

SENATE BILL No. 440

May 1, 2001, Introduced by Senators STEIL, HAMMERSTROM, BENNETT, SHUGARS and SIKKEMA and referred to the Committee on Government Operations.

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 3, 321, 322, 358a, 370, 381, 382, 538, 635, 644b, 644c, 644e, 644g, 646a, 963, and 971 (MCL 168.3, 168.321, 168.322, 168.358a, 168.370, 168.381, 168.382, 168.538, 168.635, 168.644b, 168.644c, 168.644e, 168.644g, 168.646a, 168.963, and 168.971), section 321 as amended by 1994 PA 277, section 322 as amended by 1999 PA 218, section 358a as amended by 1990 PA 235, section 370 as amended by 1990 PA 83, section 381 as amended by 1991 PA 16, section 646a as amended by 1990 PA 7, and section 963 as amended by 1999 PA 220, and by adding sections 17 and 643b and chapter XIV; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3. ~~The term "general"~~ AS USED IN THIS ACT:

2 (A) "GENERAL November election", ~~as used in this act, shall~~
 3 ~~mean~~ "GENERAL ELECTION", OR "EVEN YEAR GENERAL ELECTION" MEANS
 4 the election ~~provided to be~~ held in ~~the~~ THIS state on the
 5 first Tuesday after the first Monday of November in ~~every~~ EACH
 6 even numbered year.

7 (B) "ODD YEAR GENERAL ELECTION" MEANS THE ELECTION HELD ON
 8 THE FIRST TUESDAY AFTER THE FIRST MONDAY OF NOVEMBER IN EACH ODD
 9 NUMBERED YEAR.

10 SEC. 17. AS USED IN THIS ACT:

11 (A) "SCHOOL BOARD" MEANS THE GOVERNING BODY OF A SCHOOL
 12 DISTRICT.

13 (B) "SCHOOL BOARD MEMBER" MEANS A PERSON HOLDING THE OFFICE
 14 OF SCHOOL BOARD MEMBER UNDER THIS ACT. SCHOOL BOARD MEMBER DOES
 15 NOT INCLUDE A SCHOOL BOARD MEMBER OF AN INTERMEDIATE SCHOOL DIS-
 16 TRICT UNLESS THAT INTERMEDIATE SCHOOL DISTRICT HAS ADOPTED SEC-
 17 TIONS 615 TO 617 OF THE REVISED SCHOOL CODE, 1976 PA 451,
 18 MCL 380.615 TO 380.617.

19 (C) "SCHOOL DISTRICT" MEANS A SCHOOL DISTRICT, A LOCAL ACT
 20 SCHOOL DISTRICT, OR AN INTERMEDIATE SCHOOL DISTRICT, AS THOSE
 21 TERMS ARE DEFINED IN THE REVISED SCHOOL CODE, 1976 PA 451,
 22 MCL 380.1 TO 380.1852.

23 (D) "NOVEMBER SCHOOL ELECTION" MEANS THE ELECTION HELD TO
 24 ELECT MEMBERS TO SCHOOL BOARDS AT THE ODD YEAR GENERAL ELECTION.

CHAPTER XIV.

SCHOOL ELECTIONS

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SEC. 301. (1) A PERSON IS ELIGIBLE FOR ELECTION AS A SCHOOL BOARD MEMBER IF THE PERSON IS A CITIZEN OF THE UNITED STATES AND IS A QUALIFIED AND REGISTERED ELECTOR OF THE SCHOOL DISTRICT HE OR SHE SEEKS TO REPRESENT.

(2) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (3), THE TERM OF OFFICE FOR SCHOOL BOARD MEMBER IS 4 YEARS, BEGINNING AT 12 NOON ON THE JANUARY 1 IMMEDIATELY FOLLOWING HIS OR HER ELECTION.

EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (3) AND SECTION 308, A SCHOOL BOARD MEMBER'S TERM OF OFFICE CONTINUES UNTIL A SUCCESSOR IS ELECTED AND QUALIFIED.

(3) TO MAKE THE TRANSITION TO NOVEMBER SCHOOL ELECTIONS REQUIRED BY THE AMENDATORY ACT THAT ADDED THIS CHAPTER, ALL OF THE FOLLOWING APPLY TO THE TERMS OF SCHOOL BOARD MEMBERS SERVING AS OF JANUARY 1, 2003:

(A) IF THE SCHOOL BOARD MEMBER SERVES ON A SCHOOL BOARD CONSISTING OF 5 MEMBERS, THE FOLLOWING APPLY:

(i) FOR A SCHOOL BOARD MEMBER WHO IS AMONG THE 3 SCHOOL BOARD MEMBERS WITH THE LEAST TIME REMAINING IN THEIR ELECTED TERMS AS OF JANUARY 1, 2003, HIS OR HER TERM OF OFFICE CONTINUES UNTIL 12 NOON ON JANUARY 1, 2004 AND A SUCCESSOR SHALL BE ELECTED AT THE REGULAR SCHOOL ELECTION TO BE HELD IN NOVEMBER 2003.

(ii) FOR A SCHOOL BOARD MEMBER WHO IS AMONG THE 2 SCHOOL BOARD MEMBERS WITH THE MOST TIME REMAINING IN THEIR ELECTED TERMS AS OF JANUARY 1, 2003, HIS OR HER TERM OF OFFICE CONTINUES UNTIL

1 12 NOON ON JANUARY 1, 2006 AND A SUCCESSOR SHALL BE ELECTED AT
2 THE REGULAR SCHOOL ELECTION TO BE HELD IN NOVEMBER 2005.

3 (B) IF THE SCHOOL BOARD MEMBER SERVES ON A SCHOOL BOARD CON-
4 SISTING OF 7 MEMBERS, THE FOLLOWING APPLY:

5 (i) FOR A SCHOOL BOARD MEMBER WHO IS AMONG THE 4 SCHOOL
6 BOARD MEMBERS WITH THE LEAST TIME REMAINING IN THEIR ELECTED
7 TERMS AS OF JANUARY 1, 2003, HIS OR HER TERM OF OFFICE CONTINUES
8 UNTIL 12 NOON ON JANUARY 1, 2004 AND A SUCCESSOR SHALL BE ELECTED
9 AT THE REGULAR SCHOOL ELECTION TO BE HELD IN NOVEMBER 2003.

