

HOUSE BILL No. 4104

January 28, 1997, Introduced by Reps. Hammerstrom, Dobronski, Jansen and Brackenridge and referred to the Committee on Local Government.

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 30a, 500f, 500g, 501a, 505, 509n, 509r, 544c, 639, 644b, 644c, 644k, 862, 863, 954, 963, 971, and 972 (MCL 168.30a, 168.500f, 168.500g, 168.501a, 168.505, 168.509n, 168.509r, 168.544c, 168.639, 168.644b, 168.644c, 168.644k, 168.862, 168.863, 168.954, 168.963, 168.971, and 168.972), section 501a as amended by 1995 PA 87, sections 509n and 509r as added by 1994 PA 441, section 544c as amended by 1993 PA 137, section 639 as amended by 1985 PA 189, section 963 as amended by 1982 PA 456, and section 972 as amended by 1989 PA 26, and by adding sections 37 and 641a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 30a. (1) A 4-member board of canvassers is established
2 in every city and township having more than 5 precincts,

1 notwithstanding any statutory or charter provision, or any other
2 rule or law to the contrary. All of the powers granted to and
3 duties required by law to be performed by city and township
4 boards of canvassers are granted to and required to be performed
5 by the boards of city and township canvassers in cities and town-
6 ships having more than 5 precincts. ~~School~~ UNTIL CHAPTER XIV
7 IS IN EFFECT, SCHOOL district elections in cities of over 5 pre-
8 cincts which are held in conjunction with the city elections
9 shall be canvassed by the city board of canvassers. Members of
10 the board OF CANVASSERS shall be appointed for terms of 4 years
11 beginning January 1 next following their appointment. ~~Of the~~
12 ~~members first appointed, 1 member of each of the political par-~~
13 ~~ties represented on the canvassing board shall be appointed for a~~
14 ~~term ending December 31, 1967, and 1 for a term ending December~~
15 ~~31, 1965.~~ Members of the board OF CANVASSERS shall be notified
16 of their appointment within 5 days ~~thereafter~~ AFTER APPOINTMENT
17 by their city or township clerk.

18 (2) The city council or the township board of any city or
19 township having more than 5 precincts may contract with the board
20 of ~~supervisors~~ COMMISSIONERS of the county in which all or the
21 greater portion of the city or township's population resides to
22 provide that the board of county canvassers of that county shall
23 perform all the functions of the board of city or township
24 canvassers. Financial arrangements of such a contract may pro-
25 vide that the city or township shall bear all or part of cost of
26 such work.

1 SEC. 37. (1) THE ELECTION CONSOLIDATION COMMISSION IS
2 CREATED WITHIN THE DEPARTMENT OF STATE.

3 (2) THE COMMISSION SHALL CONSIST OF THE FOLLOWING 10
4 MEMBERS:

5 (A) ONE MEMBER APPOINTED BY THE SPEAKER OF THE HOUSE OF
6 REPRESENTATIVES.

7 (B) ONE MEMBER APPOINTED BY THE MINORITY LEADER OF THE HOUSE
8 OF REPRESENTATIVES.

9 (C) ONE MEMBER APPOINTED BY THE MAJORITY LEADER OF THE
10 SENATE.

11 (D) ONE MEMBER APPOINTED BY THE MINORITY LEADER OF THE
12 SENATE.

13 (E) ONE MEMBER WHO IS THE SECRETARY OF A SCHOOL BOARD
14 APPOINTED BY THE GOVERNOR.

15 (F) ONE MEMBER WHO IS A CITY OR VILLAGE CLERK APPOINTED BY
16 THE GOVERNOR.

17 (G) ONE MEMBER WHO IS A TOWNSHIP CLERK APPOINTED BY THE
18 GOVERNOR.

19 (H) ONE MEMBER WHO IS A COUNTY CLERK APPOINTED BY THE
20 GOVERNOR.

21 (I) ONE MEMBER WHO IS A JUDGE APPOINTED BY THE GOVERNOR.

22 (J) THE SECRETARY OF STATE OR HIS OR HER DESIGNEE.

23 (3) THE MEMBERS FIRST APPOINTED TO THE COMMISSION SHALL BE
24 APPOINTED WITHIN 60 DAYS AFTER THE EFFECTIVE DATE OF THIS
25 SECTION.

26 (4) MEMBERS OF THE COMMISSION SHALL SERVE UNTIL DECEMBER 31,
27 2000.

1 (5) IF A VACANCY OCCURS ON THE COMMISSION, THE PERSON MAKING
2 THE APPOINTMENT IN SUBSECTION (2) SHALL MAKE AN APPOINTMENT FOR
3 THE UNEXPIRED TERM IN THE SAME MANNER AS THE ORIGINAL
4 APPOINTMENT.

