

**SUBSTITUTE FOR
HOUSE BILL NO. 4824**

A bill to amend 1954 PA 116, entitled
"Michigan election law,"
by amending sections 2, 3, 4, 30a, 321, 322, 358a, 370, 381, 382,
500f, 500g, 501a, 505, 509n, 509r, 509gg, 538, 635, 643, 644e,
644g, 644k, 646a, 690, 821, 862, 863, 954, 963, 971, and 972
(MCL 168.2, 168.3, 168.4, 168.30a, 168.321, 168.322, 168.358a,
168.370, 168.381, 168.382, 168.500f, 168.500g, 168.501a, 168.505,
168.509n, 168.509r, 168.509gg, 168.538, 168.635, 168.643,
168.644e, 168.644g, 168.644k, 168.646a, 168.690, 168.821,
168.862, 168.863, 168.954, 168.963, 168.971, and 168.972),
sections 2 and 971 as amended by 2002 PA 163, 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 501a as
amended by 1995 PA 87, section 509n as amended by 1999 PA 216,

sections 509r and 509gg as added by 1994 PA 441, section 643 as amended by 1998 PA 364, section 646a as amended by 2002 PA 431, section 821 as amended by 1988 PA 275, section 963 as amended by 1999 PA 220, and section 972 as amended by 1989 PA 26, and by adding chapter XIV and sections 642, 642a, and 659; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Sec. 2. As used in this act:

(a) "Absent voter" is defined in section 758.

(b) "Ballot container" is defined in section 14a.

(c) ~~(a)~~ "Business day" or "secular day" means a day that is not a Saturday, Sunday, or legal holiday.

(d) "Clearly observable boundaries" is defined in section 654a.

(e) ~~(b)~~ "Election" means an election or primary election at which the electors of this state or of a subdivision of this state choose or nominate by ballot an individual for public office or decide a ballot question lawfully submitted to them.

~~(c) "Name that was formally changed" means a name changed by a proceeding under chapter XI of the probate code of 1939, 1939 PA 288, MCL 711.1 to 711.3, or former 1915 PA 314, or through a similar, statutorily sanctioned procedure under the law of another state or country.~~

(f) "Election precinct" is defined in section 654.

(g) "Fall" state and county conventions and "spring" state and county conventions are assigned meanings in section 596.

(h) "General election" or "general November election" means

1 the election held on the November regular election date in an
2 even numbered year.

3 (i) "Immediate family" means an individual's father, mother,
4 son, daughter, brother, sister, and spouse and a relative of any
5 degree residing in the same household as that individual.

6 Sec. 3. ~~The term "general November election", as used in~~
7 ~~this act, shall mean the election provided to be held in the~~
8 ~~state on the first Tuesday after the first Monday of November in~~
9 ~~every even numbered year. As used in this act:~~

10 (a) "Locked and sealed" is defined in section 14.

11 (b) "Major political party" is defined in section 16.

12 (c) "Metal seal" or "seal" is defined in section 14a.

13 (d) "Name that was formally changed" means a name changed by
14 a proceeding under chapter XI of the probate code of 1939, 1939
15 PA 288, MCL 711.1 to 711.3, or former 1915 PA 314, or through a
16 similar, statutorily sanctioned procedure under the law of
17 another state or country.

18 (e) "Odd year general election" means the election held on
19 the November regular election date in an odd numbered year.

20 (f) "Odd year primary election" means the election held on
21 the August regular election date in an odd numbered year.

22 (g) "Primary" or "primary election" is defined in section 7.

23 (h) "Qualified elector" is defined in section 10.

24 (i) "Qualified voter file" is defined in section 509m.

25 (j) "Regular election" means an election held on a regular
26 election date to elect an individual to, or nominate an
27 individual for, elective office in the regular course of the

1 terms of that elective office.

2 (k) "Regular election date" means 1 of the dates established
3 as a regular election date in section 641.

4 (l) "Residence" is defined in section 11.