10 (ii) FOR A SCHOOL BOARD MEMBER WHO IS AMONG THE 3 SCHOOL
11 BOARD MEMBERS WITH THE MOST TIME REMAINING IN THEIR ELECTED TERMS
12 AS OF JANUARY 1, 2003, HIS OR HER TERM OF OFFICE CONTINUES UNTIL
13 12 NOON ON JANUARY 1, 2006 AND A SUCCESSOR SHALL BE ELECTED AT
14 THE REGULAR SCHOOL ELECTION TO BE HELD IN NOVEMBER 2005.

15 (C) IF THE SCHOOL BOARD MEMBER SERVES ON A SCHOOL BOARD CON-
16 SISTING OF 9 MEMBERS, THE FOLLOWING APPLY:

17 (i) FOR A SCHOOL BOARD MEMBER WHO IS AMONG THE 5 SCHOOL
18 BOARD MEMBERS WITH THE LEAST TIME REMAINING IN THEIR ELECTED
19 TERMS AS OF JANUARY 1, 2003, HIS OR HER TERM OF OFFICE CONTINUES
20 UNTIL 12 NOON ON JANUARY 1, 2004 AND A SUCCESSOR SHALL BE ELECTED
21 AT THE REGULAR SCHOOL ELECTION TO BE HELD IN NOVEMBER 2003.

22 (ii) FOR A SCHOOL BOARD MEMBER WHO IS AMONG THE 4 SCHOOL
23 BOARD MEMBERS WITH THE MOST TIME REMAINING IN THEIR ELECTED TERMS
24 AS OF JANUARY 1, 2003, HIS OR HER TERM OF OFFICE CONTINUES UNTIL
25 12 NOON ON JANUARY 1, 2006 AND A SUCCESSOR SHALL BE ELECTED AT
26 THE REGULAR SCHOOL ELECTION TO BE HELD IN NOVEMBER 2005.

1 SEC. 302. (1) FOR THE NAME OF A PERSON AS A CANDIDATE FOR
2 SCHOOL BOARD MEMBER TO APPEAR ON THE OFFICIAL BALLOT IN THE
3 ELECTION PRECINCTS OF A SCHOOL DISTRICT, THE CANDIDATE SHALL FILE
4 AN AFFIDAVIT AS REQUIRED IN SECTION 558 AND A NOMINATING PETITION
5 SIGNED BY A NUMBER OF QUALIFIED AND REGISTERED ELECTORS AS DETER-
6 MINED IN SECTION 544F.

7 (2) THE CANDIDATE SHALL FILE THE NOMINATING PETITION AND
8 AFFIDAVIT WITH THE FILING OFFICIAL OF THE CITY, TOWNSHIP, OR
9 COUNTY HOLDING THE ELECTION.

10 (3) NOMINATING PETITIONS UNDER THIS SECTION SHALL BE IN THE
11 FORM PRESCRIBED IN SECTION 544A. EXCEPT AS OTHERWISE PROVIDED IN
12 THIS SUBSECTION, NOMINATING PETITIONS SHALL BE FILED WITH THE
13 FILING OFFICIAL OF THE CITY, TOWNSHIP, OR COUNTY HOLDING THE
14 ELECTION UNDER THIS CHAPTER NOT LATER THAN 4 P.M. OF THE NINTH
15 TUESDAY BEFORE THE DATE OF THE ELECTION.

16 SEC. 303. AFTER THE FILING OF A NOMINATING PETITION BY OR
17 ON BEHALF OF A CANDIDATE FOR SCHOOL BOARD MEMBER, THE CANDIDATE
18 IS NOT PERMITTED TO WITHDRAW UNLESS A WRITTEN NOTICE OF WITH-
19 DRAWAL IS SERVED ON THE FILING OFFICIAL WITH WHOM HIS OR HER NOM-
20 INATING PETITIONS WERE FILED, OR THE FILING OFFICIAL'S AUTHORIZED
21 AGENT, NOT LATER THAN 4 P.M. OF THE THIRD BUSINESS DAY AFTER THE
22 LAST DAY FOR FILING NOMINATING PETITIONS.

23 SEC. 304. AT LEAST 1 SCHOOL BOARD MEMBER IN EACH SCHOOL
24 DISTRICT SHALL BE ELECTED IN EACH NOVEMBER SCHOOL ELECTION.

25 SEC. 305. THE APPROPRIATE BOARD OF CANVASSERS AS PRESCRIBED
26 IN SECTION 24A OR 30A SHALL CANVASS THE VOTES FOR CANDIDATES FOR
27 SCHOOL BOARD MEMBER IN THE NOVEMBER SCHOOL ELECTION IN EACH

1 SCHOOL DISTRICT. THAT NUMBER OF CANDIDATES EQUAL TO THE NUMBER
2 OF PERSONS TO BE ELECTED WHO RECEIVE THE GREATEST NUMBER OF VOTES
3 CAST AT THE ELECTION, AS SET FORTH IN THE REPORT OF THE BOARD OF
4 CANVASSERS CANVASSING THE VOTES, BASED UPON THE RETURNS FROM THE
5 ELECTION PRECINCTS OR AS DETERMINED BY THE BOARD OF CANVASSERS AS
6 A RESULT OF A RECOUNT, ARE ELECTED TO THE OFFICE OF SCHOOL BOARD
7 MEMBER. UPON COMPLETION OF THE CANVASS, THE BOARD OF CANVASSERS
8 SHALL MAKE A STATEMENT OF RETURNS AND CERTIFY THE ELECTION OF
9 SCHOOL BOARD MEMBERS TO THE SECRETARY OF THE SCHOOL BOARD, THE
10 COUNTY CLERK, AND THE LOCAL OFFICIAL WHO HELD THE SCHOOL BOARD
11 ELECTION.

12 SEC. 306. THE OFFICIAL WHO RECEIVES THE CERTIFICATION OF
13 THE BOARD OF CANVASSERS UNDER SECTION 305 SHALL PRESERVE AND FILE
14 IN HIS OR HER OFFICE THE CERTIFIED STATEMENT OF RETURNS AND CER-
15 TIFICATION OF THE BOARD OF CANVASSERS OF THE RESULT OF THE
16 ELECTION. THE CITY, TOWNSHIP, OR COUNTY CLERK WHO IS THE SECRE-
17 TARY TO THE BOARD OF CANVASSERS CANVASSING THE SCHOOL BOARD ELEC-
18 TION SHALL IMMEDIATELY EXECUTE AND PROVIDE TO THE PERSONS
19 DECLARED ELECTED TO THE OFFICE OF SCHOOL BOARD MEMBER A CERTIFI-
20 CATE OF ELECTION.

