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CONSOLIDATING LOCAL ELECTION DATES WITH THE PRESIDENTIAL PRIMARY

House Bill 5112 as passed by the House Second Analysis (12-3-99)

Sponsor: Rep. Patricia Godchaux
**Committee: Local Government and Urban
Policy**

THE APPARENT PROBLEM:

Many cities and villages hold their local elections during the months of February or March, under provisions specified in their city and village charters. In addition and under Michigan law, a statewide presidential primary election is conducted on the fourth Tuesday during February in each presidential year, and the next presidential election will be in the year 2000. (The upcoming presidential primary will occur on February 22.) See *BACKGROUND INFORMATION* below.

Some have expressed the concern that in towns whose charters call for local elections in February or March, two elections scheduled close together will be costly to fund. What's more, two elections could inconvenience some electors with the result that voter turn-out would be low, most likely during the local election.

Legislation has been proposed that would allow election officials in villages and cities to consolidate their local elections with the statewide presidential primary election during any year in which a presidential primary election is scheduled.

THE CONTENT OF THE BILL:

House Bill 5112 would amend the Michigan Election Law to specify two separate and somewhat different procedures, each of which would allow a local unit of government to combine the presidential primary election with its local elections. The first procedure would apply to the February 22, 2000 presidential primary, and the second procedure would apply to all future presidential primary elections.

For the February 22, 2000 presidential primary election, House Bill 5112 would allow, notwithstanding any law or charter provision to the contrary, in the year 2000 only, a city or village to, by resolution, change the date of its city or village election

to the date of the scheduled statewide presidential primary election, if the city or village was scheduled to conduct a city or village election within one day of the scheduled statewide presidential primary. Under the bill, the resolution could not be adopted less than 40 days before the earliest of the two scheduled elections. However, a resolution that was adopted before the effective date of the bill and that substantially complied with it would be validated.

If a resolution were adopted, all of the following would apply: a) the legislative body of the city or village would be required immediately to file the resolution with the city or village clerk, and the city or village clerk would, in turn, be required immediately to notify the county clerk; and, b) the terms of elective city or village offices would expire and commence on the same dates as would apply if the election were conducted on the date otherwise prescribed by law or charter.

For presidential primary years beginning in the year 2004, House Bill 5112 would amend the Michigan Election Law to specify that, despite any law or charter provision to the contrary, beginning in the year 2004, a city or a village that was scheduled to conduct an election within 31 days of a scheduled statewide presidential primary election could, by a resolution of its legislative body, change the date of the city election to the date of the scheduled statewide presidential primary election. The resolution would have to be adopted sufficiently in advance of the scheduled presidential primary election to allow timely certification both of ballot wording, and of candidates.

Consolidated city elections: one option. Under the bill, if the legislative body of a city adopted a resolution to consolidate the dates of its city and presidential primary elections scheduled within 31 days of each other, then it would be required to immediately file the resolution

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with the city clerk, and the city clerk, in turn, would be required to notify the county clerk. The bill also specifies that the terms of elective city offices would expire and commence on the same dates as would apply if the election were conducted on the date otherwise prescribed by law or charter.

Consolidated village elections; two options in both 2000 and beginning in 2004. A village could opt to have its consolidated election run by the township clerk, or its own village officials, both in the year 2000, and in future presidential primary election years. In all instances, if the legislative body of a village adopted a resolution to consolidate the dates of its village and presidential primary elections falling within 31 days of each other, then it would be required to immediately file the resolution with the village clerk, and the village clerk, in turn, would be required to notify the clerks of each county and township in which the village is located. As with cities, the bill also specifies that the terms of elective village offices would expire and commence on the same dates as would apply if the election were conducted on the date otherwise prescribed by law or charter.

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

* If agreed to by the township clerk, it could choose to have township election officials conduct the village 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.

* In the alternative, the legislative body of a village could opt to have the village election officials conduct the village election and the presidential primary election. If it did so, all of the following would apply: a) the registered and qualified electors of the township who lived in the village would have to vote in the same place for both elections; b) the county clerk of the county who canvassed and certified the village election's results would have to provide the village election commission with any paper presidential primary ballots needed to conduct the election (however, the village commission would be responsible for having the approved ballot wording printed on the

ballot that would be used in any voting machine or electronic voting system, and would have to submit a proof to the county clerk); and, c) the presidential primary election would have to be conducted, canvassed and certified in the same manner as the village election, and further, the board of county canvassers would be required to include in its certification to the state board of canvassers the results of the presidential primary election conducted in the village.

In the case of either a township conducting a village election or a village conducting the presidential primary 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. Finally, any notice of election published by the village clerk or the township clerk of a township in which the village is located would be required to contain information about polling places for both the village election and the presidential primary

MCL 168.613a

BACKGROUND INFORMATION:

Michigan's presidential primary changed from March to February. Earlier during this legislative session, Public Acts 71 and 72 of 1999 (House Bill 4408 and Senate Bill 51, respectively) were enacted into law in order to change the date of the statewide presidential primary election from the third Tuesday in March to the fourth Tuesday in February. The date was changed so that Michigan voters could vote for their preferred presidential candidates before the voters in other states do so. Expressing their preferences earlier allows the state's voters to have a more visible role in the selection of the presidential candidate, since the results of the early primary elections are widely reported in the news media, and they are anxiously anticipated by all citizens and most especially by political party activists. Early wins in primary states having a lot of population and many electors demonstrate a candidate's popularity compared to other candidates in the field, and the momentum in the campaigns of early winners tends to build. In this way, the voters in the state primaries that are scheduled early in the year can help to shape the ultimate outcome of the presidential election, since the appeal of a party's most popular candidate becomes known early in the selection process.

It is unlikely, however, that Michigan voters will be the first to express their preference during this presidential election year, since New Hampshire law provides that its primary be held on the second Tuesday in March *or one full week earlier than any other state.* (HLAS Analysis, 6-3-99)

Consolidating local and statewide elections. In Michigan, it has been customary to enact a bill every four years that allows local units of government to consolidate their local elections with the presidential primary election. Six years ago, the practice also was followed in order to allow cities, towns and villages to consolidate their local March elections with the March 14, 1994 special statewide election called for the purpose of public school finance reform. It has been the custom, too, that each of these acts contain a repealer provision, so that the law that is enacted is repealed shortly after the aligned elections occur. (Generally the laws have been repealed on June 1 following the election). House Bill 5112 (H-1) would remove the need to enact and then to repeal these special election laws during presidential primary years.

FISCAL IMPLICATIONS:

According to the House Fiscal Agency, there are no state or local fiscal impacts associated with this bill. (11-10-99)

ARGUMENTS:

For:

Consolidating a local election and the presidential primary election so that both occur on the same day--next year on February 22--will make voting more convenient for electors, and since only one trip to the polls will be required for both elections, the alignment likely will ensure high voter turn-out for local elections which customarily are less popular with voters than are presidential primary elections.

POSITIONS:

The Department of State supports the bill. (12-3-99)

Analyst: J. Hunault

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