5 Sec. 4. ~~The term "biennial spring election", "spring~~
6 ~~election" or other similar term, as used in city or village~~
7 ~~charters unless otherwise defined therein, shall mean the local~~
8 ~~election to be held on the first Monday of April in every odd~~
9 ~~numbered year.~~ As used in this act:

10 (a) "School board" means the governing body of a school
11 district, including the board of trustees of a community
12 college.

13 (b) "School board member" means an individual holding the
14 office of school board member under the revised school code, 1976
15 PA 451, MCL 380.1 to 380.1852, or the office of board of trustees
16 member under the community college act of 1966, 1966 PA 331, MCL
17 389.1 to 389.195. School board member includes a school board
18 member of an intermediate school district if that intermediate
19 school district has adopted sections 615 to 617 of the revised
20 school code, 1976 PA 451, MCL 380.615 to 380.617.

21 (c) "School district" means a school district, a local act
22 school district, or an intermediate school district, as those
23 terms are defined in the revised school code, 1976 PA 451,
24 MCL 380.1 to 380.1852, or a community college district under the
25 community college act of 1966, 1966 PA 331, MCL 389.1 to 389.195.

26 (d) "School district election coordinating committee" means 1
27 of the following:

1 (i) For a school district whose entire territory lies within
2 a single city or township, a committee composed of the secretary
3 of the school board or his or her designee, the city or township
4 election commission, and the school district election
5 coordinator.

6 (ii) For a school district that has territory in more than 1
7 city or township, a committee composed of the secretary of the
8 school board or his or her designee, the school district election
9 coordinator, and the clerk of each city or township in which
10 school district territory is located.

11 (e) "School district election coordinator" means 1 of the
12 following:

13 (i) For a school district whose entire territory lies within
14 a single city or township, the city or township clerk.

15 (ii) For a school district that has territory in more than 1
16 city or township, the county clerk of the county in which the
17 largest number of registered school district electors reside.

18 (f) "September primary election" means the primary election
19 held on the first Tuesday after the second Monday in September.

20 (g) "Special election" means an election to elect an
21 individual to, or nominate an individual for, a partial term in
22 office or to submit a ballot question to the electors.

23 (h) "Special primary" means a primary called by competent
24 authority for the nomination of candidates to be voted for at a
25 special election.

26 (i) "Uniform voting system" means the voting system that is
27 used at all elections in every election precinct throughout the

1 state.

2 (j) "Village" is defined in section 9.

3 Sec. 30a. (1) A 4-member board of canvassers is established
 4 in every city and township having more than 5 precincts,
 5 notwithstanding ~~any~~ a statutory or charter provision, or ~~any~~
 6 other rule or law, to the contrary. All of the powers granted to
 7 and duties required by law to be performed by city and township
 8 boards of canvassers are granted to and required to be performed
 9 by the boards of city and township canvassers in cities and
 10 townships having more than 5 precincts. ~~School district~~
 11 ~~elections in cities of over 5 precincts which are held in~~
 12 ~~conjunction with the city elections shall be canvassed by the~~
 13 ~~city board of canvassers.~~ Members of the board of canvassers
 14 shall be appointed for terms of 4 years beginning the January 1
 15 ~~next following~~ after their appointment. ~~Of the members first~~
 16 ~~appointed, 1 member of each of the political parties represented~~
 17 ~~on the canvassing board shall be appointed for a term ending~~
 18 ~~December 31, 1967, and 1 for a term ending December 31, 1965.~~
 19 Members of the board of canvassers shall be notified of their
 20 appointment within 5 days ~~thereafter~~ after appointment by their
 21 city or township clerk.

22 (2) The city council or the township board of ~~any~~ a city or
 23 township having more than 5 precincts may contract with the board
 24 of ~~supervisors~~ commissioners of the county in which all or the
 25 greater portion of the city or township's population resides to
 26 provide that the board of county canvassers of that county shall
 27 perform all the functions of the board of city or township

1 canvassers. Financial arrangements of ~~such~~ a contract with the
2 board of commissioners may provide that the city or township
3 shall bear all or part of the cost of ~~such~~ the work of the
4 county board of canvassers.