21 SEC. 307. A PERSON ELECTED TO THE OFFICE OF SCHOOL BOARD
22 MEMBER, BEFORE ENTERING UPON THE DUTIES OF HIS OR HER OFFICE,
23 SHALL TAKE AND SUBSCRIBE TO THE OATH PROVIDED IN SECTION 1 OF
24 ARTICLE XI OF THE STATE CONSTITUTION OF 1963.

25 SEC. 308. THE OFFICE OF A SCHOOL BOARD MEMBER SHALL BECOME
26 VACANT IMMEDIATELY, WITHOUT DECLARATION BY AN OFFICER OR

1 ACCEPTANCE BY THE SCHOOL BOARD OR 1 OF ITS MEMBERS, UPON ANY OF
2 THE FOLLOWING EVENTS:

3 (A) THE DEATH OF THE SCHOOL BOARD MEMBER.

4 (B) THE SCHOOL BOARD MEMBER'S BEING ADJUDICATED INSANE OR
5 BEING FOUND TO BE A LEGALLY INCAPACITATED INDIVIDUAL BY A COURT
6 OF COMPETENT JURISDICTION.

7 (C) THE SCHOOL BOARD MEMBER'S RESIGNATION.

8 (D) THE SCHOOL BOARD MEMBER'S REMOVAL FROM OFFICE.

9 (E) THE SCHOOL BOARD MEMBER'S CONVICTION OF A FELONY.

10 (F) THE SCHOOL BOARD MEMBER'S ELECTION OR APPOINTMENT BEING
11 DECLARED VOID BY A COMPETENT TRIBUNAL.

12 (G) THE SCHOOL BOARD MEMBER'S NEGLIGENCE OR FAILURE TO FILE THE
13 ACCEPTANCE OF OFFICE, TO TAKE THE OATH OF OFFICE, OR TO GIVE OR
14 RENEW AN OFFICIAL BOND REQUIRED BY LAW.

15 (H) THE FAILURE OF THE SCHOOL DISTRICT TO ELECT A SUCCESSOR
16 AT THE NOVEMBER SCHOOL ELECTION.

17 (I) THE SCHOOL BOARD MEMBER CEASING TO POSSESS THE LEGAL
18 QUALIFICATIONS FOR HOLDING OFFICE.

19 (J) THE SCHOOL BOARD MEMBER MOVING HIS OR HER RESIDENCE FROM
20 THE SCHOOL DISTRICT.

21 SEC. 309. (1) UNLESS A VACANCY OCCURS WITHIN 90 DAYS OF THE
22 END OF THE TERM OF OFFICE OF THE SCHOOL BOARD MEMBER, IF A
23 VACANCY OCCURS IN THE OFFICE OF SCHOOL BOARD MEMBER AS PROVIDED
24 IN SECTION 308, THE VACANCY SHALL BE FILLED WITHIN 45 DAYS BY
25 ELECTION OF A QUALIFIED AND REGISTERED ELECTOR OF THE SCHOOL DIS-
26 TRICT BY A MAJORITY OF THE REMAINING MEMBERS OF THE SCHOOL
27 BOARD. THE PERSON ELECTED BY THE SCHOOL BOARD UNDER THIS

1 SUBSECTION SHALL HOLD THE OFFICE OF SCHOOL BOARD MEMBER UNTIL THE
 2 NEXT ELECTION DATE. THE SCHOOL BOARD SHALL REQUEST THE APPROPRI-
 3 ATE LOCAL CLERK TO CALL A SPECIAL ELECTION FOR THE NEXT ELECTION
 4 DATE, AS PROVIDED UNDER SECTIONS 643B AND 644. THE PERSON
 5 ELECTED AT THE SPECIAL ELECTION TO FILL A VACANCY UNDER THIS SUB-
 6 SECTION SHALL HOLD THE OFFICE OF SCHOOL BOARD MEMBER FOR THE FULL
 7 REMAINDER OF THE TERM OF THE FORMER MEMBER.

8 (2) IF THE REMAINING MEMBERS OF THE SCHOOL BOARD FAIL TO
 9 FILL A VACANCY AS REQUIRED UNDER SUBSECTION (1), THE SCHOOL BOARD
 10 SHALL FILL THE VACANCY BY A SPECIAL ELECTION CALLED IN THE MANNER
 11 PRESCRIBED IN SECTION 315. THE PERSON ELECTED TO FILL A VACANCY
 12 UNDER THIS SUBSECTION SHALL HOLD THE OFFICE OF SCHOOL BOARD
 13 MEMBER FOR THE FULL REMAINDER OF THE TERM OF THE FORMER MEMBER.

14 (3) UNTIL A VACANCY IS FILLED UNDER THIS SECTION, THE
 15 REMAINING MEMBERS OF THE SCHOOL BOARD HAVE ALL OF THE POWERS AND
 16 DUTIES ESTABLISHED BY LAW.

17 SEC. 310. THE VOTES CAST FOR A CANDIDATE FOR SCHOOL BOARD
 18 MEMBER OR ON A BALLOT QUESTION SUBMITTED TO THE VOTERS AT A
 19 SCHOOL ELECTION ARE SUBJECT TO RECOUNT AS PROVIDED IN
 20 CHAPTER XXXIII.

21 SEC. 311. A PERSON ELECTED TO THE OFFICE OF SCHOOL BOARD
 22 MEMBER IS SUBJECT TO RECALL AS PROVIDED IN CHAPTER XXXVI AND IN
 23 SECTION 8 OF ARTICLE II OF THE STATE CONSTITUTION OF 1963.

24 SEC. 315. (1) A SCHOOL BOARD MAY REQUEST THAT A BALLOT
 25 QUESTION BE SUBMITTED TO THE VOTE OF THE REGISTERED ELECTORS OF
 26 THE SCHOOL DISTRICT AS PROVIDED IN THIS SECTION. EXCEPT AS
 27 OTHERWISE SPECIFICALLY PROVIDED BY LAW, THE SCHOOL BOARD SHALL

1 REQUEST THE APPROPRIATE LOCAL CLERK TO SUBMIT A BALLOT QUESTION
2 TO THE VOTE OF THE REGISTERED ELECTORS OF THE SCHOOL DISTRICT AS
3 PROVIDED IN THIS SECTION UPON RECEIPT OF PETITIONS SIGNED BY THE
4 REGISTERED ELECTORS OF THE SCHOOL DISTRICT, AS DETERMINED UNDER
5 SECTION 544F. A SCHOOL BOARD SHALL REQUEST THE APPROPRIATE LOCAL
6 CLERK TO CALL A SPECIAL ELECTION TO FILL A VACANCY IF REQUIRED BY
7 SECTION 309(2).

