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BILL ANALYSIS

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Senate Bill 110 (as passed by the Senate)
Sponsor: Senator Dave Robertson
Committee: Elections and Government Reform

Date Completed: 11-13-15

RATIONALE

Michigan law authorizes counties to be organized in several different ways, under different statutes. The statutes include Public Act 139 of 1973, which provides for an "optional unified" form of county government, and Public Act 293 of 1966, which provides for charter counties. In a county organized under either statute, some responsibilities and powers are transferred from the county board of commissioners to a county executive. Both statutes provide for the county executive to be elected by the voters. Alternatively, in a county organized under Public Act 139 or in a charter county with a population of 1.5 million or more, there may be a county manager or administrator who is appointed by the county board of commissioners. Two of Michigan's 83 counties, Bay and Oakland, are organized under Public Act 139, and two, Macomb and Wayne, are organized under the charter county law. While each of these counties has a county executive who is elected for a four-year term, the election cycles are two years apart. In Bay and Oakland Counties, the county executives are elected in the year in which the U.S. President is elected, while the county executives in Macomb and Wayne Counties are elected at the same time as the Michigan Governor. Because the three southeastern Michigan counties are often faced with issues that are regional in nature, it has been suggested that the county executives should be elected on the same cycle.

CONTENT

The bill would amend Public Act 139 of 1973 to synchronize the election cycle of a county executive with the gubernatorial election cycle, after a two-year term in 2017 and 2018, unless a county chose to retain its current election schedule.

The Act requires a county executive to be elected on a partisan basis for a term of four years concurrent with the term of the county prosecuting attorney, clerk, register of deeds, treasurer, sheriff, elected auditors, and drain commissioner. Except as provided below, the bill would require that, at the November 2016 general election, a county executive be elected on a partisan basis for a term of two years beginning on January 1, 2017, and ending on December 31, 2018. At the November 2018 general election, and every fourth year after that, a county executive would have to be elected for a term of four years beginning on January 1 following the election.

If a board of county commissioners, by April 1, 2016, adopted a resolution to continue to elect the county executive for a term of four years concurrent with the term of other county officials, then the county executive of that county would continue to be elected for a term of four years concurrent with the term of other county officials.

MCL 45.559

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

By putting the election of the county executive of Oakland County on the same schedule as the election of the county executives of Macomb and Wayne Counties, the bill would promote cooperation and consistency among these three large southeastern Michigan counties. Increasingly, the issues and problems they must deal with are regional in nature. These concerns might involve, for example, transportation infrastructure, water resources, land use, air pollution, and economic development. A collaborative approach toward addressing the issues would likely be more successful than efforts made individually by each county. If the three county executives were elected at the same time, they would have the same four-year terms to work together and reach mutually beneficial solutions.

Bay County also would be affected by the bill, but its board of commissioners could choose to adopt a resolution to remain on the current election cycle. While this option also would be available to Oakland County, it would not promote the three-county collaboration envisioned by the bill's supporters.

Opposing Argument

The bill would interfere with the rights of the voters in the county or counties that would be affected. Although the board of commissioners could adopt a resolution to maintain the status quo, the question of changing the election cycle should be decided by the voters themselves. The people who are governed by the county executive may prefer to have that official chosen during the presidential election, when the most voters are at the polls.

Legislative Analyst: Suzanne Lowe

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Joe Carrasco

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.