5 CHAPTER XIV.

6 SCHOOL AND COMMUNITY COLLEGE ELECTIONS

7 Sec. 301. (1) Unless a particular power or duty of an
8 election official or a particular election procedure is
9 specifically governed by a provision of this chapter, a school
10 district election is governed by the provisions of this act that
11 generally govern elections.

12 (2) Except as provided in section 305, the school district
13 election coordinator for a school district shall conduct each
14 regular election and each special election that is requested by
15 the school board to submit a ballot question or to fill a vacancy
16 on the school board. The filing official for a school district
17 is the school district election coordinator or an authorized
18 agent of the school district election coordinator. In addition
19 to receiving nominating petitions and requests from the school
20 board to hold special elections, the school district election
21 coordinator shall do all of the following:

22 (a) Procure the necessary qualified voter file precinct
23 lists.

24 (b) Certify candidates.

25 (c) Receive ballot proposal language.

26 (d) Issue absent voter ballots.

27 (3) If a city or township clerk is conducting a school

1 district election being held in the clerk's city or township, the
2 school district election coordinator may delegate all or any
3 portion of the school district election coordinator's authority
4 and duties in relation to the school district election to the
5 city or township clerk.

6 Sec. 302. An individual is eligible for election as a
7 school board member if the individual is a citizen of the United
8 States and is a qualified and registered elector of the school
9 district the individual seeks to represent by the filing
10 deadline. At least 1 school board member for a school district
11 shall be elected at each of the school district's regular
12 elections held as provided in section 642a. Except as otherwise
13 provided in this section or section 310 or 644g, a school board
14 member's term of office is prescribed by the applicable provision
15 of section 11a, 617, 701, or 703 of the revised school code, 1976
16 PA 451, MCL 380.11a, 380.617, 380.701, and 380.703, or
17 section 34, 34a, 41, 54, or 83 of the community college act of
18 1966, 1966 PA 331, MCL 389.34, 389.34a, 389.41, 389.54, and
19 389.83. A school board member's term begins on 1 of the
20 following dates:

21 (a) If elected at an election held on a November regular
22 election date, January 1 immediately following the election.

23 (b) If elected at an election held on a May regular election
24 date, July 1 immediately following the election.

25 Sec. 303. (1) Subject to subsection (4), for an
26 individual's name to appear on the official ballot as a candidate
27 for school board member, the candidate shall file a nominating

1 petition and the affidavit required by section 558 with the
 2 school district filing official not later than 4 p.m. on the
 3 twelfth Tuesday before the election date. The nominating
 4 petition must be signed by the following number of electors of
 5 the school district:

6 (a) If the population of the school district is less than
 7 10,000 according to the most recent federal census, a minimum of
 8 6 and a maximum of 20.

9 (b) If the population of the school district is 10,000 or
 10 more according to the most recent federal census, a minimum of 40
 11 and a maximum of 100.

12 (2) The nominating petition shall be substantially in the
 13 form prescribed in section 544c, except that the petition shall
 14 be nonpartisan and shall include the following opening
 15 paragraph:

16 We, the undersigned, registered and qualified voters of
 17 _____ and residents of the
 18 (legal name of school district)
 19 _____, the county of _____, state
 20 (city or township)
 21 of Michigan, nominate _____
 22 (name of candidate)
 23 _____, a registered
 24 (street address) (city or township)
 25 and qualified elector of the district as a member of the board of
 26 education of the school district for a term of ____ years,
 27 expiring _____, to be voted for at the election to be held on the

1 ____ day of _____, ____.

2 (month) (year)

3 (3) A school elector shall not sign petitions for more
4 candidates than are to be elected.

5 (4) Instead of filing nominating petitions, a candidate for
6 school board member may pay a nonrefundable filing fee of \$100.00
7 to the school district filing official. If this fee is paid by
8 the due date for a nominating petition, the payment has the same
9 effect under this section as the filing of a nominating
10 petition.

11 (5) A nominating petition filed under this chapter is subject
12 to the examination and investigation process prescribed in
13 section 552 as to its sufficiency and the validity and
14 genuineness of the signatures on the nominating petition, and to
15 the other procedures prescribed in that section relevant to a
16 petition filed under this chapter.