8 (2) UPON THE REQUEST OF THE SCHOOL BOARD TO SUBMIT A BALLOT
9 QUESTION TO THE VOTE OF THE REGISTERED ELECTORS OF THE SCHOOL
10 DISTRICT, UPON DETERMINATION BY THE FILING OFFICIAL THAT A PETI-
11 TION MEETS THE LAWFUL SIGNATURE REQUIREMENTS, OR UPON THE
12 REQUIREMENT TO CALL A SPECIAL ELECTION TO FILL A VACANCY, THE
13 BALLOT QUESTION OR OFFICE SHALL BE SUBMITTED TO THE REGISTERED
14 ELECTORS OF THE SCHOOL DISTRICT AT A SPECIAL ELECTION CALLED AT
15 LEAST 60 DAYS BEFORE THE ELECTION DATE AND TO BE HELD AS PROVIDED
16 IN SECTIONS 643B AND 644.

17 (3) THE SCHOOL BOARD SHALL REQUEST THE APPROPRIATE LOCAL
18 CLERK TO CALL A SPECIAL ELECTION UNDER THIS SECTION BY GIVING THE
19 REQUIRED LEGAL NOTICE. THE QUESTION OR OFFICE TO BE VOTED UPON
20 SHALL BE STATED IN THE NOTICE OF THE ELECTION.

21 SEC. 315A. IF A SCHOOL BOARD REQUESTS A SPECIAL ELECTION TO
22 SUBMIT A BALLOT QUESTION OR OFFICE TO THE REGISTERED ELECTORS OF
23 THE SCHOOL DISTRICT AS PROVIDED IN SECTION 315, THE FOLLOWING
24 CLERK SHALL CONDUCT THE ELECTION, AS APPLICABLE:

25 (A) IF THE TERRITORY OF THE SCHOOL DISTRICT IS ALL OR PART
26 OF 1 CITY OR TOWNSHIP WITHIN 1 COUNTY, THE CLERK OF THAT CITY OR
27 TOWNSHIP SHALL CONDUCT THE SPECIAL ELECTION UNLESS HE OR SHE

1 PROMPTLY NOTIFIES THE COUNTY CLERK OF HIS OR HER REFUSAL TO
2 CONDUCT THE ELECTION. IF THE CITY OR TOWNSHIP CLERK REFUSES, THE
3 COUNTY CLERK SHALL CONDUCT THE SPECIAL ELECTION.

4 (B) IF THE TERRITORY OF THE SCHOOL DISTRICT IS ALL OR PART
5 OF 1 CITY OR TOWNSHIP WITHIN MORE THAN 1 COUNTY, THE CLERK OF
6 THAT CITY OR TOWNSHIP SHALL CONDUCT THE SPECIAL ELECTION UNLESS
7 HE OR SHE PROMPTLY NOTIFIES THE COUNTY CLERK OF THE COUNTY WITH
8 THE LARGEST NUMBER OF REGISTERED SCHOOL ELECTORS OF THE SCHOOL
9 DISTRICT OF HIS OR HER REFUSAL TO CONDUCT THE ELECTION. IF THE
10 CITY OR TOWNSHIP CLERK REFUSES TO CONDUCT THE ELECTION, THE
11 COUNTY CLERK OF THE COUNTY WITH THE LARGEST NUMBER OF REGISTERED
12 SCHOOL ELECTORS OF THE SCHOOL DISTRICT SHALL CONDUCT THE SPECIAL
13 ELECTION.

14 (C) EXCEPT AS PROVIDED IN SUBDIVISION (D), IF THE TERRITORY
15 OF THE SCHOOL DISTRICT IS ALL OR PART OF MORE THAN 1 CITY OR
16 TOWNSHIP WITHIN 1 COUNTY, THE COUNTY CLERK SHALL CONDUCT THE SPE-
17 CIAL ELECTION, UNLESS THE CLERK OF THE CITY OR TOWNSHIP WITH THE
18 LARGEST NUMBER OF REGISTERED SCHOOL ELECTORS OF THE SCHOOL DIS-
19 TRICT REQUESTS TO CONDUCT THE SPECIAL ELECTION.

20 (D) IF THE TERRITORY OF THE SCHOOL DISTRICT IS ALL OR PART
21 OF MORE THAN 1 CITY OR TOWNSHIP WITHIN 1 COUNTY, AND THE CLERK OF
22 THE CITY OR TOWNSHIP WITH THE LARGEST NUMBER OF REGISTERED SCHOOL
23 ELECTORS OF THE SCHOOL DISTRICT DOES NOT REQUEST TO CONDUCT THE
24 SPECIAL ELECTION UNDER SUBDIVISION (C), THE CLERK OF ANOTHER CITY
25 OR TOWNSHIP WITHIN THE TERRITORY OF THE SCHOOL DISTRICT MAY
26 REQUEST TO CONDUCT THE SPECIAL ELECTION. IF THE CITY OR TOWNSHIP
27 CLERK REQUESTING TO CONDUCT THE SPECIAL ELECTION SUBMITS THE

1 REQUEST TO THE COUNTY CLERK, IN WRITING, ALONG WITH A RESOLUTION
2 SUPPORTING THE REQUEST ADOPTED BY THE CITY COUNCIL OR TOWNSHIP
3 BOARD, THE COUNTY CLERK MAY DETERMINE THAT THE CITY OR TOWNSHIP
4 SHALL CONDUCT THE SPECIAL ELECTION.

5 (E) IF THE TERRITORY OF THE SCHOOL DISTRICT IS ALL OR PART
6 OF MORE THAN 1 CITY OR TOWNSHIP WITHIN MORE THAN 1 COUNTY, THE
7 COUNTY CLERK OF THE COUNTY WITH THE LARGEST NUMBER OF REGISTERED
8 SCHOOL ELECTORS OF THE SCHOOL DISTRICT SHALL CONDUCT THE SPECIAL
9 ELECTION.

