



House Office Building, 9 South
Lansing, Michigan 48909
Phone: 517/373-6466

ELECTION CONSOLIDATION

House Bill 4820

Sponsor: Rep. Chris Ward

House Bill 4821

Sponsor: Rep. Craig DeRoche

House Bill 4822

Sponsor: Rep. Ruth Ann Jamnick

House Bill 4823

Sponsor: Rep. Jack Brandenburg

House Bill 4824

Sponsor: Rep. John Stakoe

House Bill 4825

Sponsor: Rep. Glenn Steil, Jr.

House Bill 4826

Sponsor: Rep. John Garfield

House Bill 4827

Sponsor: Rep. Rich Brown

House Bill 4828

Sponsor: Rep. Leon Drolet

First Analysis (6-18-03)

Committee: Local Government and
Urban Policy

House Bills 4820-4828 (6-18-03)

THE APPARENT PROBLEM:

High rates of voter registration and voter turn-out at the polls on election day are key indicators of a broadly participatory democracy, and both registration and turn-out signal that democracy's overall health and vitality. In Michigan, there are about 6,807,837 registered voters, and the voter turn-out in general elections during presidential election years is slightly above the national average, a rating generally attributed to the fact that Michigan is often a 'battleground' or 'swing' state in high-profile elections where the outcome is close and the campaign hotly contested. For example, nationwide, roughly 49 percent of eligible voters cast ballots for president in 1996, the lowest turnout since 1924. In Michigan, however, the turnout in 1996 was about 56

percent—3,848,844 voters. However, overall the percentage turnout in Michigan declined substantially between 1960 and 1992.

In addition to the overall decline for national and statewide offices, there is a steep fall-off in the election turnout for local elections, when voters go to the polls to select the officials who serve on city and village councils or school boards. For example, when the Education Policy Center obtained information from 477 of Michigan's 555 school districts—ranging in size from 52 to 118,483 registered voters—they reported that average turnout during school board elections in 2000 was 7.8 percent. However, the turnout ranged from .3 percent

to 60 percent of registered voters, depending upon the district. Nonetheless, in almost half of Michigan school districts, fewer than 5 percent of eligible voters participated in the 2000 school board election, and in three-quarters of districts, the turnout was 10 percent or less. The percentage of voter turnout is generally lower in larger districts—4.8 percent in the large districts versus 11.7 percent in small districts, on average. Further, citizens living in poverty districts appear to be slightly more involved in choosing their district's school board members than citizens in affluent districts.

Many who express concern about low election turnouts that continue to trend downward criticize Michigan's election system—saying there are too many elections. They point out that there is a hodgepodge of election dates at various levels of government, and local election officials are relatively permissive about scheduling special elections, and that there now exist two parallel election systems in the state—one system run by school districts for school elections, and a second system involving local, county and state election officials who manage all others. Critics of the excess and duplication say they contribute to the very low turnouts, and also create a suspicion among some potential voters that elections are designed and scheduled to stay “low key” or “under the radar” in an effort to achieve a desired outcome rather than to invite broad participation.

For that reason, legislators and state and local election officials—all keen that citizens exercise their right of suffrage—have been working on proposals to consolidate state and local elections. The questions they raise are three: How many elections should there be each year? What dates should they be scheduled? And, Who should run them?

Overall, the consolidation effort has focused on reducing the number of election dates so as to provide more consistency and predictability for potential voters, and to bring the administration of all elections under the city, township, and county clerks whose primary obligation is to the Michigan Election Law. To achieve these ends, a consolidation proposal is currently before the legislature.

THE CONTENT OF THE BILLS:

The bills would amend the Michigan Election Law, the Revised School Code, and several related acts to:

- Establish four regular election dates, in February, May, August, and November of each year, on which

all regular and special elections would be held (with a few exceptions). The dates would be the fourth Tuesday in February; and, the first Tuesdays after the first Mondays in May, August, and November. The dates would not apply to a school district, community college district, or city or village council until January 1, 2005. The secretary of state would direct and supervise the consolidation of all elections held under the law.

