

HOUSE BILL No. 4005

January 13, 2011, Introduced by Rep. Heise and referred to the Committee on Redistricting and Elections.

<<A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 302, 642, 642a, and 644g (MCL 168.302, 168.642, 168.642a, and 168.644g), section 302 as amended by 2005 PA 71, section 642 as amended by 2004 PA 292, section 642a as amended by 2010 PA 222, and section 644g as amended by 2004 PA 293, and by adding section 642c.>>

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 302. An individual is eligible for election as a school
2 board member if the individual is a citizen of the United States
3 and is a qualified and registered elector of the school district
4 the individual seeks to represent by the filing deadline. At least
5 1 school board member for a school district shall be elected at
6 each of the school district's regular elections held as provided in
7 section ~~642 or 642a~~ **642C**. Except as otherwise provided in this
8 section or section 310 or 644g, a school board member's term of

1 office is prescribed by the applicable provision of section 11a,
2 617, 701, or 703 of the revised school code, 1976 PA 451, MCL
3 380.11a, 380.617, 380.701, and 380.703, or section 34, 34a, 41, 54,
4 or 83 of the community college act of 1966, 1966 PA 331, MCL
5 389.34, 389.34a, 389.41, 389.54, and 389.83. Except as provided in
6 section 302a, if a ballot question changing the number of school
7 board members or changing the terms of office for school board
8 members pursuant to section 11a of the revised school code, 1976 PA
9 451, MCL 380.11a, is proposed and a school district needs a
10 temporary variance from the terms of office provisions in this act
11 and the revised school code, 1976 PA 451, MCL 380.1 to 380.1852, to
12 phase in or out school board members' terms of office, the school
13 board shall submit the proposed ballot question language and a
14 proposed transition plan to the secretary of state at least 30 days
15 before the school board submits the ballot question language to the
16 school district election coordinator pursuant to section 312. The
17 secretary of state shall approve or reject the proposed transition
18 plan within 10 business days of receipt of the proposed transition
19 plan. The secretary of state shall approve the proposed transition
20 plan if the plan provides only temporary relief to the school
21 district from the terms of office provisions in this act and the
22 revised school code, 1976 PA 451, MCL 380.1 to 380.1852, until such
23 time that the terms of office for school board members can be made
24 to comply with this act and the revised school code, 1976 PA 451,
25 MCL 380.1 to 380.1852. The school board shall not submit the
26 proposed ballot question language to the school district election
27 coordinator pursuant to section 312 until the proposed transition

1 plan is approved by the secretary of state. A school board member's
 2 term begins on ~~1 of the following dates:~~

3 ~~— (a) If elected at an election held on a November regular~~
 4 ~~election date, January 1 immediately following the election.~~

5 ~~— (b) If elected at an election held on a May regular election~~
 6 ~~date, July 1 immediately following the election.~~

<<Sec. 642. (1) Except as otherwise provided in this section and section 642a, on the effective date of this act, a city shall hold its regular election or regular primary election as follows:

(a) A city shall hold its regular election for a city office at the odd year general election.

(b) A city shall hold its regular election primary at the odd year primary election.

(c) A city that holds its regular election for a city office annually or in the even year on the November regular election date shall continue holding elections on that schedule.

(d) A city that holds its regular election primary for a city office annually or in the even year on the August regular primary election date shall continue holding primary elections on that schedule.

(2) If, on September 1, 2004, a city holds its regular election at other than a regular November election date, the city council may choose to hold the regular election on the May regular election date by adopting a resolution in compliance with this section. Except as provided in section 642a, if a city council adopts the resolution in compliance with this section to hold its regular election on the May regular election date, after December 31, 2004, the city's regular election is on the May regular election date. If a city's regular election is held on the May regular election date, the city's regular election primary shall be held on the February regular election date immediately before its regular election.

(3) If, on September 1, 2004, a city holds its regular election annually or in the even year on the November regular election date, the city council may choose to hold the regular election at the odd year general election by adopting a resolution in compliance with this section. Except as provided in section 642a, if a city council adopts the resolution in compliance with this section to hold its regular election at the odd year general election, after December 31, 2004, the city's regular election is at the odd year election. If a city's regular election is held at the odd year general election, the city's regular election primary shall be held at the odd year primary election.