17 (6) After a nominating petition is filed or filing fee is
18 paid for a candidate for school board member, the candidate is
19 not permitted to withdraw unless a written withdrawal notice,
20 signed by the candidate, is filed with the school district filing
21 official not later than 4 p.m. of the third day after the last
22 day for filing the nominating petition. If the school district
23 filing official is not a county clerk, the school district filing
24 official shall notify the county clerk of the candidates' names
25 and addresses not later than 3 days after the last day for filing
26 a withdrawal notice.

27 Sec. 305. (1) Within 30 days after the effective date of

1 this chapter, the school district election coordinating committee
2 for each school district shall hold an initial meeting. Within
3 14 days after convening the initial meeting, the school district
4 election coordinating committee shall file a report with the
5 secretary of state that sets forth the arrangements that are
6 agreed upon for the conduct of the school district's elections.
7 Each school district election coordinating committee member shall
8 sign the report and retain a copy.

9 (2) After filing its initial report under subsection (1), a
10 school district election coordinating committee shall meet at
11 2-year intervals to review and, if necessary, alter the election
12 arrangements set forth in its previous report. After each
13 review, a school district election coordinating committee shall
14 either notify the secretary of state in writing that its previous
15 report is not being altered or file with the secretary of state a
16 report with the alterations. A jurisdiction participating in the
17 arrangements in a school district election coordinating
18 committee's report is bound by those arrangements for at least
19 2 years after the report is filed and continues to be bound until
20 an altered report is filed.

21 (3) The arrangements agreed upon by a school district
22 election coordinating committee for the conduct of the school
23 district's elections shall accomplish at least both of the
24 following:

25 (a) If a school district election is held on the same day as
26 an election of a jurisdiction that overlaps with the school
27 district, an elector wishing to vote in both elections shall not

1 be required to vote at 2 different locations.

2 (b) If, before the filing of an initial report or of the
3 notice or altered report after its 2-year review, a city or
4 township clerk notifies the school district election coordinating
5 committee that the city or township clerk has decided to
6 participate in the conduct of the school district's elections,
7 the school district election coordinating committee shall include
8 that city or township clerk in its initial or an altered report
9 as the person conducting the school district's elections in the
10 clerk's city or township.

11 (4) Notwithstanding the other provisions of this chapter, if
12 a city or township is holding an election for elective office or
13 on a ballot question at the same time that a school district
14 located in whole or part in the city or township is holding an
15 election, the city or township clerk shall also conduct the
16 school district election within his or her jurisdiction. If a
17 city or township clerk is conducting a school election under this
18 subsection, the clerk shall use the same precincts that are used
19 for state and federal elections as the precincts for the school
20 district election. If these precincts change the polling place
21 location for school district electors, the clerk shall notify
22 those school district electors of the location of the different
23 polling place.

24 Sec. 307. (1) The appropriate board of canvassers as
25 prescribed in section 24a or 30a shall canvass the votes for
26 candidates for school board member and votes for and against a
27 ballot question at a regular or special election in each school

1 district. That number of candidates equal to the number of
2 individuals to be elected who receive the greatest number of
3 votes cast at the election, as set forth in the report of the
4 board of canvassers canvassing the votes, based upon the returns
5 from the election precincts or as determined by the board of
6 canvassers as a result of a recount, are elected to the office of
7 school board member. Upon completion of the canvass, the board
8 of canvassers shall make a statement of returns and certify the
9 election of school board members to the secretary of the school
10 board, the county clerk, and, if other than the county clerk, the
11 school district election coordinator.

12 (2) The votes cast for a candidate for school board member or
13 on a ballot question submitted to the electors at a school
14 election are subject to recount as provided in chapter XXXIII.
15 An individual elected to the office of school board member is
16 subject to recall as provided in chapter XXXVI and in section 8
17 of article II of the state constitution of 1963.