5 (6) THE PERSON MAKING THE APPOINTMENT IN SUBSECTION (2) MAY
6 REMOVE A MEMBER OF THE COMMISSION HE OR SHE APPOINTED TO THE COM-
7 MISSION FOR INCOMPETENCY, DERELICTION OF DUTY, MALFEASANCE, MIS-
8 FEASANCE, OR NONFEASANCE IN OFFICE, OR ANY OTHER GOOD CAUSE.

9 (7) THE FIRST MEETING OF THE COMMISSION SHALL BE CALLED
10 WITHIN 90 DAYS AFTER THE EFFECTIVE DATE OF THIS SECTION. AT THE
11 FIRST MEETING, THE COMMISSION SHALL ELECT FROM AMONG ITS MEMBERS
12 A CHAIRPERSON AND OTHER OFFICERS AS IT CONSIDERS NECESSARY OR
13 APPROPRIATE. AFTER THE FIRST MEETING, THE COMMISSION SHALL MEET
14 AT THE CALL OF THE CHAIRPERSON OR IF REQUESTED BY 5 OR MORE
15 MEMBERS.

16 (8) A MAJORITY OF THE MEMBERS OF THE COMMISSION CONSTITUTE A
17 QUORUM FOR THE TRANSACTION OF BUSINESS AT A MEETING OF THE
18 COMMISSION. SEVEN MEMBERS ARE REQUIRED FOR OFFICIAL ACTION OF
19 THE COMMISSION.

20 (9) THE BUSINESS THAT THE COMMISSION MAY PERFORM SHALL BE
21 CONDUCTED AT A PUBLIC MEETING OF THE COMMISSION HELD IN COMPLI-
22 ANCE WITH THE OPEN MEETINGS ACT, 1976 PA 267, MCL 15.261 TO
23 15.275.

24 (10) A WRITING PREPARED, OWNED, USED, IN THE POSSESSION OF,
25 OR RETAINED BY THE COMMISSION IN THE PERFORMANCE OF AN OFFICIAL
26 FUNCTION IS SUBJECT TO THE FREEDOM OF INFORMATION ACT, 1976 PA
27 442, MCL 15.231 TO 15.246.

1 (11) MEMBERS OF THE COMMISSION SHALL SERVE WITHOUT
2 COMPENSATION. HOWEVER, MEMBERS OF THE COMMISSION MAY BE REIM-
3 Bursed FOR THEIR ACTUAL AND NECESSARY EXPENSES INCURRED IN THE
4 PERFORMANCE OF THEIR OFFICIAL DUTIES AS MEMBERS OF THE
5 COMMISSION.

6 (12) THE COMMISSION SHALL DO ALL OF THE FOLLOWING:

7 (A) DEVELOP RECOMMENDATIONS TO RESOLVE ISSUES RELATING TO
8 ELECTION CONSOLIDATION SUBMITTED TO THE COMMISSION BY THE DIREC-
9 TOR OF ELECTIONS AT THE FIRST MEETING OF THE COMMISSION.

10 (B) DEVELOP RECOMMENDATIONS TO RESOLVE ALL OTHER ISSUES THE
11 COMMISSION IS AWARE OF THAT ARE NECESSARY TO THE PROPER IMPLEMEN-
12 TATION OF ELECTION CONSOLIDATION.

13 (C) SUBMIT THE RECOMMENDATIONS DEVELOPED UNDER SUBDIVISIONS
14 (A) AND (B) TO THE GOVERNOR, THE CHAIR OF THE HOUSE AND SENATE
15 COMMITTEES RESPONSIBLE FOR ELECTION LEGISLATION, THE CLERK OF THE
16 HOUSE, AND THE SECRETARY OF SENATE ON OR BEFORE DECEMBER 30,
17 1997.

18 Sec. 500f. The clerk of a township shall transmit to the
19 village clerk of a village, the whole or part of which lies in
20 the township, information necessary to complete the village reg-
21 istration of a person registered under sections 500a to 500j.
22 ~~The~~ UNTIL CHAPTER XIV IS IN EFFECT, THE clerk of a city or
23 township shall transmit to the secretary of a school district,
24 where applicable, the information on the application of a person
25 residing within the school district and registered under sections
26 500a to 500j.

1 Sec. 500g. A registration card prepared under sections 500a
2 to 500j shall be sworn to and signed by the voter at the first
3 election during which the voter appears at the polls, or may be
4 signed in the CLERK'S OFFICE OR, UNTIL CHAPTER XIV IS IN EFFECT,
5 IN THE office of the secretary of the school district. ~~or in the~~
6 ~~clerk's office.~~ The application shall be retained by the city or
7 township clerk for signature purposes until the registration card
8 is signed, except that the application shall be sent to the
9 appropriate precinct for each election until the registration
10 card is signed. The secretary of state may provide an applica-
11 tion form ~~which~~ THAT allows a completed affidavit to be
12 attached to a registration card prepared by a local clerk. The
13 registrant shall not be required to sign a registration card if
14 the completed affidavit is attached.