(4) If, on September 1, 2004, a city holds its regular election annually on the November regular election date, the city council may choose to hold the regular election at the even year general election by adopting a resolution in compliance with this section. Except as

provided in section 642a, if a city council adopts the resolution in compliance with this section to hold its regular election at the even year general election, after December 31, 2004, the city's regular election is at the even year election. If a city's regular election is held at the even year general election, the city's regular election primary shall be held at the even year primary election.

(5) If, on September 1, 2004, a city holds its regular election primary at the September primary election, the city council may choose to continue holding its regular election primary at the September primary election by adopting a resolution in compliance with this section. Except as provided in section 642a(2), if a city council adopts the resolution in compliance with this section to hold its regular election primary at the September primary election, after December 31, 2004, the city's regular election primary is at the September primary election.

(6) Except as otherwise provided in this section and section 642a, on September 1, 2004, a village shall hold its regular election as follows:

(a) A village shall hold its regular election for a village office at the general election and the appropriate township clerk shall conduct the election.

(b) A village shall not hold a regular primary election.

(7) A village council may make a 1-time choice to hold the regular election at the September primary election by adopting a resolution in compliance with this section. Except as provided in section 642a, if a village council adopts the resolution in compliance with this section to hold its regular election at the September primary election, after December 31, 2004, the village's regular election is at the September primary election and the village clerk shall conduct the election. The resolution may provide for the terms of office and for staggered terms. If a village's regular or special election is held in conjunction with another election conducted by a township, the village shall pay the township a proportionate share of the election expenses. If a village's regular or special election is not held in conjunction with another election conducted by a township, the village shall pay the township 100% of the actual costs of conducting the village's regular or special election. The township shall make voting equipment available to a village if the village conducts an election. If the village is located in more than 1 township, the township with the largest number of village electors shall furnish the voting equipment.

~~—— (8) Except as otherwise provided in this section and section 642a, on September 1, 2004, a school district shall hold its regular election for the office of school board member at the odd year general election.~~

~~—— (9) If, on September 1, 2004, a school district holds its regular election at other than the odd year general election, the school district's school board may choose to hold its regular election on 1 of the following by adopting a resolution in compliance with this section:~~

~~—— (a) The odd year May regular election date.~~

~~_____ (b) The November regular election date in both even and odd years.~~

~~_____ (c) The May regular election date in both even and odd years.~~

~~(8) (10) A resolution permitted under this section or section 642a is valid only if a city council, OR village council, or school board adopts the resolution in compliance with all of the following:~~

~~(a) The resolution is adopted before 1 of the following:~~

~~(i) If the resolution is permitted under subsection (2), (3), (4), (5), OR (7), or (9) of this section, January 1, 2005.~~

~~(ii) If the resolution is permitted under section 642a(1) OR (2), or (3), January 1 of the year in which the change in the date of the election takes effect.~~

~~(b) Before adopting the resolution, the council or school board holds at least 1 public hearing on the resolution. The public hearing may be held on the same day and immediately before considering the adoption of the resolution.~~

~~(c) The council or school board gives notice of each public hearing on the resolution in a manner designed to reach the largest number of the jurisdiction's qualified electors in a timely fashion.~~

~~and the notice states at least the following, as applicable:~~

~~_____ (i) That the hearing is being held on the issue of whether to schedule the city's regular election on the May regular election date and that, if the resolution is not adopted, the city's regular election will be held at the odd year general election.~~

~~_____ (ii) That the hearing is being held on the issue of whether to schedule the city's regular election primary at the September primary election and that, if the resolution is not adopted, the city's regular election primary will be held on the odd year primary election.~~

~~_____ (iii) That the hearing is being held on the issue of whether to schedule the village's regular election at the September primary election and that, if the resolution is not adopted, the village's regular election will be held at the general election.~~

~~_____ (iv) That the hearing is being held on the issue of whether to schedule the school district's regular election at other than the odd year general election and that, if the resolution is not adopted, the school district's regular election will be held at the odd year general election. The notice shall specifically state the regular election date permitted under subsection (8) on which the school board is proposing that the school district's regular election be held.~~

~~_____ (v) That the hearing is being held on the issue of whether to schedule the school district's regular election at the odd year general election and that, if the resolution is not adopted, the school district's regular election will continue to be held on the date on which it is currently being held.~~

~~(d) The council or school board votes on the resolution and, on a record roll call vote, a majority of the council's or school board's members, elected or appointed, and serving, adopt the~~

resolution.