18 Sec. 308. A local official who receives the certification
19 of the board of canvassers under section 307 shall preserve and
20 file in his or her office the certified statement of returns and
21 certification of the board of canvassers of the result of the
22 election. The city, township, or county clerk who is the
23 secretary to the board of canvassers canvassing the school board
24 election shall immediately execute and provide to the individuals
25 declared elected to the office of school board member a
26 certificate of election.

27 Sec. 310. (1) Before entering upon the duties of his or her

1 office, an individual elected to the office of school board
2 member shall take and subscribe to the oath provided in section 1
3 of article XI of the state constitution of 1963.

4 (2) The office of a school board member becomes vacant
5 immediately, regardless of declaration by an officer or
6 acceptance by the school board or 1 or more of its members, upon
7 any of the following events:

8 (a) The death of the school board member.

9 (b) The school board member's being adjudicated insane or
10 being found to be a legally incapacitated individual by a court
11 of competent jurisdiction.

12 (c) The school board member's resignation.

13 (d) The school board member's removal from office.

14 (e) The school board member's conviction for a felony.

15 (f) The school board member's election or appointment being
16 declared void by a competent tribunal.

17 (g) The school board member's neglect or failure to file the
18 acceptance of office, to take the oath of office, or to give or
19 renew an official bond required by law.

20 (h) The school board member ceasing to possess the legal
21 qualifications for holding office.

22 (i) The school board member moving his or her residence from
23 the school district.

24 Sec. 311. (1) If less than a majority of the offices of
25 school board member of a school district become vacant, the
26 remaining school board members shall fill each vacant office by
27 appointment. If a vacancy in the office of school board member

1 is not filled within 30 days after the vacancy occurs or if a
2 majority of the offices of school board member of a school
3 district become vacant, the intermediate school board for that
4 school district shall fill each vacancy by appointment. An
5 individual appointed under this subsection serves until a
6 successor is elected and qualified.

7 (2) If a vacancy occurs in an office of school board member
8 more than 90 days before a regular school election, an election
9 shall be held at that regular school election to fill that office
10 for the remainder of the office's unexpired term, if any. This
11 subsection applies regardless of whether an individual is
12 appointed under subsection (1) to fill the vacancy.

13 Sec. 312. (1) A school board may submit a ballot question
14 to the school electors on a regular election date, on a date when
15 a city or township within the school district's jurisdiction is
16 holding an election by adopting a resolution to that effect not
17 less than 70 days before the election date, or on a special
18 election date as provided in section 641(3). The school board
19 shall certify the ballot question language to the school district
20 election coordinator not less than 70 days before the election
21 date. If the ballot question is submitted on the same date as an
22 election for a state or county office, the school district
23 election coordinator shall send a copy of the ballot question
24 language to the county clerk of each county not less than 68 days
25 before the election.

26 (2) A school special election may not be held within 30 days
27 before or after a general November election.

1 (3) If a special election is called on a date provided under
2 section 641(3), the school district election coordinating
3 committee shall schedule the special election date.

4 Sec. 315. (1) A school district shall pay to each county,
5 city, and township that conducts a regular or special election
6 for the school district an amount determined in accordance with
7 this section.

8 (2) If a school district's regular or special election is
9 held in conjunction with another election conducted by a county,
10 city, or township, the school district shall pay the county,
11 city, or township 100% of the actual additional costs
12 attributable to conducting the school district's regular or
13 special election. If a school district's regular or special
14 election is not held in conjunction with another election
15 conducted by a county, city, or township, the school district
16 shall pay the county, city, or township 100% of the actual costs
17 of conducting the school district's regular or special election.

18 (3) The county, city, or township shall present to a school
19 district a verified account of actual costs of conducting the
20 school district's regular or special election not later than 84
21 days after the date of the election. The school board shall pay
22 or disapprove all or a portion of the verified account within 84
23 days after the school district receives a verified account of
24 actual costs under this subsection.

25 (4) If the school board disapproves all or a portion of a
26 verified account of actual costs under subsection (3), the school
27 board shall send a notice of disapproval along with the reasons

1 for the disapproval to the county, city, or township. Upon
2 request of a county, city, or township whose verified account or
3 portion of a verified account was disapproved under this section,
4 the school board shall review the disapproved costs with the
5 county, city, or township.