10 SEC. 316. (1) IF A SCHOOL BOARD REQUESTS A SPECIAL ELECTION
11 TO SUBMIT A BALLOT QUESTION OR OFFICE TO THE REGISTERED ELECTORS
12 OF THE SCHOOL DISTRICT AS PROVIDED IN SECTION 315, THE SCHOOL
13 DISTRICT SHALL PAY TO EACH COUNTY, CITY, AND TOWNSHIP CONDUCTING
14 THE SPECIAL ELECTION UNDER SECTION 315A FOR THAT SCHOOL DISTRICT
15 AN AMOUNT DETERMINED BY THIS SECTION.

16 (2) IF THE SPECIAL ELECTION REQUESTED BY THE SCHOOL BOARD IS
17 HELD IN CONJUNCTION WITH ANOTHER ELECTION HELD IN THE COUNTY,
18 CITY, OR TOWNSHIP, THE SCHOOL DISTRICT SHALL PAY TO THE COUNTY,
19 CITY, OR TOWNSHIP 100% OF THE ACTUAL COSTS, INCLUDING REASONABLE
20 ADMINISTRATIVE COSTS, OF CONDUCTING THE SPECIAL ELECTION
21 REQUESTED BY THE SCHOOL BOARD. IF THE SPECIAL ELECTION REQUESTED
22 BY THE SCHOOL BOARD IS NOT HELD IN CONJUNCTION WITH ANOTHER ELEC-
23 TION HELD IN THE COUNTY, CITY, OR TOWNSHIP, THE SCHOOL DISTRICT
24 SHALL PAY TO THE COUNTY, CITY, OR TOWNSHIP 100% OF THE ACTUAL
25 COSTS OF CONDUCTING THE SPECIAL ELECTION.

26 (3) THE COUNTY, CITY, OR TOWNSHIP SHALL PRESENT TO THE
27 SCHOOL DISTRICT A VERIFIED ACCOUNT OF ACTUAL COSTS OF CONDUCTING

1 THE SPECIAL ELECTION REQUESTED BY THE SCHOOL BOARD NOT LATER THAN
2 THE NINETIETH DAY AFTER THE DATE OF THE ELECTION. THE SCHOOL
3 BOARD SHALL PAY OR DISAPPROVE ALL OR A PORTION OF THE VERIFIED
4 ACCOUNT WITHIN 90 DAYS AFTER THE SCHOOL DISTRICT RECEIVES A VERI-
5 FIED ACCOUNT OF ACTUAL COSTS UNDER THIS SUBSECTION.

6 (4) IF THE SCHOOL BOARD DISAPPROVES ALL OR A PORTION OF A
7 VERIFIED ACCOUNT OF ACTUAL COSTS UNDER SUBSECTION (3), THE SCHOOL
8 BOARD SHALL SEND A NOTICE OF DISAPPROVAL ALONG WITH THE REASONS
9 FOR THE DISAPPROVAL TO THE COUNTY, CITY, OR TOWNSHIP. UPON
10 REQUEST OF A COUNTY, CITY, OR TOWNSHIP WHOSE VERIFIED ACCOUNT OR
11 PORTION OF A VERIFIED ACCOUNT WAS DISAPPROVED UNDER THIS SECTION,
12 THE SCHOOL BOARD SHALL REVIEW THE DISAPPROVED COSTS WITH THE
13 COUNTY, CITY, OR TOWNSHIP.

14 (5) SCHOOL BOARDS, COUNTIES, CITIES, AND TOWNSHIPS SHALL USE
15 THE AGREEMENT ON WHAT CONSTITUTES VALID COSTS OF CONDUCTING AN
16 ELECTION MADE UNDER SECTION 487(2) AS A BASIS FOR PREPARING AND
17 EVALUATING VERIFIED ACCOUNTS UNDER THIS SECTION. THE SECRETARY
18 OF STATE SHALL ASSIST SCHOOL BOARDS, COUNTIES, CITIES, AND TOWN-
19 SHIPS IN PREPARING AND EVALUATING VERIFIED ACCOUNTS UNDER THIS
20 SECTION.

21 Sec. 321. (1) Except as provided in subsection (3), ~~and~~
22 section 327, AND SECTION 643B, the qualifications, nomination,
23 election, appointment, term of office, and removal from office of
24 any city officer shall be in accordance with the charter provi-
25 sions governing the city.

26 (2) Within 3 days after the last day on which a candidate
27 for a city office may withdraw, the city clerk shall deliver to

1 the county clerk of the county in which the city is located a
2 list setting forth the name and address of each candidate for a
3 city office.

4 (3) If the membership of the legislative body of a city gov-
5 erned by the home rule city act, ~~Act No. 279 of the Public Acts~~
6 ~~of 1909, being sections 117.1 to 117.38 of the Michigan Compiled~~
7 ~~Laws~~ 1909 PA 279, MCL 117.1 TO 117.38, is reduced to less than a
8 quorum, unless another method of appointing members of the legis-
9 lative body is provided by the city charter, members of the leg-
10 islative body ~~shall be~~ ARE appointed as provided in this
11 subsection. The board of county election commissioners of the
12 county in which the largest portion of the population of the city
13 resides ~~as reported by the last decennial census~~ shall appoint
14 the number of members of the legislative body required to consti-
15 tute a quorum for the transaction of business by the legislative
16 body. A member of the legislative body appointed under this sub-
17 section shall hold the office only until the member's successor
18 is elected and qualified. ~~Unless otherwise provided by charter,~~
19 ~~the successor shall be elected at the next regular election for a~~
20 ~~member of the legislative body or, if a regular election is not~~
21 ~~scheduled to be held within 90 days after the appointment is made~~
22 ~~under this subsection, the legislative body shall call a special~~
23 ~~election for the successor to be held within 90 days after the~~
24 ~~appointment is made. In either case, the~~ THE SUCCESSOR SHALL BE
25 ELECTED AT THE NEXT REGULAR OR SPECIAL ELECTION DATE PROVIDED IN
26 SECTION 644 THAT IS NOT LESS THAN 60 DAYS AFTER THE APPOINTMENT
27 WAS MADE. THE successor shall serve for the balance of the

1 unexpired term. A member who is appointed under this subsection
 2 shall not vote on the appointment of himself or herself to an
 3 elective or appointive city office. Notwithstanding ~~any other~~
 4 ANOTHER provision of law or charter to the contrary, an appoint-
 5 ment to an elective or appointive city office made by a quorum
 6 constituted by appointments under this subsection shall expire
 7 upon the election and qualification of a sufficient number of
 8 members of the legislative body so that the elected members con-
 9 stitute a quorum.

