



**House
Legislative
Analysis
Section**

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LOCALS MAY MOVE ELECTION

**Senate Bill 168 (Substitute H-4)
First Analysis (2-8-94)**

**Sponsor: Sen. Michael J. Bouchard
Senate Committee: Government
Operations
House Committee: Local Government**

THE APPARENT PROBLEM:

Hundreds of villages and at least two cities in Michigan are scheduled to hold local elections on Monday, March 14 of this year as they are required to by state law or under a local charter. A statewide referendum on a proposed amendment to the state constitution (to determine how Michigan will finance its public elementary and secondary schools) also will be held in March, but on the Tuesday following the day these local governments are required to hold their elections. For various reasons officials with these municipalities believe they could ensure a better turnout at both their local elections and the statewide referendum if they could hold both concurrently, and have requested legislation that would enable them to do this.

THE CONTENT OF THE BILL:

The bill would amend the Michigan Election Law to allow the legislative body of a city or village scheduled to hold an election in March of 1994 to adopt a resolution to change the date of the local election to coincide with the March 15, 1994, statewide referendum on a proposed constitutional amendment. The resolution would have to be adopted before February 25, 1994, except that one adopted before the bill's effective date that substantially complied with its provisions would be valid. The bill's provisions pertaining to changing the date of local elections would be repealed June 1, 1994.

Under the bill, the legislative body of a village that adopted a resolution to change the date of a village election could proceed in one of the following ways:

* If agreed to by the township clerk, it could choose to have township election officials conduct both the village election and the special state election. If this occurred, the village election commission would have to provide any paper ballots necessary to

conduct the election and reimburse the county upon request for any identifiable additional cost incurred for including the village election ballot on voting machine or electronic voting systems ballots. Also, township precinct inspectors would have to certify the results of the village election to the county board of canvassers that normally did this.

* The legislative body of a village could opt to conduct both the village election and the special state election. If it did, the registered and qualified electors of the township that lived in the village would have to vote in the same place for both elections. The county clerk of the county that canvassed and certified the village election's results would have to provide the village election commission with any paper state constitutional amendment ballots needed to conduct the election. The commission would be responsible for having printed on the ballot used the approved ballot wording and would have to submit a proof to the county clerk. The state election would have to be conducted, canvassed and certified in the same manner as the village election, and its results would have to be certified by the board of county canvassers to the Board of State Canvassers.

* If a village legislative body did not choose to conduct both the village election and the special state election, a village election would have to be conducted by village election officials and the special state referendum would have to be conducted by township election officials.

A city or village legislative body that opted by resolution to move the election date to March 15, 1994, would have to immediately file the resolution with the municipality's clerk, who would then have to inform the appropriate township or county clerk of the resolution. Also, the bill would specify that the terms of elective village or city offices would

Senate Bill 168 (2-8-94)

expire and commence on the same dates as otherwise would apply if a local election were held on the normal date.

In the case of either a township conducting a village election or a village conducting the state election, absentee ballots for both elections would have to be issued on a single request from a voter to either the village clerk or township clerk. The bill also would require electors to be notified about the location of polling places for both a village election and a state election that was to take place on March 15.

MCL 168.328 and 168.500a

HOUSE COMMITTEE ACTION:

The House Local Government Committee adopted Substitute H-4 for the bill that is altogether different from the bill as it passed the Senate. As passed by the Senate, the bill proposed adopting an open presidential primary in Michigan. The House substitute is intended to accommodate cities and villages that wish to hold their local elections concurrent with the upcoming March 15 statewide referendum.

FISCAL IMPLICATIONS:

The Elections Bureau within the Department of State says the bill would not affect state or local budget expenditures. (2-4-94)

ARGUMENTS:

For:

The bill would enable the legislative bodies of numerous villages and at least two cities in the state to adopt a resolution to change the date of their local elections--which by law must be held on Monday, March 14--to one day later to coincide with the statewide referendum that will determine how Michigan will pay for its public schools. Election officials in these communities believe holding their local elections concurrent with the state referendum would both avoid confusing local electors and encourage a better turnout for both elections. Also, unless villages are given this option many apparently won't be able to use township voting equipment to conduct their elections as it will be set up to prepare for the statewide election. Under the bill, locals not only could move their own elections one day later but also could decide from among different options about where an election

would be held, which municipality would conduct it, and so forth. Thus, voters living in the affected communities could simply go to one polling place to cast their votes. A municipality's legislative body, however, would have to move to make this change before February 25, and authority to make the change would only apply to the March 1994 election.

POSITIONS:

The Department of State supports the bill. (2-4-94)

The Michigan Municipal League supports the bill. (2-3-94)

The Michigan Townships Association supports the bill. (2-3-94)