his or her office the certified statement of returns and certification of the board of canvassers of the result of the election. The metropolitan district election coordinator shall immediately execute and provide to the individuals declared elected as officers to the legislative body of the metropolitan district a certificate of election.

Sec. 387. Within 5 business days after certification of an election, each member-elect shall be notified of the election. Within 10 business days after notification by the metropolitan district election coordinator of election or appointment to the legislative body, each person shall file with the secretary of the legislative body of the metropolitan district an acceptance of the office to which the person has been elected or appointed. The secretary of the legislative body of the metropolitan district shall forward a copy of the acceptance to the metropolitan district election coordinator.

Sec. 387a. (1) Before entering upon the duties of his or her office, an individual elected as an officer to the legislative body of a metropolitan district shall take and subscribe to the oath provided in section 1 of article XI of the state constitution of 1963.

(2) The office of a metropolitan district officer becomes vacant immediately, regardless of declaration by an officer or acceptance by the legislative body of a metropolitan district or 1 or more of its officers, upon any of the following events:

- (a) The death of the metropolitan district officer.
- (b) The metropolitan district officer's being adjudicated insane or being found to be a legally incapacitated individual by a court of competent jurisdiction.
- (c) The metropolitan district officer's resignation.
- (d) The metropolitan district officer's removal from office.
- (e) The metropolitan district officer's conviction for a felony.
- (f) The metropolitan district officer's election or appointment being declared void by a competent tribunal.
- (g) The metropolitan district officer's neglect or failure to file the acceptance of office, to take the oath of office, or to give or renew an official bond required by law.
- (h) The metropolitan district officer ceasing to possess the legal qualifications for holding office.
- (i) The metropolitan district officer moving his or her residence from the metropolitan district.

Sec. 388. (1) If less than a majority of the offices of metropolitan district officer of a metropolitan district become vacant, the remaining metropolitan district officers shall fill each vacant office by appointment. If a vacancy in the office of metropolitan district officer is not filled within 30 days after the vacancy occurs or if a majority of the offices of metropolitan district officer of a metropolitan district become vacant, the county election commission of the county in which the largest number of registered electors of the metropolitan district reside shall fill each vacancy by appointment. An individual appointed under this subsection serves until a successor is elected and qualified.

(2) If a vacancy occurs in an office of metropolitan district officer more than 90 days before a regular metropolitan district election, an election shall be held at that regular metropolitan district election to fill that office for the remainder of the officer's unexpired term, if any. This subsection applies regardless of whether an individual is appointed under subsection (1) to fill the vacancy.

(3) Within 3 days after an appointment is made to fill a vacancy in an elected office in a metropolitan district, the secretary of the legislative body of the metropolitan district shall notify the metropolitan 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.

Sec. 389. The legislative body of a metropolitan district may submit a ballot question to the metropolitan district electors on a regular election date. The legislative body of the metropolitan district shall file the ballot question with the metropolitan district election coordinator as provided in section 646a(2).

Sec. 389a. (1) A metropolitan district shall pay to each county, city, and township that conducts a regular election for the metropolitan district an amount determined in accordance with this section.

(2) If a metropolitan district's regular election is held in conjunction with another election conducted by a county, city, or township, the metropolitan district shall pay the county, city, or township 100% of the actual additional costs attributable to conducting the metropolitan district's regular election. If a metropolitan district's regular election is not held in conjunction with another election conducted by a county, city, or township, the metropolitan district shall pay the county, city, or township 100% of the actual costs of conducting the metropolitan district's regular election.

(3) The county, city, or township shall present to a metropolitan district a verified account of actual costs of conducting the metropolitan district's regular election not later than 84 days after the date of the election. The legislative body of the metropolitan district shall pay or disapprove all or a portion of the verified account within 84 days after the metropolitan district receives a verified account of actual costs under this subsection.

