



**House  
Legislative  
Analysis  
Section**

House Office Building, 9 South  
Lansing, Michigan 48909  
Phone: 517/373-6466

## **ELECTION CONSOLIDATION**

**Senate Bills 438 and 440 as passed by the  
Senate**

**Sponsor: Sen. Glen D. Steil**

**Senate Bills 439, 1092, and 1202 as passed  
by the Senate**

**Sponsor: Sen. Bev Hammerstrom**

**Senate Bills 441 - 443 as passed by the  
Senate**

**Sponsor: Sen. George A. McManus, Jr.**

**Senate Bills 444 and 760 as passed by the  
Senate**

**Sponsor: Sen. Loren Bennett**

**House Committee: Redistricting and  
Elections (Discharged)**

**Senate Committee: Government  
Operations**

**First Analysis (11-12-02)**

### ***THE APPARENT PROBLEM:***

One pithy criticism of Michigan's election system is that the state has too many elections and not enough voters. For many years, legislators with an interest in election issues, along with state and local election officials, have been working on proposals to consolidate elections. The issues, in brief, have been: how many elections should there be each year; when should they be; and who should run them. The problems being addressed have included the hodgepodge of election dates at various levels of government, the relatively permissive approach to the scheduling of special elections, and the existence of two parallel elections systems, one run by school districts for school elections and the other involving local, county, and state officials for all other elections. Critics of the current system say it contributes to the very low turnouts in some elections, including annual school elections, and that it creates a suspicion among some citizens that elections are being designed and scheduled so as to be "below the radar" and to produce a desired outcome rather than honestly inviting public participation. The consolidation effort has focused on reducing the number of election dates so as to

provide more consistency and predictability for potential voters and bringing the administration of all elections under the clerks whose primary obligation is to the Michigan Election Law. A consolidation proposal is currently before the legislature.

### ***THE CONTENT OF THE BILLS:***

The bills would amend the Michigan Election Law, the Revised School Code, and several related acts to:

- Establish four standard election dates, in February, May, August, and November of each year, on which all regular and special elections would be held (with a few exceptions). The dates would be the fourth Tuesday in February; the first Tuesday after the first Monday in May; the first Tuesday after the first Monday in August; and the first Tuesday after the first Monday in November. The dates would not apply to a school district or community college district until January 1, 2005.
- Exclude from the standard election dates two kinds of special election covered under Article XII, Section

**Senate Bills 438-444, 760, 1092, and 1202 (11-12-02)**

1 of the State Constitution, namely, a special election called by the governor to fill a vacancy or called by the legislature to submit a proposed constitutional amendment. (They could be held on standard election days, but need not.)

- Require that school elections be governed by the Michigan Election Law, and eliminate election-related provisions currently in the Revised School Code. School districts, including intermediate districts and community college districts, would no longer administer and operate their own elections.

- Provide new procedures for the conduct of school district elections, with the election to be run by the municipal or county clerk (rather than the secretary of the school board) and with arrangements for the administration of each school election to be made by a special school district coordinating committee. School district voting would be canvassed by the appropriate board of canvassers. School districts would be authorized to use general operating funds to reimburse units of local government for the cost of administering and conducting a regular or special election.

- Require a school district (including a community college district) to hold its regular election on the odd-year November election day, but allow a district to change that date by resolution to either 1) the odd-year May election; 2) the November election day in both odd and even years; or 3) the May election day in both odd and even years. Terms of school board members could be for four years or six years as provided by school district bylaws. Board members elected in May would begin their terms on May 20. Board members elected in November would take office November 20.

- Provide that cities and villages hold their regular elections in November, but allow a city or village to change that date by resolution to May. The election would be held in each even year or odd year, or both, as provided by charter or ordinances. The primary for a November election would be held in August; for a May election, in February. However, a city that previously held a September primary could by resolution continue to do so.

- Adjust terms of office for elected local and school officials to take into account the adjustment of election dates. This would include changing the date when officials take office and extending the terms of some officials during the transition to new election dates.