- Exclude from the regular election dates two kinds of special election covered under Article XII, Section 1 of the State Constitution, namely, a special election called by the governor to fill a vacancy or called by the legislature to submit a proposed constitutional amendment. (They could be held on regular election days, but need not.)

- Require that school elections be governed by the Michigan Election Law, and eliminate election-related provisions currently in the Revised School Code. School districts, including intermediate districts and community college districts, would no longer administer and operate their own elections.

- Provide new procedures for the conduct of school district elections, with the election to be run by the city, township, or county clerk (rather than the secretary of the school board) and with arrangements for the administration of each school election to be made by a special school district coordinating committee. [Under House Bill 4824, the coordinating committee is defined in two ways: for a school district whose entire territory lies within a single city or township, there would be a committee comprising the secretary of the school board, the city or township election commission, and the school district election coordinator. For a school district that has territory in more than one city or township, there would be a committee comprising the secretary of the school board, the school district election coordinator, and the clerk of each city or township in which the school district territory is located.] School district voting would be canvassed by the appropriate board of canvassers. School districts would be authorized to use general operating funds to reimburse units of local government for the cost of administering and conducting a regular or special election.

- Require a city or village council to hold its regular election for a city office at the even-year November election day, and its election primary on the even-numbered August election day, but allow a council to change that date by resolution to the May regular election day (the first Tuesday after the first Monday), in which event the council's primary

would be on the February regular election day (the fourth Tuesday), or to enable an election primary in September (the first Tuesday after the second Monday in September).

- Require a school district (including a community college district) to hold its regular election on the odd-year November election day, but allow a district to change that date by resolution to either 1) the odd-year May election; 2) the November election date in both odd and even years; or 3) the May election date in both odd and even years. Terms of school board members in general powers districts could be for four or six years, as provided by school district bylaws. Terms for community college trustees would be determined by the Community College Act, (which specifies staggered terms of two-, four-, or six-years). School board members elected in May would begin their terms on July 1. Board members elected in November would take office January 1.

- Adjust terms of office for elected local and school officials to take into account the adjustment of election dates. This would include changing the date when officials take office and extending the terms of some officials during the transition to new election dates.

- Repeal or otherwise eliminate a variety of provisions in a number of acts that permit elections to be scheduled on dates other than the four regular election days.

- Permit candidates for office, generally speaking, to pay a nonrefundable filing fee of \$100 instead of filing nominating petitions.

- House Bill 4820 would amend the Revised School Code (MCL 380.4 et al.). House Bills 4821 and 4824 would amend the Michigan Election Law (MCL 168.2 et al.). House Bill 4825 would amend the Home Rule City Act (MCL 117.3 et al.). House Bill 4826 would amend the Home Rule Village Act (MCL 78.4 et al.). House Bill 4827 would amend the General Law Village Act (MCL 62.1 et al.). House Bill 4828 would amend the Community College Act (MCL 389.2 et al.). House Bill 4823 would amend the Metropolitan Councils Act (MCL 124.677). House Bill 4822 would amend the Charter Township Act (MCL 42.34). The bills would take effect January 1, 2005. However, two new sections of the Michigan Election Law—those dealing with choosing among alternative dates for school and municipal elections—both found in House Bill 4824, would take effect September 1, 2004.

Tie bars. House Bills 4821 and 4824, the bills that would amend the Election Law, are tie-barred to all of the bills, so that neither could become law unless all others also were enacted. House Bills 4820 and 4828 which would amend the Revised School Code and the Community College Act, respectively, are tie-barred to each other and also to House Bills 4821 and 4824, the amendments to the Election Law. Finally, House Bills 4822, 4823, 4825, and 4826, the bills that would amend the cities, villages, and township acts are tie-barred to House Bills 4821 and 4824, the amendments to the Election Law.

A brief description of some of the key features of the package follows.