15 Sec. 501a. The BOARD OF election ~~commission~~ COMMISSIONERS
16 of a city, village, or township may authorize the clerk of the
17 city, village, or township to create a registration list. The
18 registration list shall be alphabetically arranged and shall con-
19 tain the name of each registered elector in a precinct. The name
20 shall be followed by the address and date of birth of the
21 elector. The BOARD OF election ~~commission~~ COMMISSIONERS may
22 also provide that the registration list may be used instead of
23 the precinct registration file when this act provides for the use
24 of a precinct registration file. ~~A~~ UNTIL CHAPTER XIV IS IN
25 EFFECT, A school district or an intermediate school district may
26 also use a registration list instead of the precinct registration
27 file when a precinct registration file is required. A city,

1 village, or township shall maintain a file containing the
2 signature of each elector registered in the city, village, or
3 township.

4 Sec. 505. (1) At the time an elector is applying for regis-
5 tration, the registration officer shall ascertain if the elector
6 is already registered as a voter. If the elector is previously
7 registered, the elector shall at the time of applying for regis-
8 tration sign an authorization to cancel any previous
9 registration. The secretary of state shall prescribe forms for
10 this purpose. The form may be a part of the application or a
11 separate form. The clerk of the city or township in which the
12 elector is newly registered shall notify the registration officer
13 of the place of previous registration of the authorization to
14 cancel.

15 (2) An authorization to cancel ~~which~~ THAT indicates a pre-
16 vious address in a state other than this state shall be forwarded
17 to the secretary of state of that state. Notice may be made by
18 forwarding the separate cancellation form, by forwarding the por-
19 tion of an application listing a previous place of registration
20 or by forwarding a list certified by the clerk containing the
21 names of people authorizing cancellation.

22 (3) Notices of cancellation shall contain the name, birth
23 date, and address at which the elector was previously registered,
24 and the name of the city or township of previous registration of
25 all persons authorizing cancellations. Notices shall be sent
26 within 30 days after receipt, but not later than 5 days after the
27 close of registration.

1 (4) Upon receipt of the notice, the clerk shall cancel the
2 registration of the persons listed on the notice. The clerk
3 shall also notify the registration officer of each village and,
4 UNTIL CHAPTER XIV IS IN EFFECT, EACH school district in which the
5 person resides of receipt of an authorization to cancel. An
6 authorization to cancel a voter registration signed by the voter
7 and received from another state or a notice from an election
8 official of another state that an elector has registered in that
9 state shall have the same force and effect as the notice of
10 authorization to cancel of this state.

11 Sec. 509n. The secretary of state is responsible for the
12 coordination of the requirements imposed under this chapter and
13 the national voter registration act of 1993. The secretary of
14 state shall do all of the following:

15 (a) Develop a mail registration form and make the form
16 available for distribution through governmental and private enti-
17 ties, with special emphasis on making the form available to voter
18 registration programs established for the purpose of registering
19 citizens of this state to vote.

20 (b) Instruct designated voter registration agencies; county,
21 city, township, and village clerks; and, UNTIL CHAPTER XIV IS IN
22 EFFECT, school officials regarding the voter registration proce-
23 dures and requirements imposed by law.

24 Sec. 509r. (1) The secretary of state shall establish and
25 maintain the computer system and programs necessary to the opera-
26 tion of the qualified voter file. The secretary of state shall
27 allow each county, city, township, or village access to the

1 qualified voter file. The county, city, township, and village
2 clerks shall verify the accuracy of the names and addresses of
3 registered voters in the qualified voter file.

4 (2) Subject to subsection (3), the secretary of state and
5 county, city, township, and village clerks shall compile the
6 qualified voter file that consists of all qualified electors from
7 the following sources and in the following priority:

8 (a) A driver's license or, if there is no driver's license,
9 a state personal identification card, including renewals and
10 changes of address with the department of state.

11 (b) An application for benefits or services, including
12 renewals and changes of address, taken by a designated voter reg-
13 istration agency.

14 (c) An application to register to vote taken by a county,
15 city, township, or village clerk or, UNTIL CHAPTER XIV IS IN
16 EFFECT, BY A secretary of a school board.

17 (3) A person whose name does not otherwise appear in the
18 qualified voter file shall be placed in the qualified voter file
19 only if the person signs under penalty of perjury an application
20 that contains an attestation that the applicant meets all of the
21 following requirements:

22 (a) Is 17-1/2 years of age or older.

23 (b) Is a citizen of the United States and this state.

24 (c) Is a resident of the city or township where the person's
25 street address is located.

26 (4) A designated voter registration agency or a county,
27 city, township, or village clerk shall not add to, delete from,

1 or change any information contained in the qualified voter file
 2 during the period beginning on the seventh day before an election
 3 and ending on the day of the election.

