

Legislative Analysis



LOCAL BALLOT QUESTIONS: EARLIER FILING DEADLINES

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House Bill 4393

Sponsor: Rep. Dave Pagel

House Bill 4394

Sponsor: Rep. Martin Howrylak

House Bill 4396

Sponsor: Rep. Rick Outman

House Bill 4395

Sponsor: Rep. Robert L. Kosowski

House Bill 4397

Sponsor: Rep. Rob VerHeulen

Committee: Elections and Ethics
Complete to 3-18-13

A SUMMARY OF HOUSE BILLS 4393-4397 AS INTRODUCED 3-7-13

Generally speaking, the five bills would modify various laws related to elections so as to require that *local ballot questions* be filed not later than 4 p.m. on the 15th Tuesday before the election date rather than 70 days before the election date.

The bills would take effect 120 days after enactment.

House Bills 4394-4397 are tie-barred to House Bill 4393, so that none of those bills could go into effect unless House Bill 4393 is also enacted into law.

A more detailed description of each bill follows.

House Bill 4393 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 15th 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 103 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.

The bill would also establish the 15th Tuesday before the election as the deadline for a nominating petition and affidavit to be filed for a metropolitan district office, effective beginning in 2014.

House Bill 4394 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 15th Tuesday before the election date," rather than 70 days before the election, as is now required.

House Bill 4395 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 15th Tuesday" before the date of election, rather than 70 days before the election, as is now the requirement.

House Bill 4396 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 4396 would require, instead, that such contracts be submitted at the next appropriate election to be held "not earlier than the 15th Tuesday" after the date of the resolution.

House Bill 4397 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 15th 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.