10 Sec. 322. ~~To obtain the printing of~~ FOR the name of a
 11 candidate of a political party for a city office, including a
 12 ward office, TO APPEAR under the particular party heading on the
 13 official primary election ballots for use in the city, ~~there~~
 14 NOMINATING PETITIONS shall be filed with the city clerk ~~of the~~
 15 ~~city~~ not later than 4 p.m. on the twelfth Tuesday ~~preceding~~
 16 BEFORE the August primary ~~, or not later than 4 p.m. on the sev-~~
 17 ~~enth Monday preceding the primary election provided to be held on~~
 18 ~~the third Monday in February, nominating petitions~~ ELECTION.
 19 THE NOMINATING PETITIONS SHALL BE signed by a number of qualified
 20 and registered electors of the political party who reside in the
 21 city or ward as determined under section 544f. This section does
 22 not apply to a city ~~the~~ IF THE CITY charter ~~of which~~ provides
 23 for a different method of nominating candidates for public
 24 office. The form of the petition shall be as provided in section
 25 544c.

26 Sec. 358a. The township board of a township may call a
 27 special election ~~to be held in the township~~ for the purpose of

1 submitting ~~any~~ A proposition or propositions to the electors of
2 the township. A special election shall ~~not~~ be held ~~within 30~~
3 ~~days before or after a regular township or state primary or gen-~~
4 ~~eral election~~ ON A DATE PROVIDED IN SECTION 644. Notice of the
5 special election shall be given in the same manner ~~now~~ required
6 ~~of regular elections held under this act~~ BY SECTION 653A.

7 Sec. 370. (1) Except as provided in subsection (2), if a
8 vacancy occurs in an elective or appointive township office, the
9 vacancy shall be filled by appointment by the township board, and
10 the person appointed shall hold the office for the remainder of
11 the unexpired term.

12 (2) If 1 or more vacancies occur in an elective township
13 office that cause the number of members serving on the township
14 board to be less than the minimum number of board members that is
15 required to constitute a quorum for the transaction of business
16 by the board, the board of county election commissioners shall
17 make temporary appointment of the number of members required to
18 constitute a quorum for the transaction of business by the town-
19 ship board. An official appointed under this subsection shall
20 hold the office only until the official's successor is elected or
21 appointed and qualified. An official who is temporarily
22 appointed under this subsection shall not vote on the appointment
23 of himself or herself to an elective or appointive township
24 office.

25 (3) If a township official submits a written resignation
26 from an elective township office, for circumstances other than a
27 resignation related to a recall election, ~~which~~ THAT specifies

1 a date and time ~~at which~~ WHEN the resignation is effective, the
2 township board, within 30 days before that effective date and
3 time, may appoint a person to fill the vacancy at the effective
4 date and time of the resignation. The resigning official shall
5 not vote on the appointment.

6 (4) Except as provided in subsection (5), if the township
7 board does not make an appointment under subsection (3), or if a
8 vacancy occurs in an elective township office and the vacancy is
9 not filled by the township board or the board of county election
10 commissioners within 45 days after the beginning of the vacancy,
11 the county clerk of the county in which the township is located
12 shall notify the governor of the fact. The governor shall call a
13 special election to fill the vacancy. The governor shall provide
14 for the date for the filing of the petitions, ~~which~~ AND THAT
15 date shall also be the last date to register for the special pri-
16 mary election. ~~Notwithstanding section 358a, the special pri-~~
17 ~~mary or special general election may be held within 60 days of a~~
18 ~~state primary or a state general election.~~ A special primary or
19 election called by the governor under authority of this section
20 ~~shall~~ DOES not affect the rights of a qualified elector to reg-
21 ister for any other election. A person elected to fill a vacancy
22 shall serve for the remainder of the unexpired term.

23 (5) Subsection (4) ~~shall~~ DOES not apply to the office of
24 township constable. If a vacancy occurs in the office of town-
25 ship constable, the township board shall determine if and when
26 the vacancy shall be filled. If the township board does not fill
27 the vacancy, the office of township constable shall remain vacant

1 until the next general or special election in which ~~the~~
2 township offices are filled.

3 Sec. 381. (1) Except as provided in subsection ~~(3)~~ (2),
4 ~~and~~ section 383, AND SECTION 644, the qualifications, nomina-
5 tion, election, appointment, term of office, and removal from
6 office of a village officer shall be ~~pursuant to~~ AS DETERMINED
7 BY the charter provisions governing the village.

8 ~~(2) Within 3 days after the last day on which a candidate~~
9 ~~for a village office may withdraw, the village clerk shall~~
10 ~~deliver to the county clerk of the county in which the village is~~
11 ~~located, a list setting forth the name and address of each candi-~~
12 ~~date for a village office.~~

13 (2) ~~(3)~~ If the membership of the village council of a vil-
14 lage governed by ~~Act No. 3 of the Public Acts of 1895, being~~
15 ~~sections 61.1 to 74.22 of the Michigan Compiled Laws~~ THE GENERAL
16 LAW VILLAGE ACT, 1895 PA 3, MCL 61.1 TO 74.25, is reduced to less
17 than a quorum of 4 and a special election for the purpose of
18 filling all vacancies in the office of trustee is called under
19 section 13 of ~~Act No. 3 of the Public Acts of 1895, being~~
20 ~~section 62.13 of the Michigan Compiled Laws~~ CHAPTER II OF THE
21 GENERAL LAW VILLAGE ACT, 1895 PA 3, MCL 62.13, temporary appoint-
22 ments of trustees shall be made as provided in this subsection.
23 The board of county election commissioners of the county in which
24 the largest portion of the population of the village is situated
25 ~~as reported by the last decennial census~~ shall make temporary
26 appointment of the number of trustees required to constitute a
27 quorum for the transaction of business by the village council. A

1 trustee appointed under this subsection shall hold the office
2 only until the trustee's successor is elected and qualified. A
3 trustee who is temporarily appointed under this subsection shall
4 not vote on the appointment of himself or herself to an elective
5 or appointive village office. Notwithstanding ~~any other~~
6 ANOTHER provision of law or charter to the contrary, an appoint-
7 ment to an elective or appointive village office made by a quorum
8 constituted by temporary appointments under this subsection shall
9 expire upon the election and qualification of trustees under the
10 special election called to fill the vacancies in the office of
11 trustee.

