

Legislative Analysis



MOVE LOCAL TERM OF OFFICE START DATE TO DECEMBER 1

Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 5699 as reported from committee
Sponsor: Rep. Penelope Tsernoglou

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

House Bill 5700 (proposed substitute H-1)
Sponsor: Rep. Veronica A. Paiz

House Bill 5701 as reported
Sponsor: Rep. Matt Koleszar

House Bill 5702 as reported
Sponsor: Rep. Sharon MacDonell

Committee: Elections
Complete to 6-26-24

SUMMARY:

Together, House Bills 5699 to 5702 would require township and village officials to begin their terms of office on December 1, and city officials to begin their terms on the first day of the month after their election, beginning in 2025. The bills would also provide that an individual elected to fill a vacancy as a result of a special election could not take office until the election is certified by the appropriate board of canvassers.

House Bill 5699 would amend the Michigan Election Law to set the start date for the term of office for all township officials elected after December 31, 2024, at 12:00 p.m. (i.e., noon) on the December 1 following their election. Currently, these officials begin their terms at 12:00 p.m. on the November 20 following their election. (The November 20 date would remain for officials elected before January 1, 2025.)

The bill would also remove a provision that generally requires elected township officers other than a township supervisor, clerk, treasurer, trustee, constable, library director, or park commissioner to be elected at the November election before their term expires and commence the duties of their office on November 20.

However, if a special election were held to fill a vacancy in an elective township office, the winner could not take the oath of office until the results of the election have been certified.¹

MCL 168.362 and 168.370

House Bill 5700 would add a new section to the Home Rule City Act to require terms of office for elected city officials to begin on or after the first day of the month after the official's election, beginning in 2025.

The bill would generally require all terms of city officers elected after December 31, 2024, to begin no earlier than 12:00 p.m. on the first day of the month following the election. If a city

¹ A special election is generally held if the official resigns for reasons other than a recall and the township board does not make an appointment to fill the vacancy, or if a vacancy occurs in an elective township office (other than the office of township constable) and the vacancy is not filled within 45 days.

charter provides for a term of office to commence after an election but before the first day of the next month, all terms of city officers who are elected after December 31, 2024, would commence on the first day of the month following their election at 12:00 p.m.

The bill would also specify that an individual elected to fill a vacancy in a city office could not take the oath of office until the results of the election have been certified.

Proposed MCL 117.3c

House Bill 5701 would amend the General Law Village Act to move the term of office for a village president, clerk, treasurer, or trustee elected at a regular village election to the December 1 following the officer's election and qualification. Currently, these terms begin on the November 20 after the individual is elected and qualified.

The date on which a village council must annually appoint a president pro tempore, which is currently November 20, would also be moved to December 1.

However, if a special election were held to fill a vacancy in a village office, the winner could not take the oath of office until the results of the election have been certified.²

MCL 62.4 et seq.

House Bill 5702 would add a new section to the Home Rule Village Act to require terms of office for elected officers in a home rule village to begin on or after December 1, beginning in 2025.

The bill would generally require all terms of village officers elected after December 31, 2024, to begin no earlier than 12:00 p.m. on the December 1 following the election. If a village charter provides for a term of office to commence after an election but before December 1, all terms of city officers who are elected after December 31, 2024, would commence on December 1 at 12:00 p.m.

The bill would also specify that an individual elected to fill a vacancy in a village office could not take the oath of office until the results of the election have been certified.

Proposed MCL 78.24e

BRIEF DISCUSSION:

Ballot Proposal 2022-2 amended the state constitution to grant military and overseas voters the right to have their absentee ballots counted if the ballot was postmarked on or before election day and received by the appropriate election official within six days of election day. This change was incorporated into the Michigan Election Law by 2023 PA 25.

According to committee testimony, the delayed deadline for receiving military and overseas ballots has resulted in the possibility that the presumptive winner of a city, village, or township

² The General Law Village Act provides that a special election to fill all vacancies can be called by the village councilmembers if there are no longer enough members to constitute a quorum, or by the appropriate township clerk if all village officers and trustees have died or moved and no successors have been elected or appointed.

election can begin their term before all votes are returned, since some individuals currently take the oath of office within days of their election. Additionally, the November 20 start date reportedly does not always leave sufficient time for a board of county canvassers to certify all local elections within its jurisdiction. Supporters of House Bills 5699 to 5702 suggest that setting a municipal term of office's start date at no earlier than December 1 would ensure that an election is finalized and certified before an official is sworn in.

No arguments opposing the bill were presented during committee testimony, but concerns were raised that delaying a term of office start date could result in a "lame duck" session of a local body where officers could meet after an election to make last-minute decisions before their successors are sworn in.

HOUSE FLOOR ACTION:

The H-1 substitute adopted on the House floor for House Bill 5700 would require elected city officials to begin their terms no earlier than 12:00 p.m. on the first day of the month following their election, rather than 12:00 p.m. on the December 1 following the election.

FISCAL IMPACT:

The bills would have no fiscal impact on the state or local units of government.

POSITIONS:

A representative of the Oakland County Clerk testified in support of the bills. (5-14-24)

The following entities indicated support for the bills (5-14-24):

- Michigan Department of State
- Michigan Association of County Clerks
- Michigan Association of Municipal Clerks

The Michigan Townships Association indicated a neutral position on HB 5699. (5-14-24)

The following entities indicated a neutral position on the bills (5-14-24):

- Michigan Municipal League
- Pure Integrity for Michigan Elections

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations and does not constitute an official statement of legislative intent.