4 Sec. 544c. (1) A nominating petition shall be 8-1/2 inches
 5 by 14 inches in size. On a nominating petition, the words
 6 "nominating petition" shall be printed in 24-point boldface
 7 type. "We, the undersigned," et cetera shall be printed in
 8 8-point type. "Warning" and language in the warning shall be
 9 printed in 12-point boldface type. The balance of the petition
 10 shall be printed in 8-point type. The name, address, and party
 11 affiliation of the candidate and the office for which petitions
 12 are signed shall be printed in type not larger than 24-point.
 13 The petition shall be in the following form:

14

15

NOMINATING PETITION

16

(PARTISAN)

17

We, the undersigned, registered and qualified voters of

18 the city or township (STRIKE 1) of, THE SCHOOL DISTRICT
 19 (IF APPLICABLE) OF, in the county of

20

~~—(strike 1)—~~

21

..... and state of Michigan, nominate,

1 ,

2 (Name of Candidate)

3 ,

4 (Street Address or Rural Route) (Post Office)

5 as a candidate of the party for the office of

6 , ,

7 (District, if any)

8 to be voted for at the primary OR OTHER election to be held on the

9 day of , 19... .

10 WARNING

11 A person who knowingly signs more petitions for the same
 12 office than there are persons to be elected to the office or
 13 signs a name other than his or her own is violating the provi-
 14 sions of the Michigan election law.

1 _____
 2 Printed Street Address
 3 Name and or Post Office Date of Signing
 4 Signature Rural Route Mo. Day
 Year

5 _____

6 1.

7 2.

8 3.

9 4.

10 numbered lines as above

11 CERTIFICATE OF CIRCULATOR

12 The undersigned circulator of the above petition asserts
 13 that he or she is qualified to circulate this petition and that
 14 each signature on the petition was signed in his or her presence;
 15 and that, to his or her best knowledge and belief, each signature
 16 is the genuine signature of the person purporting to sign the
 17 petition, the person signing the petition was at the time of
 18 signing a qualified registered elector of the city or township
 19 listed in the heading of the petition, and the elector was quali-
 20 fied to sign the petition.

1 Circulator--Do not sign or date certificate until after
2 circulating petition.

3 _____
4 (Printed Name and Signature of Circulator) (Date)

5 _____
6 (City or Township Where Registered)

7 _____
8 Complete Address (Street and Number or Rural Route)

9 _____
10 (Post Office)

11 Warning-A circulator WHO knowingly ~~making~~ MAKES a false
12 statement in the above certificate, a person not a circulator who
13 signs as ~~a~~ THE circulator, or a person who signs a name other
14 than his or her own as circulator is guilty of a misdemeanor.

15 (2) The petition shall be in a form providing a space for
16 the circulator and each elector who signs the petition to print
17 his or her name. The secretary of state shall prescribe the
18 location of the space for the printed name. The failure of the
19 circulator or an elector who signs the petition to print his or
20 her name or to print his or her name in the location prescribed
21 by the secretary of state does not affect the validity of the
22 signature of the circulator or the elector who signs the
23 petition. A printed name located in the space prescribed for

1 printed names does not constitute the signature of the circulator
2 or elector.

3 (3) At the time of circulation, the circulator of a petition
4 shall be a registered elector of this state. At the time of exe-
5 cuting the certificate of circulator, the circulator shall be
6 registered in the city or township indicated in the certificate
7 of circulator on the petition.

8 (4) The circulator of a petition shall sign and date the
9 certificate of circulator before the petition is filed. A circu-
10 lator shall not obtain electors' signatures after the circulator
11 has signed and dated the certificate of circulator. A filing
12 official shall not count electors' signatures that were obtained
13 after the date the circulator signed the certificate or that are
14 contained in a petition that the circulator did not sign and
15 date.

16 (5) Except as provided in section 544d, a petition sheet
17 shall not be circulated in more than 1 city or township and each
18 signer of a petition sheet shall be a registered elector of the
19 city or township indicated in the heading of the petition sheet.
20 The invalidity of 1 or more signatures on a petition does not
21 affect the validity of the remainder of the signatures on the
22 petition.

23 (6) A person shall not sign more nominating petitions for
24 the same office than there are persons to be elected to the
25 office. A PERSON WHO VIOLATES THIS SUBSECTION IS GUILTY OF A
26 MISDEMEANOR.

1 (7) A person who signs a petition with a name other than his
2 or her own is guilty of a misdemeanor.

3 (8) A person who knowingly makes a false statement in a cer-
4 tificate on a petition, a person not a circulator who signs as a
5 circulator, or a person who signs a name as circulator other than
6 his or her own is guilty of a misdemeanor.

