

Legislative Analysis



TERM LIMITS FOR VILLAGE OFFICERS

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House Bill 4788 as reported from committee
Sponsor: Rep. Gregory Markkanen
Committee: Elections and Ethics
Complete to 7-30-21

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

SUMMARY:

House Bill 4788 would amend the General Law Village Act to allow villages to institute term limits on elected village officers. If approved by a majority of village electors, the village would limit terms of office of elected officers as described below.

To initiate the process, a petition requesting a vote on the question of term limits would have to be signed by at least 10% of the village's registered electors and filed with the township clerk. The petition would provide that a person could not be elected to the same village office more than four times for an office with a two-year term or more than two times for an office with a four-year term. A partial appointed or elected term would be considered a full term for purposes of term limits if the person served more than half of the term.

Within 14 days after the petition's filing, the township clerk would have to verify the signatures and determine the sufficiency of the petition. If the clerk determined the petition to be sufficient, the question of term limits would have to appear on the next general or special election ballot in substantially the following form:

Shall the terms of office of elected village officers in the village of _____ be limited so that an official shall not be elected to the same village office more than 4 times for an office with a 2-year term of office or more than 2 times for an office with a 4-year term of office?

- Yes
- No

The county election commission of the county in which the greatest number of village electors reside would provide the ballots for the election. The clerk and township election officials would conduct the election.

If the village term limit question were held in conjunction with a general election or with a state primary election immediately before a general election, the notices of the close of registration and election would have to be published as provided by state election law. Otherwise, the clerk of the county where the greatest number of village electors reside would publish the notices. The notices would have to include the ballot language specified above.

The results of the village term limit question would have to be canvassed by the board of county canvassers of the county in which the village is located.

Proposed MCL 62.5b

BRIEF DISCUSSION:

Those advancing the bill argued that term limits under the bill would be entirely at the discretion of citizens of a local unit—the ballot question could be considered only if supported by 10% of registered voters, and would then need a majority vote to be instituted. Such a measure could keep long-time politicians from retaining power. Because people are least likely to know, follow, and understand local issues, local politicians may now be able to wield untold power with minimal checks on that power. The bill would ensure that no single politician becomes entrenched on a village board.

However, the same considerations that may be benefits—that the question of term limits would be decided at the local level—caused some concern. After all, small and sparsely populated villages would require a very small number of signatures to put the issue on the ballot and to have it prevail, thereby drastically changing the functioning of the village. Also, recruiting individuals to run for those seats is already difficult; it would be even more difficult if, once recruited, individuals could serve only for a maximum of eight years.

FISCAL IMPACT:

The bill would have no fiscal impact on the state and would not result in significant costs for townships or counties. Should a petition succeed in placing the question on the ballot, it would be voted on only at an election already to be held and would not require a township to incur costs to hold a special election that it otherwise would not.

POSITIONS:

U.S. Term Limits indicated support for the bill. (6-15-21)

The following entities indicated a neutral position on the bill (6-22-21):

Department of State
Michigan Municipal League

Legislative Analyst: Jenny McInerney
Fiscal Analyst: Michael Cnossen

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