(4) If the legislative body of the metropolitan district disapproves all or a portion of a verified account of actual costs under subsection (3), the legislative body of the metropolitan district shall send a notice of disapproval along with the reasons for the disapproval to the county, city, or township. Upon request of a county, city, or township whose verified account or portion of a verified account was disapproved under this section, the legislative body of the metropolitan district shall review the disapproved costs with the county, city, or township.

(5) A legislative body of a metropolitan district, county, city, or township shall use the agreement made between the department of treasury and the secretary of state, as required by section 487, as a basis for preparing and evaluating verified accounts under this section. The secretary of state shall assist a legislative body of a metropolitan district, county, city, or township in preparing and evaluating a verified account under this section. If a county, city, or township and the legislative body of the metropolitan district cannot agree on the actual costs of an election as prescribed by this section, the secretary of state shall determine those actual costs.

Sec. 390. Each officer on the legislative body of a metropolitan district is subject to recall by the electors of the metropolitan district in the manner prescribed in chapter XXXVI.

Sec. 509q. The qualified voter file shall contain all of the following information for each qualified voter:

(a) The name; residence address including house number and street name or rural route and box number, and the apartment number, if any; city; state; zip code; and date of birth.

(b) The driver's license number or state personal identification card number or similar number issued by a designated voter registration agency.

(c) Jurisdictional information including county and city or township; village, if any; metropolitan district, if any; and school district.

(d) Precinct numbers and ward numbers, if any.

(e) Any other information that the secretary of state determines is necessary to assess the eligibility of qualified electors or to administer voter registration or other aspects of the election process.

(f) Voting history for a 5-year period.

(g) The most recent digitized signature of an elector if captured or reproduced by the secretary of state or a county, city, or township clerk from a voter registration application pursuant to section 509hh, or captured or reproduced by the secretary of state pursuant to section 307 of the Michigan vehicle code, 1949 PA 300, MCL 257.307.

Sec. 558. (1) When filing a nominating petition, qualifying petition, filing fee, or affidavit of candidacy for a federal, county, state, city, township, village, metropolitan district, or school district office in any election, a candidate shall file with the officer with whom the petitions, fee, or affidavit is filed 2 copies of an affidavit of identity. A candidate nominated for a federal, state, county, city, township, or village office at a political party convention or caucus shall file an affidavit of identity within 1 business day after being nominated with the secretary of state. The affidavit of identity filing requirement does not apply to a candidate nominated for the office of president of the United States or vice president of the United States.

(2) An affidavit of identity shall contain the candidate's name, address, and ward and precinct where registered, if qualified to vote at that election; a statement that the candidate is a citizen of the United States; the candidate's number of years of residence in the state and county; other information that may be required to satisfy the officer as to the identity of the candidate; the manner in which the candidate wishes to have his or her name appear on the ballot; and a statement that the candidate either is or is not using a name, whether a given name, a surname, or otherwise, that is not a name that he or she was given at birth. If a candidate is using a name that is not a name that he or she was given at birth, the candidate shall include on the affidavit of identity the candidate's full former name.

(3) The requirement to indicate a name change on the affidavit of identity does not apply if the name in question is 1 of the following:

(a) A name that was formally changed at least 10 years before filing as a candidate.

(b) A name that was changed in a certificate of naturalization issued by a federal district court at the time the individual became a naturalized citizen at least 10 years before filing as a candidate.

(c) A name that was changed because of marriage.

(d) A name that was changed because of divorce, but only if to a legal name by which the individual was previously known.

(4) An affidavit of identity shall include a statement that as of the date of the affidavit, all statements, reports, late filing fees, and fines required of the candidate or any candidate committee organized to support the candidate's election under the Michigan campaign finance act, 1976 PA 388, MCL 169.201 to 169.282, have been filed or paid; and a statement that the candidate acknowledges that making a false statement in the affidavit is perjury, punishable by a fine up to \$1,000.00 or imprisonment for up to 5 years, or both. If a candidate files the affidavit of identity with an officer other than the county clerk or secretary of state, the officer shall immediately forward to the county clerk 1 copy of the affidavit of identity by first-class mail. The county clerk shall immediately forward 1 copy of the affidavit of identity for state and federal candidates to the secretary of state by first-class mail. An officer shall not certify to the board of election commissioners the name of a candidate who fails to comply with this section.

