



House Bill 4820
Sponsor: Rep. Chris Ward

House Bill 4825
Sponsor: Rep. Glenn Steil, Jr.

House Bill 4821
Sponsor: Rep. Craig DeRoche

House Bill 4826
Sponsor: Rep. John Garfield

House Bill 4822
Sponsor: Rep. Ruth Ann Jamnick

House Bill 4827
Sponsor: Rep. Rich Brown

House Bill 4823
Sponsor: Rep. Jack Brandenburg

House Bill 4828
Sponsor: Rep. Leon Drolet

House Bill 4824
Sponsor: Rep. John Stakoe

**Committee: Local Government and
Urban Policy**

Complete to 6-11-03

House Bills 4820-4828 (6-11-03)

A SUMMARY OF HOUSE BILLS 4820 - 4828 AS INTRODUCED 6-10-03

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 on 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 of 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. Under House Bill 4824, a city or village council would follow a similar

procedure to establish (or subsequently change) its election date, if it does not now conduct elections in odd-number years during August and November.

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.

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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.