(e) The council ~~or school board~~ files the resolution with the secretary of state.

~~(11) This section takes effect September 1, 2004.~~

Sec. 642a. (1) After December 31, 2004, a city council that adopted a resolution so that its regular election is held on the May regular election date may change its regular election to the odd year general election by adopting a resolution in compliance with section 642. If a city council adopts the resolution in compliance with section 642 to hold its regular election at the odd year general election, after December 31 of the year in which the resolution is adopted, the city's regular election is at the odd year general election.

(2) After December 31, 2004, a city council that holds its regular election for city offices annually or in the even year on the November regular election date may change its regular election schedule to the odd year general election and the odd year primary election by adopting a resolution in compliance with section 642. If a city council adopts the resolution in compliance with section 642, the city's regular election is at the odd year general election and its primary is at the odd year primary election.

(3) After December 31, 2010, a city that adopted a resolution so that its regular election primary is held at the September election shall hold its regular election primary at the odd year primary election.

~~(4) After December 31, 2004, a school district's school board that adopted a resolution so that its regular election is held on a date other than at the odd year general election may change its regular election to the odd year general election, the general November election, the November regular election date in both even and odd years, or the odd year May regular election date by adopting a resolution in compliance with section 642. If a school board adopts the resolution in compliance with section 642 to hold its regular election at the odd year general election, the general November election, the November regular election date in both even and odd years, or the odd year May regular election date, after December 31 of the year in which the resolution is adopted, the school board's school district shall hold its regular election on the election date adopted in the resolution.~~

~~(5) After December 31, 2009, a school district's school board that holds its regular election for the office of school board member at the odd year general election may change its regular election to the general November election by adopting a resolution in compliance with section 642. If a school board adopts the resolution in compliance with section 642 to hold its regular election at the general November election, after December 31 of the year in which the resolution is adopted, the school board's school district shall hold its regular election at the general November election.~~

(4) ~~(6)~~ After December 31, 2004, a village council that adopted

a resolution so that its regular election is held on the September election date may change its regular election to the November regular election date by adopting a resolution in compliance with section 642. If a village council adopts the resolution in compliance with section 642 to hold its regular election at the November regular election date, after December 31 of the year in which the resolution is adopted, the village's regular election is at the November regular election date.>>

7 **SEC. 642C. BEGINNING JANUARY 1, 2012, A SCHOOL DISTRICT SHALL**
 8 **HOLD ITS REGULAR ELECTION FOR THE OFFICE OF SCHOOL BOARD MEMBER AT**
 9 **THE GENERAL NOVEMBER ELECTION.**

10 Sec. 644g. (1) A term of office shall not be shortened by the
 11 provisions of sections 641 to 644i. An officer scheduled by prior
 12 law to be elected at a time other than the odd year general
 13 election shall not be elected on the date scheduled but shall
 14 continue in office until a successor takes office after being
 15 elected in the first odd year general election following that date.
 16 If the regular election date for holding a jurisdiction's regular
 17 election is changed under section 642, ~~or 642a~~, **OR 642C**, the term
 18 of an official who was elected before the effective date of the
 19 change continues until a successor is elected and qualified at the
 20 next regular election.

21 (2) Notwithstanding a law or charter provision to the
 22 contrary, an officer required to be elected at the odd year general
 23 election, who by law or charter is elected for a term of an odd
 24 number of years shall, after September 1, 2004, be elected for a
 25 term of 1 year longer than provided by law or charter.

26 (3) In home rule cities where the charter provides for the
 27 election of city officers at a time other than at the odd year

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1 general election and provides that members of the governing body
2 are not all to be elected in the same year, the governing body by
3 ordinance adopted prior to April 1, 1971 may alter the length of
4 terms now provided by charter to provide that the city may continue
5 to elect part of the governing body at each election. A term shall
6 not be extended beyond January 1 following the first odd year
7 general election at which the officer would be elected as provided
8 by charter. A term shall not be for more than 4 years.

9 Enacting section 1. This amendatory act takes effect January
10 1, 2012.

<<Enacting section 2. This amendatory act does not take effect
unless Senate Bill No. 427 of the 96th Legislature is enacted into
law.>>