7 (9) A person who aids or abets another in an act that is
8 prohibited by this section is guilty of a misdemeanor.

9 (10) The provisions of this section except as otherwise
10 expressly provided apply to all petitions circulated under
11 authority of the election law.

12 Sec. 639. (1) ~~If~~ SUBJECT TO SUBSECTION (3), IF a special
13 election is called by a county, city, township, village, or
14 school district, the proposed date of the election shall be sub-
15 mitted to a county election scheduling committee consisting of
16 the county clerk and 3 other members appointed by the county
17 board of commissioners. Members appointed by the county board of
18 commissioners shall be appointed at the first meeting of the
19 board each odd-numbered year and shall serve for 2 years. Of the
20 members appointed by the county board of commissioners, 1 shall
21 be a township clerk, 1 shall be a city clerk, and 1 shall be a
22 member of the board of education of a school district in the
23 county. In counties not containing cities, the committee shall
24 consist of 3 members. Vacancies shall be filled by appointment
25 by the county board of commissioners. The county clerk shall be
26 chairperson of the committee and the prosecuting attorney shall
27 be legal advisor to the committee. Members of the committee who

1 are full-time employees of a unit of government shall not receive
2 additional compensation for serving on the committee. Other mem-
3 bers shall receive a per diem established by the county board of
4 commissioners but not to exceed that paid to members of the board
5 of canvassers. Any meeting of 4 hours or less shall be paid as a
6 half day. The members of the commission may be paid expenses
7 incurred in the performance of their duties.

8 (2) ~~The~~ SUBJECT TO SUBSECTION (3), THE committee shall
9 determine if the proposed election date conflicts with any other
10 scheduled election in the county. In determining conflict, the
11 committee shall give consideration to such matters as the proxim-
12 ity of the proposed election to other scheduled elections,
13 whether adequate notice can be given, and if residents will be
14 given opportunity to register for the election. Except for elec-
15 tions held pursuant to section 36(2) of the general property tax
16 act, ~~Act No. 206 of the Public Acts of 1893, as amended, being~~
17 ~~section 211.36 of the Michigan Compiled Laws~~ 1893 PA 206, MCL
18 211.36, the commission shall not approve any election scheduled
19 to be held less than 45 days after the approval date and shall
20 have the authority to disapprove an election date if an election
21 is scheduled to be held in the same territory within 30 days of
22 the proposed election date. For elections held pursuant to sec-
23 tion 36(2) of the general property tax act, ~~Act No. 206 of the~~
24 ~~Public Acts of 1893, as amended,~~ 1893 PA 206, MCL 211.36, the
25 committee shall have only the right to receive notice of the
26 election and shall not have any power as regards the 45- and
27 30-day restrictions contained in this section. Two or more

1 special elections may be held on the same date. If the committee
2 determines that a substantial conflict does not exist, it shall
3 approve the proposed date and notify the clerk of the governmen-
4 tal unit involved. If the committee determines that a substan-
5 tial conflict exists, it shall notify the clerk of the governmen-
6 tal unit, explaining the conflict and disapproving the date, and
7 the proposed election shall not be scheduled on that date. A
8 determination by the committee shall be made within 5 days of
9 receiving a proposed date unless the scheduling committee has 2
10 or more regularly scheduled meetings per month, in which case the
11 determination shall be made at the first meeting of the committee
12 following receipt in writing of the proposed date by the county
13 clerk. Notice to the local clerk of the determination of the
14 committee shall be made by the county clerk immediately after the
15 committee makes its determination. The secretary of any school
16 district shall, upon receiving the approval of a proposed date,
17 immediately notify the clerk of every city and township in the
18 school district of the approved date. If a district extends into
19 more than 1 county, the determination shall be made by a commit-
20 tee of the county in which the greatest number of registered
21 voters of the unit of government scheduling the special election
22 reside after consulting with the county clerk from each county
23 involved.

24 (3) BEGINNING JANUARY 1, 2001 IF CHAPTER XIV IS IN EFFECT,
25 THERE IS NO COUNTY ELECTION SCHEDULING COMMITTEE. IF A SPECIAL
26 ELECTION IS CALLED, THE APPROPRIATE COUNTY, CITY, TOWNSHIP, OR

1 VILLAGE CLERK SHALL CAUSE THE SPECIAL ELECTION TO BE CALLED ON
2 THE NEXT AVAILABLE DATE IN THE MANNER PRESCRIBED IN SECTION 641A.
3 SEC. 641A. (1) BEGINNING JANUARY 1, 2001 IF CHAPTER XIV IS
4 IN EFFECT AND NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE
5 CONTRARY, ALL ELECTIONS HELD IN THIS STATE PURSUANT TO THIS ACT
6 SHALL BE HELD ON 1 OF THE FOLLOWING DATES:

7 (A) A WINTER ELECTION HELD ON THE FIRST TUESDAY FOLLOWING
8 THE SECOND MONDAY IN FEBRUARY.

