

# HOUSE BILL No. 5116

October 30, 2013, Introduced by Rep. Lyons and referred to the Committee on Elections and Ethics.

A bill to amend 1954 PA 116, entitled  
"Michigan election law,"  
by amending sections 312 and 641 (MCL 168.312 and 168.641), section 312 as amended by 2006 PA 647 and section 641 as amended by 2005 PA 71.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 312. ~~(1) A~~ **EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION,**  
2       **A** school board may submit a ballot question to the school electors  
3       on a regular election date, **OR** on a date when a city or township  
4       within the school district's jurisdiction is holding an election by  
5       adopting a resolution to that effect not less than 70 days before  
6       the election date. ~~, or on a special election date as provided in~~  
7       ~~section 641(4).~~ **IF A SCHOOL DISTRICT BALLOT QUESTION INVOLVES**

1 BORROWING MONEY, ESTABLISHING, INCREASING, OR RENEWING A MILLAGE,  
2 CREATING OR MODIFYING A SINKING FUND AS PROVIDED IN SECTION 1212 OF  
3 THE REVISED SCHOOL CODE, 1976 PA 451, MCL 380.1212, OR ISSUING OR  
4 MODIFYING A BOND, THE SCHOOL BOARD OF THAT SCHOOL DISTRICT MAY  
5 SUBMIT THE BALLOT QUESTION TO THE SCHOOL ELECTORS ONLY AT THE  
6 SCHOOL DISTRICT'S REGULAR ELECTION OR AT A SPECIAL ELECTION HELD ON  
7 THE AUGUST REGULAR ELECTION DATE OR THE NOVEMBER REGULAR ELECTION  
8 DATE. The school board shall certify the ballot question language  
9 to the school district election coordinator not less than 70 days  
10 before the election date. The school district election coordinator  
11 shall send a copy of the ballot question language to the county  
12 clerk of each county not less than 68 days before the election.

13 ~~—— (2) If a special election is called on a date provided under~~  
14 ~~section 641(4), the school district election coordinating committee~~  
15 ~~shall schedule the special election date.~~

16 Sec. 641. (1) Except as otherwise provided in this section,  
17 ~~and sections 642 and 642a,~~ beginning January 1, 2005, an election  
18 held under this act shall be held on 1 of the following regular  
19 election dates:

20 (a) The February regular election date, which is the fourth  
21 Tuesday in February.

22 (b) The May regular election date, which is the first Tuesday  
23 after the first Monday in May.

24 (c) The August regular election date, which is the first  
25 Tuesday after the first Monday in August.

26 (d) The November regular election date, which is the first  
27 Tuesday after the first Monday in November.

1           (2) If an elective office is listed by name in section 643,  
2 requiring the election for that office to be held at the general  
3 election, and if candidates for the office are nominated at a  
4 primary election, the primary election shall be held on the August  
5 regular election date.

6           (3) Except as otherwise provided in this subsection, ~~and~~  
7 ~~subsection (4),~~ a special election shall be held on a regular  
8 election date. A special election called by the governor under  
9 section 145, 178, 632, 633, or 634 to fill a vacancy or called by  
10 the legislature to submit a proposed constitutional amendment as  
11 authorized in section 1 of article XII of the state constitution of  
12 1963 may, but is not required to be, held on a regular election  
13 date.

14           (4) A school district may call a special election to submit a  
15 ballot question to borrow money, increase a millage, or establish a  
16 bond if an initiative petition is filed with the county clerk. The  
17 petition shall be signed by a number of qualified and registered  
18 electors of the district equal to not less than 10% of the electors  
19 voting in the last gubernatorial election in that district or 3,000  
20 signatures, whichever number is lesser. Section 488 applies to a  
21 petition to call a special election for a school district under  
22 this section. In addition to the requirements set forth in section  
23 488, the proposed date of the special election shall appear beneath  
24 the petition heading, and the petition shall clearly state the  
25 amount of the millage increase or the amount of the loan or bond  
26 sought and the purpose for the millage increase or the purpose for  
27 the loan or bond. The petition shall be filed with the county clerk

by 4 p.m. of the twelfth Tuesday before the proposed date of the special election. The petition signatures shall be obtained within 60 days before the filing of the petition. Any signatures obtained more than 60 days before the filing of the petition are not valid.

~~If the special election called by the school district is not scheduled to be held on a regular election date as provided in subsection (1), the special election shall be held on a Tuesday. A special election called by a school district under this subsection shall not be held within 30 days before or 35 days after a regular election date as provided in subsection (1).~~ **A SPECIAL ELECTION CALLED BY A SCHOOL DISTRICT UNDER THIS SUBSECTION SHALL ONLY BE HELD ON THE AUGUST REGULAR ELECTION DATE OR THE NOVEMBER REGULAR ELECTION DATE.** A school district may only call 1 special election pursuant to this subsection in each calendar year.

~~— (5) The secretary of state shall make a report to the house and senate committees that consider election issues by December 1, 2006. The secretary of state shall report about the special elections held under this subsection, including, but not limited to, all of the following:~~

~~— (a) The number of times a special election has been held.~~

~~— (b) Which school districts have held special elections.~~

~~— (c) Information about the success rate of the ballot question submitted at the special elections.~~

~~— (d) Information about voter turnout, including the percentage and number of registered voters who voted in each special election.~~

**(5)** ~~(6)~~ The secretary of state shall direct and supervise the consolidation of all elections held under this act.

1           (6) ~~(7)~~—This section shall be known and may be cited as the  
2 "Hammerstrom election consolidation law".

3           Enacting section 1. This amendatory act does not take effect  
4 unless Senate Bill No.\_\_\_\_ or House Bill No.\_\_\_\_ (request no.  
5 02028'13 a) of the 97th Legislature is enacted into law.