- Repeal or otherwise eliminate a variety of provisions in a number of acts that permit elections to be scheduled on dates other than the four standard election days.

- Permit candidates for office, generally speaking, to pay a nonrefundable filing fee of \$100 instead of filing nominating petitions.

Senate Bill 438 would amend the Revised School Code (MCL 380.4 et al.). Senate Bills 439, 440, and 760 would amend the Michigan Election Law (MCL 168.2 et al.). Senate Bill 441 would amend the Home Rule City Act (MCL 117.3 et al.). Senate Bill 442 would amend the Home Rule Village Act (MCL 78.4 et al.). Senate Bill 443 would amend the General Law Village Act (MCL 62.1 et al.). Senate Bill 444 would amend the Community College Act (MCL 389.2 et al.). Senate Bill 1092 would amend the Metropolitan Councils Act (MCL 124.677). Senate Bill 1202 would amend the Charter Township Act (MCL 42.34). The bills would take effect January 1, 2003, with the exception of the new Chapter XIV of the Michigan Election Law found in Senate Bill 440. That new chapter, dealing with school district and community college district elections, would take effect January 1, 2005. Furthermore, two new sections of the Michigan Election Law dealing with choosing among alternative dates for school and municipal elections, also in Senate Bill 440, would take effect immediately.

A brief description of some of the key features of the package follows.

Conducting School Elections. Senate Bill 438 would amend the Revised School Code to specify, among other things, that a regular or special election of a school district, local act school district, or intermediate school district would be administered and conducted as provided in Chapter XIV of the Michigan Election Law. Senate Bill 440 would amend the Michigan Election Law to create Chapter XIV. Under that chapter, regular school elections and special elections would be conducted by a "school district election coordinator". The term "school district" in this chapter would include a community college district. For a district whose entire territory lay within a single city or township, this would be the city or township clerk. For a district with territory in more than one city or township, this would be the county clerk of the county in which the largest number of school district voters resided. The coordinator (or a designated agent of the coordinator) would be the filing official for the district, and in addition to receiving

nominating petitions and requests for special elections, the coordinator would have to procure the necessary qualified voter file precinct lists; certify candidates; receive ballot proposal language; and issue absent voter ballots.

Arrangements for school elections would be made by a school district coordinating committee. For a district whose entire territory was in a single city or township, this committee would be made up of the secretary of the school board, the city or township election commission, and the school district election coordinator (the local clerk). For a district with territory in more than one city or township, the committee would be made up of the secretary of the school board, the clerk of each city and township in the district territory, and the election coordinator (county clerk).

Senate Bill 440 would require the school district coordinating committee for each district to hold its initial meeting within 30 days after the bill's effective date. Within 14 days after the initial meeting, the committee would have to file a report with the secretary of state setting forth the arrangements agreed upon for the conduct of the school district's elections. The report would have to be signed by each committee member. The committee would then meet at two-year intervals to review, and if necessary, alter the election arrangements. The committee would have to notify the secretary of state of its actions. A person participating in the arrangements would be bound by them for at least two years following the filing of the report and would continue to be bound by them until a new report was filed.

The school district election arrangements would have to make it so that if a school district election was held on the same day as an election with an overlapping jurisdiction, an elector wishing to vote in both elections would not be required to vote at two different locations. The arrangements would also have to specify that if a city or township clerk notified the election committee before the filing of the initial or revised report that he or she had decided to participate in the conduct of the school district elections, then the committee would include that clerk in the report as the person conducting the school district elections in the clerk's city or township.

The bill would specify that, notwithstanding any other provisions, if a city or township was holding an election for elective office or on a ballot proposal at the same time that a school district located in whole

or part in the city or township was holding an election, then the city or township clerk would also conduct the school district election within his or her jurisdiction. The city or township clerk in such circumstances would have to use the same precincts used for federal and state elections as the precincts for the school district election.