(5) If petitions or filing fees are filed by or in behalf of a candidate for more than 1 office, either federal, state, county, city, village, township, metropolitan district, or school district, the terms of which run concurrently or overlap, the candidate so filing, or in behalf of whom petitions or fees were so filed, shall select the 1 office to which his or her candidacy is restricted within 3 days after the last day for the filing of petitions or filing fees unless the petitions or filing fees are filed for 2 offices that are combined or for offices that are not incompatible. Failure to make the selection disqualifies a candidate with respect to each office for which petitions or fees were so filed and the name of the candidate shall not be printed upon the ballot for those offices. A vote cast for that candidate at the ensuing primary or general election shall not be counted and is void.

Sec. 659. (1) If a county, city, ward, township, village, metropolitan district, or school district is divided into 2 or more election precincts, the county, city, ward, township, or village election commissioners may, by resolution, consolidate the election precincts for a particular election that is not a general November election, primary election immediately before a general November election, or other statewide or federal election. In making the determination to consolidate election precincts for a particular election, the election commission shall take into consideration the number of choices the voter must make, the percentage of registered voters who voted at the last similar election in the jurisdiction, and the intensity of the interest of the electors in the jurisdiction concerning the candidates and proposals to be voted upon. Consolidated precincts shall not exceed 5,000 registered electors.

(2) A consolidation under this section shall be made not less than 60 days before a primary, general, or special election.

(3) Unless the polling places for the election precincts to be consolidated are located in the same building, when a county, city, ward, township, or village consolidates election precincts for a particular election under subsection (1), the election commissioners or other designated election officials shall do both of the following:

(a) Provide notice to the registered electors of the affected election precincts of the consolidation of election precincts for the particular election and the location of the polling place for the election precinct or precincts for that election. Notice may be provided by mail or other method designed to provide actual notice to the registered electors.

(b) Post a written notice at each election precinct polling place stating the location of the consolidated election precinct polling place.

(4) If a county, city, ward, township, or village consolidates election precincts under this section, each affected election precinct shall be treated as a whole unit and shall not be divided during the consolidation.

Sec. 863. A qualified and registered elector voting in a city, township, or village election who believes there has been fraud or error committed by the inspectors of election in its canvass or returns of the votes cast at the election, upon a proposed amendment to the charter of the city or village or other ballot question submitted to the voters of the county, city, township, school district, community college district, metropolitan district, or village, may petition for a recount of the votes cast in any precinct or precincts of that county, city, township, school district, community college district, metropolitan district, or village, upon that proposed amendment or other ballot question as provided in this chapter.

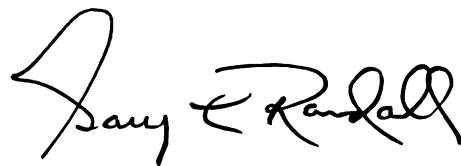
Sec. 960. (1) A petition demanding the recall of an elective county commissioner or township, city, village, or school official shall be filed with the county clerk of the county in which the largest portion of the registered voters in the electoral district reside.

(2) A petition demanding the recall of an elective district library board member shall be filed with the clerk of the largest county. For the purposes of this subsection, the term "largest" has the meaning ascribed to it in section 2 of the district library establishment act, 1989 PA 24, MCL 397.172.

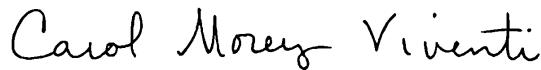
(3) A petition demanding the recall of an elective metropolitan district officer shall be filed with the county clerk of the county in which the largest portion of the registered voters in the electoral district reside.

Enacting section 1. This amendatory act does not take effect unless House Bill No. 4122 of the 96th Legislature is enacted into law.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved

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Governor