9 (B) A SPRING ELECTION HELD ON THE FIRST TUESDAY FOLLOWING
10 THE FIRST MONDAY IN MAY.

11 (C) A SUMMER ELECTION HELD ON THE FIRST TUESDAY FOLLOWING
12 THE FIRST MONDAY IN AUGUST.

13 (D) A FALL ELECTION HELD ON THE FIRST TUESDAY FOLLOWING THE
14 FIRST MONDAY IN NOVEMBER.

15 (2) THE SECRETARY OF STATE SHALL DIRECT AND SUPERVISE THE
16 CONSOLIDATION OF ALL ELECTIONS IN THIS STATE ON THE DATES SPECI-
17 FIED IN SUBSECTION (1).

18 (3) THE ELECTION OFFICIAL RESPONSIBLE FOR CALLING A SPECIAL
19 ELECTION UNDER THIS ACT SHALL CAUSE THE SPECIAL ELECTION TO BE
20 CALLED ON THE NEXT AVAILABLE DATE ESTABLISHED IN SUBSECTION (1)
21 FOR WHICH ADEQUATE NOTICE CAN BE GIVEN AND FOR WHICH RESIDENTS
22 WILL BE GIVEN OPPORTUNITY TO REGISTER FOR THE ELECTION. TWO OR
23 MORE SPECIAL ELECTIONS MAY BE HELD ON THE SAME DATE.

24 Sec. 644b. A primary election to be known as the "odd year
25 primary election" shall be held on the Tuesday following the
26 first Monday in August of each odd numbered year. ~~except that~~
27 UNTIL CHAPTER XIV IS IN EFFECT, a city may provide by ordinance

1 adopted not less than 7 months preceding the date of any
2 regularly scheduled city odd year general election that all regu-
3 larly scheduled city odd year primary elections shall be held on
4 the Tuesday following the second Monday in September. BEGINNING
5 JANUARY 1, 2001 IF CHAPTER XIV IS IN EFFECT, A CITY MAY PROVIDE
6 BY ORDINANCE ADOPTED NOT LESS THAN 7 MONTHS PRECEDING THE DATE OF
7 ANY REGULARLY SCHEDULED CITY ODD YEAR GENERAL ELECTION THAT ALL
8 REGULARLY SCHEDULED CITY ODD YEAR PRIMARY ELECTIONS SHALL BE HELD
9 ON A DATE ESTABLISHED PURSUANT TO SECTION 641A.

10 Sec. 644c. Notwithstanding any law or charter to the con-
11 trary, the following officers shall be elected at the odd year
12 general election:

13 (a) All judicial officers other than justices of the supreme
14 court and judges of the court of appeals. This provision shall
15 not be effective unless a constitutional amendment authorizing
16 the election of judges at odd numbered year elections is
17 adopted.

18 (b) All elective city officers, including municipal judges,
19 except as otherwise provided in this act.

20 (c) BEGINNING JANUARY 1, 2001 IF CHAPTER XIV IS IN EFFECT,
21 SCHOOL BOARD MEMBERS.

22 Sec. 644k. (1) ~~If~~ SUBJECT TO SUBSECTION (4), IF all or A
23 portion of a school district or a community college district is
24 wholly or partly within a city or more than 1 city that elects
25 city officers at the odd year general election, the school dis-
26 trict or community college district, except a first class school
27 district, may hold its election biennially at the odd year

1 general election if existing law requires or an agreement
2 pursuant to section ~~533~~ 1053 of ~~Act No. 269 of the Public Acts~~
3 ~~of 1955, as amended, being section 340.533 of the Michigan~~
4 ~~Compiled Laws~~ THE REVISED SCHOOL CODE, 1976 PA 451, MCL
5 380.1053, authorizes each city to conduct the school or community
6 college election at the same time as and in conjunction with the
7 city election.

8 (2) ~~The~~ SUBJECT TO SUBSECTION (4), THE board of education
9 of a school district or the board of trustees of a community col-
10 lege district may determine by resolution whether the district
11 shall hold its election as provided in this section. The resolu-
12 tion shall be adopted ~~before May 1, 1971, if it is to be appli-~~
13 ~~cable to the 1971 odd year general election, otherwise it shall~~
14 ~~be adopted~~ not less than 6 months preceding the date of any reg-
15 ularly scheduled school or community college district election.
16 In its resolution the board shall provide that the term of office
17 of members of the school district or community college district
18 board shall be for an even number of years and shall provide for
19 an election schedule ~~which~~ THAT implements the change. A term
20 may be extended for not more than 1 year for this purpose. The
21 board may change the filing date of nominating petitions for
22 board of education candidates to conform with the filing dates of
23 a city election that is held in conjunction with the school board
24 election. In the case of school elections held ~~in accordance~~
25 ~~with~~ UNDER this section, the last date for nomination shall not
26 be more than 49 days before the scheduled school election. The
27 board may provide that all members shall not be elected at the

1 same election. Incumbents' terms shall be ~~in accordance with~~
2 PURSUANT TO section 644g(1). The date for taking office shall be
3 as prescribed in section 644h.