School Election Costs. A school district would have to pay each county, city, and township that conducted an election for the district either 100 percent of the actual costs (if the district's election was not held in conjunction with another election conducted by the county, city, or township) or 100 percent of actual additional costs (if the district's election was held in conjunction with another election). The county, city, or township would present to the school district a verified account of actual costs not later than 84 days after the election, and the school board would have 84 days after receiving the verified account to pay or disapprove all or a portion of the verified account. If the school board disapproved all or part of the costs, it would have to send a notice of disapproval, along with its reasons. If the county, city, or township requested it, the parties would then review the disapproved costs together. If they could not agree, the secretary of state would determine the actual costs.

School Election Dates. As mentioned above, as of January 1, 2005, school district elections would be held at the November odd-year election unless a school board passed a resolution to establish another date. Senate Bill 440 would specify that if a school district as of the bill's effective date held its school election on a date other than the odd-year November election, then the district board could choose to hold its regular election on 1) the odd-year May election day; 2) the November election day in both odd and even years; or 3) the May election day in both odd and even years. The district would have to make that choice by adopting a resolution subsequent to a public hearing. Notice of the public hearing would have to be designed to reach the largest number of the district's qualified electors (voters) in a timely fashion. The notice would also have to state that the issue was whether to switch the district's regular election day from the odd-year November election day to another day, which would have to be specified. The school board would have to vote immediately following the close of the public hearing, and the resolution would have to be adopted by record roll call vote and by a majority of members serving. A district could subsequently follow the same process to return to the odd-year November date.

Special School Elections. A school board could submit a request to the school district election coordinator to submit a ballot question to the voters. The coordinator would then schedule a special election on the next standard election day that was at least 60 days after the date the coordinator received the request. The school board would also request the scheduling of a special election when there was a vacancy on the board and the term of office in question extended beyond the next regular election. The special election would be held at the next regular school board election.

### **BACKGROUND INFORMATION:**

It should be noted that an alternative proposal was presented to and discussed by the House Committee on Redistricting and Elections. This proposal by Rep. Pappageorge would call for five elections every two years rather than eight. Elections would be held each year in August and November, and education-related elections would be held in June in odd-numbered years. Elections at the national and state level would be held in even-numbered years, along with elections for state supreme court and the court of appeals; elections at the county and local level would be held in odd-numbered years, along with probate, circuit, and district court judges. Education offices, including the state board of education, elected university officials, and local boards would be elected at the odd-year June election. All special elections would have to be held on one of the regular election dates (other than the constitutionally protected ones). This alternative proposal is in the form of substitutes for the Senate-passed bills. There is an associated joint resolution, House Joint Resolution Z, which would amend the State Constitution to eliminate the requirement in Article 11, Section 5 that elections for county and township offices must be held on the first Tuesday after the first Monday in each even-numbered years or on such other date as members of the Congress of the United States are regularly elected. This would allow the odd-year election of county and township officials. The alternative proposal, as with the Senate-passed package, would have school elections conducted by county and municipal clerks.

### **FISCAL IMPLICATIONS:**

The House Fiscal Agency reports that the bills would have no state fiscal impact. There would be an indeterminate fiscal impact on local government, with both some additional administrative costs and additional fee revenue. (HFA analyses dated 4-24-02)

### **ARGUMENTS:**

#### ***For:***

Over time, scheduling nearly all regular and special elections on just four dates each year will help to provide greater awareness of elections among voters. People could mark these dates on the calendar in expectation of elections. This, in turn, offers the potential for enhanced public interest and participation in elections and larger voter turnout. Today, elections are held on a wide variety of dates. Single issue special elections can escape widespread public notice. This proposal guards against such so-called stealth elections. It also guards against repeated elections on the same issue being held on isolated or unusual dates. Some people, including editorial writers, complain that such tactics are manipulative and lead to public cynicism.

