

Legislative Analysis



BOARD OF COUNTY COMMISSIONERS TERMS

Phone: (517) 373-8080
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House Bill 4937 (H-1) as referred to second committee
Sponsor: Rep. Ann M. Bollin

Analysis available at
<http://www.legislature.mi.gov>

House Bill 4938 as referred to second committee
Sponsor: Rep. Sarah L. Lightner

1st Committee: Elections and Ethics
2nd Committee: Ways and Means
Complete to 12-2-19

SUMMARY:

House Bill 4937 would amend 1966 PA 261, which prescribes the manner of election for county boards of commissioners. Currently, commissioners are elected in even-numbered years to two-year terms of office. The bill would provide that, for all commissioners elected at or after the 2022 general election, terms would be four years.

Additionally, if a vacancy occurred more than seven days before a nominating petition was due for the “midterm” election of that term (for example, the 2024 election, as no commissioners would otherwise be elected in that election cycle), a new commissioner would be elected in that year’s general election and the person appointed to fill that vacancy would serve only until that successor was elected. If the vacancy occurred after that time, the appointee would serve out the remainder of the term (in this example, until 2026).

Finally, the bill would remove a provision that individuals convicted of providing or possessing test answers for a county civil service examination are ineligible to serve as county commissioner for a period of 20 years. (This provision was added following a 1982 investigation of allegations to that effect in Wayne County.)

MCL 46.410 and 46.412

House Bill 4938 would add a complementary provision to 1966 PA 293, the charter counties act, to extend commissioners’ terms to four years beginning January 1, 2023.

House Bill 4938 is tie-barred to HB 4937, meaning that it could not take effect unless HB 4937 were also enacted.

MCL 45.514

BACKGROUND:

Michigan is divided into 83 counties, and each county is further divided into county commission districts. Every two years, in even-numbered election years, voters elect

county commissioners on the partisan ballot, and those county commissioner serve a two-year term. Together, all elected county commissioners constitute the county board of commissioners, which meets to conduct business in the county seat of government.

FISCAL IMPACT:

The bill would have no significant fiscal impact on the state or local units of government.

BRIEF DISCUSSION:

According to committee testimony, the bills are intended to bring the terms for county commissioners in line with those of all other county elected officials. A longer term is also intended to provide greater stability and accountability for commissioners. When asked why the gubernatorial election year (in 2022 and every four years thereafter) was decided upon for county commissioners rather than the presidential election year (2020 and every four years thereafter), the bill sponsor responded that 2020 did not seem to be enough time to implement the change, as candidates may have already launched their campaigns and did so in anticipation of a two-year, rather than a four-year, commitment.

POSITIONS:

The following entities indicated support for the bills:

- Michigan Association of Counties (10-2-19)
- Macomb County Board of Commissioners (10-2-19)
- Livingston County (10-16-19)

The Michigan Farm Bureau indicated support for the bills in concept. (10-2-19)

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.