4 (3) This section shall not be ~~deemed~~ CONSIDERED to change
5 the prior provisions of law regarding petitions, nominations, or
6 the conduct of school district and community college district
7 elections other than to allow a change in the date of the regular
8 district election and changes in the date for taking office and
9 the terms of office related to the change in election date.

10 (4) BEGINNING JANUARY 1, 2001 IF CHAPTER XIV IS IN EFFECT,
11 THIS SECTION ONLY APPLIES TO COMMUNITY COLLEGE DISTRICTS AND DOES
12 NOT APPLY TO SCHOOL DISTRICTS.

13 Sec. 862. A candidate for any office AT AN ELECTION,
14 including a candidate at ~~all~~ A school ~~elections except an~~
15 ~~election for board members in a primary school district, at any~~
16 ~~primary or election, conceiving himself~~ ELECTION UNTIL CHAPTER
17 XIV IS IN EFFECT, WHO BELIEVES HE OR SHE IS aggrieved on account
18 of fraud or mistake in the canvass of the votes by the inspectors
19 of election, or in the returns made ~~thereon~~ ON THE ELECTION by
20 the BOARD OF ELECTION inspectors, may petition for a recount of
21 the votes cast for that office in any precinct or precincts as
22 provided in this chapter.

23 Sec. 863. A qualified and registered elector voting in a
24 city, township, school district, ~~other than a primary school~~
25 ~~district at an election for board members,~~ or village at the
26 last preceding election who believes there has been fraud or
27 error committed by the inspectors of election in its canvass or

1 returns of the votes cast at the election, upon a proposed
2 amendment to the charter of the city or village or any other
3 proposition submitted to the voters of the county, city, town-
4 ship, school district, or village, may petition for a recount of
5 the votes cast in any precinct or precincts of that county, city,
6 township, school district, or village, upon that proposed amend-
7 ment or other proposition as provided in this chapter.

8 Sec. 954. ~~The~~ RECALL petitions shall be signed by regis-
9 tered and qualified electors of the electoral district of the
10 official whose recall is sought. ~~In a school district where~~
11 ~~school electors are not required to be registered, the signers of~~
12 ~~the petition shall not be required to be registered electors and~~
13 ~~the term "registered and qualified electors" shall mean~~
14 ~~"qualified electors".~~ Each signer of ~~the~~ A RECALL petition
15 shall affix his OR HER signature, address, and the date of
16 signing. ~~The persons signing the~~ A PERSON WHO SIGNS A RECALL
17 petition shall be A registered and qualified ~~electors~~ ELECTOR
18 of the governmental subdivision designated in the heading of the
19 petition.

20 Sec. 963. (1) The filing official with whom the recall
21 petition is filed shall determine, within 35 days after the
22 filing of the recall petition, the sufficiency of the petition.
23 If the recall petition is found to be insufficient, the filing
24 official shall notify the person or organization sponsoring the
25 recall of the insufficiency of the petition. It shall not be
26 necessary to give notification unless the person or organization

1 sponsoring the recall files with the filing official a written
2 notice of sponsorship and a mailing address.

3 (2) ~~Immediately~~ UNTIL CHAPTER XIV IS IN EFFECT,
4 IMMEDIATELY upon ascertaining that the petition is sufficient,
5 but not later than 35 days after the date of filing of the peti-
6 tion, the county clerk with whom the petition is filed shall
7 submit to the county election scheduling committee a proposed
8 date for a special election to be held within 60 days after the
9 submission to the county scheduling committee to determine
10 whether the electors will recall the officer whose recall is
11 sought. BEGINNING JANUARY 1, 2001 IF CHAPTER XIV IS IN EFFECT,
12 UPON ASCERTAINING THAT THE PETITION IS SUFFICIENT, BUT NOT LATER
13 THAN 35 DAYS AFTER THE DATE OF FILING THE PETITION, THE COUNTY
14 CLERK WITH WHOM THE PETITION IS FILED SHALL CAUSE THE SPECIAL
15 ELECTION TO BE CALLED OR THE NEXT AVAILABLE DATE IN THE MANNER
16 PRESCRIBED IN SECTION 641A.

17 (3) If a petition is filed under section 959, the officer
18 with whom the petition is filed shall not submit a proposed date
19 to the county election scheduling committee but shall call the
20 special election subject to the same time limitations set out in
21 this section. BEGINNING JANUARY 1, 2001 IF CHAPTER XIV IS IN
22 EFFECT, THE OFFICER WITH WHOM THE PETITION IS FILED UNDER SECTION
23 959 SHALL CALL THE SPECIAL ELECTION ON THE NEXT AVAILABLE DATE IN
24 THE MANNER PRESCRIBED IN SECTION 641A.