Conducting School Elections. House Bill 4820 would amend the Revised School Code to specify, among other things, that a regular or special election of a school district, local act school district, or intermediate school district would be administered and conducted as provided in Chapter XIV of the Michigan Election Law, called “School and Community College Elections.” House Bill 4824 would amend the Michigan Election Law to create Chapter XIV. Under that chapter, regular school elections and special elections would be conducted by a “school district election coordinator”. The term “school district” in this chapter would include a community college district. For a district whose entire territory lay within a single city or township, this would be the city or township clerk. For a district with territory in more than one city or township, this would be the county clerk of the county in which the largest number of school district voters resided. The coordinator (or a designated agent of the coordinator) would be the filing official for the district, and in addition to receiving nominating petitions and requests for special elections, the coordinator would have to procure the necessary qualified voter file precinct lists; certify candidates; receive ballot proposal language; and issue absent voter ballots.

School District Coordinating Committees. Arrangements for school elections would be made by a school district coordinating committee. For a district whose entire territory was in a single city or township, this committee would be made up of the secretary of the school board, the city or township election commission, and the school district election coordinator (the local city or township clerk). For a district with territory in more than one city or township, the committee would be made up of the secretary of the school board, the clerk of each city

and township in the district territory, and the election coordinator (county clerk).

House Bill 4824 would require the school district coordinating committee for each district to hold its initial meeting within 30 days after the bill's effective date. Within 14 days after the initial meeting, the committee would have to file a report with the secretary of state setting forth the arrangements agreed upon for the conduct of the school district's elections. The report would have to be signed by each committee member. The committee would then meet at two-year intervals to review, and if necessary, alter the election arrangements. The committee would have to notify the secretary of state of its actions. A person participating in the arrangements would be bound by them for at least two years following the filing of the report and would continue to be bound by them until a new report was filed.

The bill specifies certain arrangements for school elections, including at least the following: a) if a school district election was held on the same day as an election with an overlapping jurisdiction, an elector wishing to vote in both elections would not be required to vote at two different locations; and b) if a city or township clerk notified the election committee before the filing of the initial or revised report that he or she had decided to participate in the conduct of the school district elections, then the committee would name that clerk in the report as the person conducting the school district elections in the clerk's city or township.

The bill also specifies that, notwithstanding any other provisions, if a city or township was holding an election for elective office, or for a ballot proposal, at the same time that a school district located in whole or part in the city or township was holding an election, then the city or township clerk would also conduct the school district election within his or her jurisdiction. The city or township clerk in such circumstances would have to use the same precincts used for federal and state elections as the precincts for the school district election.

Consolidation of Precincts. House Bill 4824 also would allow the election commissioners, by resolution, to consolidate precincts for a particular election (other than a general November election, its primary, or other statewide or federal elections). When consolidating precincts, the commission must consider the number of choices the voter must make, the percentage or registered voters who voted in the last similar election, and the intensity of the interest

concerning the candidates and proposal to be voted upon. A consolidation must be made at least 60 days before a primary, general, or special election, and notice must be provided to electors.

School Election Costs. A school district would have to pay each county, city, and township that conducted an election for the district either 100 percent of the actual costs (if the district's election was not held in conjunction with another election conducted by the county, city, or township) or 100 percent of actual additional costs (if the district's election was held in conjunction with another election). The county, city, or township would present to the school district a verified account of actual costs not later than 84 days after the election, and the school board would have 84 days after receiving the verified account to pay or disapprove all or a portion of the verified account. If the school board disapproved all or part of the costs, it would have to send a notice of disapproval, along with its reasons. If the county, city, or township requested it, the parties would then review the disapproved costs together. If they could not agree, the secretary of state would determine the actual costs.