The proposal also puts all elections, including school elections, in the hands of county and local clerks, who typically are the experts in running elections. The clerks answer to the Michigan Election Law, not to other local officials, and are part of a professional election system that includes the secretary of state's elections bureau. Critics of the current system of running school elections point out that the conduct of school elections usually falls to a school employee who is answerable to the local superintendent and school board. (Officially, the responsible party is the school board secretary, who is a member of the school board.) Rather than have two parallel systems for conducting elections, this package of bills provides for a special coordinating committee to make school district election arrangements, with representation from the schools and appropriate local units, and puts the actual running of the election in the hand of a county or local clerk. Voters would not only know when elections were to be held but where, since with consolidation precinct locations would remain the same. There would also be a potential cost savings, particularly if school districts used the November election date. This proposal has been under discussion for many years and election officials are confident that the consolidation anticipated in these bills is practicable.

Voter turnout at local elections and particularly at school elections is very low, sometimes with percentages in single digits. There are doubtless many reasons for this, including the lack of competition in many elections. But election laws at the very least ought to remove barriers to public awareness and remove obstacles to voting. Consolidating elections will be a step in this direction

by reducing voter confusion. According to testimony before the House Redistricting and Elections Committee, in 1999 school millage elections were held on 30 different dates, and in 2001 on 34 different dates throughout the year. Sometimes special elections are held within weeks of a regularly scheduled election.

### ***Against:***

The package of bills represents an erosion of local control for school districts and flies in the face of the concept of “general powers” school districts embodied in the Revised School Code. The idea was for school districts to be granted a measure of independence and flexibility in the conduct of their affairs. This proposal would take away the ability of school districts to run their own elections and it limits their ability to schedule elections. School boards are elected in part to make these kinds of decisions, particularly regarding the financial needs of their districts. Moreover, the proposal does not address a real contemporary problem. There was a time when millage elections were a preoccupation of school districts. Since the passage of Proposal A in 1994, and the adoption of a new school finance system, school districts no longer routinely seek basic support for operations. The need for elections has been reduced.

It is not obvious either that moving the date of school elections is desirable. Perhaps not many voters turn up for school elections, but they are likely to be interested and informed voters. Combining elections might lead to more voters but many will have no connection to or knowledge about school district issues. June has been the traditional date for school elections for many years; it seems unlikely that shifting to another date will lead to less confusion for diligent voters. Moreover, it could be argued that when an issue is alone on the ballot, it should be the subject of greater public scrutiny, not less, whereas on a long, complex ballot, a local school district issue could get lost in the “noise”. Voter apathy can be a sign of satisfaction with the work being done by elected officials or can reflect a decision to leave certain issues (such as bond issues and capital projects) to those who are informed about them. When there is a hot issue, voters tend to turn up.

It is also not fair to say school districts are not competent to run elections. School officials say there have been very few complaints over the years about irregularities. In some jurisdictions, where there is agreement, local clerks do conduct elections for school districts. Some districts have special staffs with the competence to carry out the work. This

ought to be something worked out locally, not mandated by state law. Further, some people believe that the combining of elections will be problematic because of the number of overlapping jurisdictions involved. The superintendent of the Charlevoix-Emmet Intermediate School District has testified that his ISD is made up of 11 school districts overlaid on which are 41 townships, 10 villages or cities, and parts of 4 counties. Those four counties themselves contain three ISDs. There are also objections to the lengthening of school board terms that will be necessary to make the transition to a new election schedule.

### ***POSITIONS:***

Representatives of the following were among those who testified in general support of the election consolidation package during the hearings held by the House Committee on Redistricting and Elections from 5-9-02 to 5-30-02: the secretary of state; the Michigan Municipal League; the Michigan Townships Association; the Michigan Association of County Clerks; Choices for Children; the Council of Election Officials and the Michigan Association of Municipal Clerks; and the Michigan School Board Leaders Association.

Representatives of the following were among those who testified in opposition to the bills: the Michigan Association of School Administrators; the Oakland Schools; the Novi Community Schools; the Birmingham School District; the Charlevoix-Emmet Intermediate School District; the Plymouth-Canton Community Schools; and the Huron Valley Schools Board of Education.

Analyst: C. Couch

---

■ 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.