25 Sec. 971. (1) ~~if~~ UNTIL CHAPTER XIV IS IN EFFECT, IF the
26 recall was successful, the officer with whom the recall petition
27 was filed, ~~shall,~~ within 5 days after receiving the

1 certification, SHALL submit to the county election scheduling
2 committee a proposed date for a special election to be held
3 within 60 days for the filling of the vacancy. If any primary or
4 election is to be held in that electoral district within 4 months
5 after the certification and at a time as will permit preparation
6 for the election by election officials as provided by law, the
7 election to fill the vacancy shall be held concurrently with that
8 primary or election. ~~The same provisions made in section 964~~
9 ~~for~~ BEGINNING JANUARY 1, 2001 IF CHAPTER XIV IS IN EFFECT, IF
10 THE RECALL WAS SUCCESSFUL, THE OFFICER WITH WHOM THE RECALL PETI-
11 TION WAS FILED, WITHIN 5 DAYS AFTER RECEIVING THE CERTIFICATION,
12 SHALL CAUSE A SPECIAL ELECTION TO FILL THE VACANCY TO BE CALLED
13 ON THE NEXT AVAILABLE DATE IN THE MANNER PRESCRIBED IN SECTION
14 641A. SECTION 964, WHICH APPLIES TO THE calling and conducting of
15 ~~the~~ A recall election, ~~shall govern in~~ ALSO APPLIES TO the
16 calling and conducting of ~~the~~ AN election to fill the vacancy
17 created BY RECALL, except as otherwise SPECIFICALLY provided in
18 this section.

19 (2) If a petition is filed under section 959, the officer
20 with whom the petition is filed shall not submit a proposed date
21 to the county election scheduling committee but shall call the
22 special election subject to the same time limitations set out in
23 this section. BEGINNING JANUARY 1, 2001 IF CHAPTER XIV IS IN
24 EFFECT, THE OFFICER WITH WHOM THE PETITION IS FILED UNDER SECTION
25 959 SHALL CALL THE SPECIAL ELECTION ON THE NEXT AVAILABLE DATE IN
26 THE MANNER PRESCRIBED IN SECTION 641A.

1 Sec. 972. (1) Except as provided in subsection (2), a
2 candidate for a nonpartisan office shall be nominated and voted
3 for in an election scheduled pursuant to section 971 by filing a
4 nominating petition not later than 4 p.m. on the fifteenth day
5 after the election is called. The nominating petition shall be
6 filed with the clerk or secretary of the electoral district and
7 signed by not less than 3% of the registered and qualified elec-
8 tors of the electoral district. However, a nominating petition
9 for the office of district library board member shall be signed
10 by not less than 3% of the number of persons voting in the dis-
11 trict library district at the last election at which district
12 library board members were elected and filed with the clerk of
13 the largest county or, if a school district is a participating
14 municipality, with the secretary of the largest participating
15 school district. For the purposes of this subsection, the term
16 "largest" has the meaning ascribed to it in section 2 of the dis-
17 trict library establishment act, 1989 PA 24, MCL 397.172.

18 (2) This subsection applies to an election to fill a vacancy
19 for an unexpired term created by a recall of a SCHOOL BOARD
20 member, ~~of a board of education of a school district,~~ if the
21 election is scheduled to be held on the same date as ~~an annual~~
22 ~~school election or~~ a general election. A petition filed by a
23 candidate shall be signed by a number of registered and qualified
24 electors of the school district equal to not less than 1% of the
25 total number of votes received by the candidate for SCHOOL BOARD
26 member ~~of the board of education~~ who received the greatest
27 number of votes at the last election at which members of the

1 SCHOOL board ~~of education~~ were elected, but the number shall
2 not be less than 20. The petition shall clearly state that it
3 relates to the filling of a vacancy for an unexpired term and
4 shall be filed with the secretary of the SCHOOL board or in the
5 office of the SCHOOL board ~~of education~~ UNTIL DECEMBER 31, 2000
6 OR, BEGINNING JANUARY 1, 2001 IF CHAPTER XIV IS IN EFFECT, WITH
7 THE FILING OFFICIAL WHO RECEIVES NOMINATING PETITIONS UNDER SEC-
8 TION 302 not later than 4 p.m. on the fifteenth day after the
9 election is called.

10 Enacting section 1. This amendatory act does not take
11 effect unless all of the following bills of the 89th Legislature
12 are enacted into law:

13 (a) Senate Bill No. _____ or House Bill No. _____ (request
14 no. 00278'97).

15 (b) Senate Bill No. _____ or House Bill No. _____ (request
16 no. 00279'97).