School Election Dates. As mentioned above, as of January 1, 2005, school district elections would be held at the November odd-year election unless a school board passed a resolution to establish another date. House Bill 4824 specifies that if a school district, as of the bill's effective date, held its school election on a date other than the odd-year November election, then the district board could choose to hold its regular election on 1) the odd-year May election day; 2) the November election day in both odd and even years; or 3) the May election day in both odd and even years. The district would have to make that choice by adopting a resolution subsequent to a public hearing. Notice of the public hearing would have to be designed to reach the largest number of the district's qualified electors (voters) in a timely fashion. The notice would also have to state that the issue was whether to switch the district's regular election date from the odd-year November election date to another date, which would have to be specified. The school board would have to vote immediately following the close of the public hearing, and the resolution would have to be adopted by record roll call vote and by a majority of members serving. A district could subsequently follow the same process to return to the odd-year November date.

Ballot Proposal Elections. A school board could request that the school district election coordinator

submit a ballot question to the voters on a regular election date or on a date when a city or township within the school district's jurisdiction was holding an election, by adopting a resolution to that effect not less than 70 days before the election date. Under the bill, the school board would certify the ballot question language to the school district election coordinator not less than 70 days before the election date. If the ballot question was submitted on the same date as an election for a state or county office, the school district coordinator would be required to send a copy of the ballot question language to the county clerk of each county not less than 68 days before the election. The bill also specifies that a school special election could not be held within 30 days before or after a general November election.

Recall petitions. Currently under the law, a county clerk must propose a special election to the county election scheduling committee no later than 35 days after a recall petition is filed. Under the law, the clerk must propose a date for a special election to be held within 60 days. Under House Bill 4824 the county clerk would be required to call the special election no later than 35 days after the petition was filed, and then that election would be held on the next regular election date that was not less than 70 days after the date the petition was filed.

BACKGROUND INFORMATION:

An alternative proposal. It should be noted that an alternative proposal was discussed by the House Committee. This proposal by Rep. Pappageorge would call for five elections every two years rather than eight. Elections would be held each year in August and November, and education-related elections would be held in June in odd-numbered years. Elections at the national and state level would be held in even-numbered years, along with elections for state supreme court and the court of appeals; elections at the county and local level would be held in odd-numbered years, along with probate, circuit, and district court judges. Education offices, including the state board of education, elected university officials, and local boards would be elected at the odd-year June election. All special elections would have to be held on one of the regular election dates (other than the constitutionally protected ones).

During the last legislative session, this alternative proposal was in the form of substitutes for Senate-passed bills. There was also an associated joint resolution, House Joint Resolution Z, which would have amended the State Constitution to eliminate the

requirement in Article 11, Section 5 that elections for county and township offices must be held on the first Tuesday after the first Monday in each even-numbered years or on such other date as members of the Congress of the United States are regularly elected. This would allow the odd-year election of county and township officials. The alternative proposal, as with the Senate-passed package, would have had school elections conducted by county and municipal clerks.

FISCAL IMPLICATIONS:

The House Fiscal Agency described a similar package of bills during the 2001-2002 legislative session as having no state fiscal impact. The agency said there would be an indeterminate fiscal impact on local government, with both some additional administrative costs and additional fee revenue. (HFA analyses dated 4-24-02)

ARGUMENTS:

For:

Over time, scheduling nearly all regular and special elections on just four dates each year will help to provide greater awareness of elections among voters. People could mark these dates on the calendar in expectation of elections. This, in turn, offers the potential for enhanced public interest and participation in elections and larger voter turnout. Today, elections are held on a wide variety of dates. Single issue special elections can escape widespread public notice. This proposal guards against such so-called stealth elections. It also guards against repeated elections on the same issue being held on isolated or unusual dates. Some people, including editorial writers, complain that such tactics are manipulative and lead to public cynicism.

The proposal also puts all elections, including school elections, in the hands of county and local clerks, who typically are the experts in running elections. The clerks answer to the Michigan Election Law, not to other local officials, and are part of a professional election system that includes the secretary of state's elections bureau. Critics of the current system of running school elections point out that the conduct of school elections usually falls to a school employee who is answerable to the local superintendent and school board. (Officially, the responsible party is the school board secretary, who is a member of the school board.) Rather than have two parallel systems for conducting elections, this package of bills provides for a special coordinating committee to

make school district election arrangements, with representation from the schools and appropriate local units, and puts the actual running of the election in the hand of a county or local clerk. Voters would not only know when elections were to be held but where, since with consolidation precinct locations would remain the same. There would also be a potential cost savings, particularly if school districts used the November election date. This proposal has been under discussion for many years and election officials are confident that the consolidation anticipated in these bills is practicable.