12 Sec. 382. If the charter of a village does not specify the
13 time, manner, and means of nominating and electing its public
14 officers, the village shall nominate and elect its officers in
15 accordance with the provisions governing the selection of town-
16 ship officers, as provided in chapter ~~16~~ XVI of this act. ~~,~~
17 ~~except that nomination by caucus or primary shall occur on the~~
18 ~~third Monday in February and village elections shall be held on~~
19 ~~the second Monday in March biennially in even numbered years or~~
20 ~~annually as provided in section 5 of chapter 2 of Act No. 3 of~~
21 ~~the Public Acts of 1895, being section 62.5 of the Michigan~~
22 ~~Compiled Laws.~~ HOWEVER, THE PRIMARY ELECTION AND REGULAR ELEC-
23 TION SHALL BE HELD ON THE DATES PROVIDED IN SECTION 644. IF NOM-
24 INATION IS BY CAUCUS, THE CAUCUS SHALL BE HELD ON THE DATE
25 REQUIRED BY SECTION 646A.

1 Sec. 538. Primary notices shall be published and posted ~~in~~
2 ~~the same manner as nearly as may be~~ as provided in section ~~653~~
3 ~~of this act for elections~~ 653A.

4 Sec. 635. ~~It shall be lawful to call a~~ A special election
5 for the submission of ~~any proposition~~ A BALLOT QUESTION MAY BE
6 CALLED on any regular or special primary day.

7 SEC. 643B. (1) IF THE REGULAR ELECTION FOR AN ELECTIVE
8 OFFICE IS REQUIRED TO BE HELD AT THE EVEN YEAR GENERAL ELECTION,
9 AND CANDIDATES FOR THE OFFICE ARE NOMINATED AT A PRIMARY ELEC-
10 TION, THE REGULAR PRIMARY ELECTION SHALL BE HELD ON THE FIRST
11 TUESDAY AFTER THE FIRST MONDAY IN AUGUST.

12 (2) UNLESS A REGULAR ELECTION FOR AN ELECTIVE OFFICE IS
13 REQUIRED TO BE HELD AT THE EVEN YEAR GENERAL ELECTION, THE ELEC-
14 TION SHALL BE HELD AT THE ODD YEAR GENERAL ELECTION. THE REGULAR
15 PRIMARY ELECTION FOR SUCH AN OFFICE, IF ANY, SHALL BE HELD AT THE
16 ODD YEAR PRIMARY ELECTION. THE NOMINATION, ELECTION, AND TERM OF
17 OFFICE SHALL BE AS PROVIDED BY SECTIONS 644A TO 646A, AND, TO THE
18 EXTENT CONSISTENT WITH SECTIONS 644A TO 646A, WITH THE PROVISIONS
19 OF THIS ACT AND ANY OTHER APPLICABLE LAW.

20 (3) EXCEPT FOR AN ELECTION CALLED BY THE GOVERNOR TO FILL A
21 VACANCY, A SPECIAL ELECTION FOR A BALLOT QUESTION OR OFFICE,
22 INCLUDING, BUT NOT LIMITED TO, A RECALL ELECTION, SHALL BE HELD
23 ON 1 OF THE ELECTION DATES PROVIDED IN SECTION 644.

24 Sec. 644b. A primary election ~~to be~~ known as the "odd
25 year primary election" shall be held on the FIRST Tuesday follow-
26 ing the first Monday in August of each odd numbered year. ~~except~~
27 ~~that a city may provide by ordinance adopted not less than 7~~

~~1 months preceding the date of any regularly scheduled city odd
2 year general election that all regularly scheduled city odd year
3 primary elections shall be held on the Tuesday following the
4 second Monday in September.~~

5 Sec. 644c. Notwithstanding ~~any~~ A law or charter to the
6 contrary, ~~the following~~ ALL ELECTIVE officers, INCLUDING MUNIC-
7 IPAL JUDGES, shall be elected at the odd year general election,
8 ~~EXCEPT THOSE ELECTED AT THE EVEN YEAR NOVEMBER GENERAL ELEC-~~
9 TION AS PROVIDED UNDER SECTION 643.

10 ~~(a) All judicial officers other than justices of the
11 supreme court and judges of the court of appeals. This provision
12 shall not be effective unless a constitutional amendment autho-
13 rizing the election of judges at odd numbered year elections is
14 adopted.~~

15 ~~(b) All elective city officers, including municipal judges,
16 except as otherwise provided in this act.~~

17 Sec. 644e. All officers required to be elected at the odd
18 year general election shall be nominated at the odd year primary.
19 ~~elections except where a city charter provides otherwise for
20 city officers. Where a city~~ SUBJECT TO SECTION 382, IF A
21 charter provides for nomination by caucus or by filing a petition
22 or affidavit directly for the general election, or provides for
23 the election at the primary of a candidate who receives more than
24 50% of the votes cast for that office, the governing body by
25 ordinance may provide for a caucus date, filing date, or other
26 provisions to the extent necessary to be consistent with the odd

1 year election requirement of this act and the intent of the
2 charter provisions.

3 Sec. 644g. (1) A term of office shall not be shortened by
4 the provisions of sections ~~644a~~ 644 to 644l. An officer sched-
5 uled by prior law to be elected at a time other than ~~in November~~
6 ~~of an odd numbered year~~ THE EVEN YEAR GENERAL ELECTION OR THE
7 ODD YEAR GENERAL ELECTION shall not be elected on the date sched-
8 uled but shall continue in office until a successor takes office
9 ~~pursuant to~~ AFTER BEING ELECTED IN the first odd year general
10 election following that date.

11 (2) Notwithstanding ~~any~~ A law OR CHARTER PROVISION to the
12 contrary, ~~any~~ AN officer required to be elected at the odd year
13 general election, who by law OR CHARTER is elected for a term of
14 an odd number of years shall, AFTER THE EFFECTIVE DATE OF THE
15 2001 AMENDATORY ACT THAT AMENDED THIS SECTION, be elected
16 ~~hereafter~~ for a term of 1 year longer than provided by law OR
17 CHARTER.