Voter turnout at local elections and particularly at school elections is very low, sometimes with percentages in single digits. There are doubtless many reasons for this, including the lack of competition in many elections. But election laws at the very least ought to remove barriers to public awareness and remove obstacles to voting. Consolidating elections will be a step in this direction by reducing voter confusion. According to testimony before the House Redistricting and Elections Committee during the previous legislative session, in 1999 school millage elections were held on 30 different dates, and in 2001 on 34 different dates throughout the year. Sometimes special elections are held within weeks of a regularly scheduled election.

Against:

The package of bills represents an erosion of local control for school districts and flies in the face of the concept of “general powers” school districts embodied in the Revised School Code. The idea was for school districts to be granted a measure of independence and flexibility in the conduct of their affairs. This proposal would take away the ability of school districts to run their own elections and it limits their ability to schedule elections. School boards are elected in part to make these kinds of decisions, particularly regarding the financial needs of their districts.

Moreover, the proposal does not address a real contemporary problem. There was a time when millage elections were a preoccupation of school districts. Since the passage of Proposal A in 1994, and the adoption of a new school finance system, school districts no longer routinely seek basic support for operations. The need for elections has been reduced.

It is not obvious either that moving the date of school elections is desirable. Perhaps not many voters turn up for school elections, but they are likely to be interested and informed voters. Combining elections

might lead to more voters but many will have no connection to or knowledge about school district issues. June has been the traditional date for school elections for many years; it seems unlikely that shifting to another date will lead to less confusion for diligent voters. Moreover, it could be argued that when an issue is alone on the ballot, it should be the subject of greater public scrutiny, not less, whereas on a long, complex ballot, a local school district issue could get lost in the “noise”. Voter apathy can be a sign of satisfaction with the work being done by elected officials or can reflect a decision to leave certain issues (such as bond issues and capital projects) to those who are informed about them. When there is a hot issue, voters tend to turn up.

It is also not fair to say school districts are not competent to run elections. School officials say there have been very few complaints over the years about irregularities. In some jurisdictions, where there is agreement, local clerks do conduct elections for school districts. Some districts have special staffs with the competence to carry out the work. This ought to be something worked out locally, not mandated by state law. Further, some people believe that the combining of elections will be problematic because of the number of overlapping jurisdictions involved. The superintendent of the Charlevoix-Emmet Intermediate School District has testified that his ISD is made up of 11 school districts overlaid on which are 41 townships, 10 villages or cities, and parts of 4 counties. Those four counties themselves contain three ISDs. There are also objections to the lengthening of school board terms that will be necessary to make the transition to a new election schedule.

POSITIONS:

Representatives of the following were among those who indicated general support for the bills at meetings of the House Committee on Local Government and Urban Policy on 6-12-03 and 6-17-03: The Department of State; the Michigan Townships Association; the Michigan Municipal League; the Michigan Association of Municipal Clerks and the Council of Local Election Officials; the Michigan Chamber of Commerce; the Grand Rapids Chamber of Commerce; the League of Women Voters of Michigan; the Office of the Oakland County Clerk; and the Michigan Association of County Clerks.

Representatives of the following were among those who indicated opposition to the bills at meetings of the House Committee on Local Government and

Urban Policy on 6-12-03 and 6-17-03: the Northern Michigan Schools Legislative Association; the Michigan Association of School Boards; the Michigan Association of School Administrators; Jackson County Intermediate School District; the schools in Hillsdale, Lenawee, Monroe, Washtenaw and Jackson counties; Oakland Schools; and Swartz Creek Community Schools.

Analyst: J. Hunault/C. Couch

■ 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.