18 (3) In home rule cities where the charter provides for the
19 election of city officers at a time other than in November of odd
20 numbered years and provides that members of the governing body
21 are not all to be elected in the same year, the governing body by
22 ordinance adopted prior to April 1, 1971 ~~—~~ may alter the length
23 of terms now provided by charter to provide that the city may
24 continue to elect part of the governing body at each election. A
25 term shall not be extended beyond January 1 following the first
26 odd numbered year election at which the officer would be elected

1 ~~pursuant to~~ AS PROVIDED BY charter. A term shall not be for
2 more than 4 years.

3 Sec. 646a. (1) If a local officer is to be elected at a
4 general November election, ~~or on the first Monday of April in an~~
5 ~~odd numbered year,~~ candidates for the local office shall be nom-
6 inated in the manner provided by law or charter, SUBJECT TO SEC-
7 TION 643B. ~~If the candidates are to be nominated at a fall pri-~~
8 ~~mary election, the primary shall be held on the same day as is~~
9 ~~provided by law for holding the county or state primary election~~
10 ~~prior to such election, except as provided in section 646b. If~~
11 ~~the candidates are to be elected in April, the primary shall be~~
12 ~~held on the third Monday in February. If candidates for the~~
13 local office are to be nominated at caucuses, the caucuses shall
14 be held on a date prior to the date set for the ~~above mentioned~~
15 primary election or on the Saturday ~~preceding~~ BEFORE the day of
16 the primary election, as determined by the local legislative body
17 at least 20 days ~~preceding~~ BEFORE the date of the caucus. If
18 candidates are nominated by filing petitions or affidavits, they
19 shall be filed at a time provided by charter but not later than
20 the date of the primary. ~~If a~~ THE local primary election is to
21 be held on the same day as ~~any~~ A state or county primary
22 election. ~~IF A STATE OR COUNTY PRIMARY ELECTION IS HELD,~~ the
23 last day for local candidates to file nominating petitions ~~shall~~
24 ~~be~~ IS the same as the last date to file petitions for state and
25 county offices. The names of all local candidates and titles of
26 office shall be certified to the county clerk by the local clerk
27 within 5 days after the last day for filing petitions, and

1 certification of nominees shall be made to ~~such~~ THE COUNTY
2 clerk within 5 days after the date on which the primary or caucus
3 was held.

4 (2) If ~~any~~ A local or county ~~questions are~~ BALLOT QUES-
5 TION IS to be voted on at ~~any~~ A primary, special, or general
6 election at which state officers are to be voted for, the ballot
7 wording of the BALLOT question shall be certified to the local or
8 county clerk at least 70 days ~~prior to such~~ BEFORE THE
9 election. If the wording is certified to a clerk other than the
10 county clerk, the clerk shall certify the ballot wording to the
11 county clerk at least 68 days ~~prior to~~ BEFORE the election.

12 Petitions to place ~~any~~ A county or local ~~questions~~ BALLOT
13 QUESTION on the ballot at the election shall be filed with the
14 clerk at least 14 days before the date the ballot wording must be
15 certified to the local clerk.

16 (3) The provisions of this section apply notwithstanding any
17 provisions of law or charter to the contrary, unless an earlier
18 date for the filing of affidavits or petitions, including nomi-
19 nating petitions, is provided in ~~any~~ ANOTHER law or charter, in
20 which case the earlier filing date is controlling.

21 Sec. 963. (1) Within 35 days after the filing of the recall
22 petition, the filing official with whom the recall petition is
23 filed shall make an official declaration of the sufficiency or
24 insufficiency of the petition. If the recall petition is deter-
25 mined to be insufficient, the filing official shall notify the
26 person or organization sponsoring the recall of the insufficiency
27 of the petition. It is not necessary to give notification unless

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

4 (2) Immediately upon determining that the petition is suffi-
5 cient, but not later than 35 days after the date of filing of the
6 petition, the county clerk with whom the petition is filed shall
7 ~~submit to the county election scheduling committee a proposed~~
8 SCHEDULE A date for a special election to be held, ~~within 60~~
9 ~~days after the submission to the county scheduling committee~~
10 SUBJECT TO SECTIONS 643B AND 644, to determine whether the elec-
11 tions will recall the officer whose recall is sought.

12 (3) If a petition is filed under section 959, the ~~officer~~
13 FILING OFFICIAL with whom the petition is filed shall ~~not submit~~
14 ~~a proposed date to the county election scheduling committee but~~
15 ~~shall~~ call the special election subject to ~~the time limitations~~
16 ~~set out in this~~ section 643B.

17 Sec. 971. ~~(1)~~ If the recall ~~was~~ IS successful, ~~the~~
18 ~~officer with whom the recall petition was filed shall, within 5~~
19 ~~days after receiving the certification, submit to the county~~
20 ~~election scheduling committee a proposed date for a special elec-~~
21 ~~tion to be held within 60 days for the filling of the vacancy.~~
22 ~~If any primary or election is to be held in that electoral dis-~~
23 ~~trict within 4 months after the certification and at a time as~~
24 ~~will permit preparation for the election by election officials as~~
25 ~~provided by law, the election to fill the vacancy shall be held~~
26 ~~concurrently with that primary or election.~~ AN ELECTION TO FILL
27 THE VACANCY SHALL BE HELD AT THE NEXT REGULAR OR SPECIAL ELECTION

1 DATE PROVIDED IN SECTION 644 THAT IS NOT LESS THAN 50 DAYS AFTER
2 THE RECALL ELECTION. The ~~same~~ provisions ~~made~~ in section 964
3 for calling and conducting of the recall election shall govern in
4 the calling and conducting of the election to fill the vacancy
5 created, except as otherwise provided in this section.

6 ~~(2) If a petition is filed under section 959, the officer~~
7 ~~with whom the petition is filed shall not submit a proposed date~~
8 ~~to the county election scheduling committee but shall call the~~
9 ~~special election subject to the same time limitations set out in~~
10 ~~this section.~~

11 Enacting section 1. Sections 4, 5, 325, 348, 639, 640, 644j
12 to 646, and 646b of the Michigan election law, 1954 PA 116,
13 MCL 168.4, 168.5, 168.325, 168.348, 168.639, 168.640, 168.644j to
14 168.646, and 168.646b, are repealed.

15 Enacting section 2. This amendatory act takes effect
16 January 1, 2003.

17 Enacting section 3. This amendatory act does not take
18 effect unless all of the following bills of the 91st Legislature
19 are enacted into law:

20 (a) Senate Bill No. 438

21

22 (b) Senate Bill No. 439

23

24 (c) Senate Bill No. _____ or House Bill No. _____ (request
25 no. 00635'01 a *).