6 (5) A school board, county, city, or township shall use the
7 agreement made between the department of treasury and the
8 secretary of state, as required by section 487, as a basis for
9 preparing and evaluating verified accounts under this section.
10 The secretary of state shall assist a school board, county, city,
11 or township in preparing and evaluating a verified account under
12 this section. If a county, city, or township and a school board
13 cannot agree on the actual costs of an election as prescribed by
14 this section, the secretary of state shall determine those actual
15 costs.

16 (6) Within 30 days after the effective date of the amendatory
17 act that added this chapter, a school district may provide to the
18 appropriate school district election coordinating committee for
19 that district the average cost per vote cast in each regular
20 school election for the most recent 3 years. If a school
21 district provides the average cost per vote cast to the school
22 district election coordinating committee, the school district
23 shall provide documentation of the direct cost of conducting each
24 election. The school district election coordinating committee
25 shall review the costs and make a reasonable effort to not exceed
26 the average cost per vote cast in conducting each regular
27 election and each special election that is requested by the

1 school board. This subsection shall not apply after 3 years
2 after the effective date of the amendatory act that added this
3 chapter.

4 Sec. 321. (1) Except as provided in subsection (3) and
5 ~~section~~ **sections** 327, **641, 642, and 644g**, the qualifications,
6 nomination, election, appointment, term of office, and removal
7 from office of ~~any~~ **a** city officer shall be in accordance with
8 the charter provisions governing the city.

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

14 (3) If the membership of the legislative body of a city
15 governed by the home rule city act, ~~Act No. 279 of the Public~~
16 ~~Acts of 1909, being sections 117.1 to 117.38 of the Michigan~~
17 ~~Compiled Laws~~ **1909 PA 279, MCL 117.1 to 117.38**, is reduced to
18 less than a quorum, unless another method of appointing members
19 of the legislative body is provided by the city charter, members
20 of the legislative body ~~shall be~~ **are** appointed as provided in
21 this subsection. The board of county election commissioners of
22 the county in which the largest portion of the population of the
23 city resides ~~as reported by the last decennial census~~ shall
24 appoint the number of members of the legislative body required to
25 constitute a quorum for the transaction of business by the
26 legislative body. A member of the legislative body appointed
27 under this subsection shall hold the office only until the

1 member's successor is elected and qualified. ~~Unless otherwise~~
 2 ~~provided by charter, the successor shall be elected at the next~~
 3 ~~regular election for a member of the legislative body or, if a~~
 4 ~~regular election is not scheduled to be held within 90 days after~~
 5 ~~the appointment is made under this subsection, the legislative~~
 6 ~~body shall call a special election for the successor to be held~~
 7 ~~within 90 days after the appointment is made. In either case,~~
 8 ~~the~~ **The successor shall be elected at a special or regular**
 9 **election on the next regular election date that is not less than**
 10 **60 days after the appointment is made. The** successor shall serve
 11 for the balance of the unexpired term. A member who is appointed
 12 under this subsection shall not vote on the appointment of
 13 himself or herself to an elective or appointive city office.

14 **(4)** Notwithstanding ~~any other~~ **another** provision of law or
 15 charter to the contrary, an appointment to an elective or
 16 appointive city office made by a quorum constituted by
 17 appointments under this ~~subsection shall expire~~ **section expires**
 18 upon the election and qualification of a sufficient number of
 19 members of the legislative body so that the elected members
 20 constitute a quorum.

21 Sec. 322. ~~To obtain the printing of~~ **For** the name of a
 22 candidate of a political party for a city office, including a
 23 ward office, **to appear** under the particular party heading on the
 24 official primary election ballots for use in the city, ~~there a~~
 25 **nominating petition** shall be filed with the city clerk ~~of the~~
 26 ~~city~~ not later than 4 p.m. on the twelfth Tuesday ~~preceding~~
 27 **before** the August primary, or not later than 4 p.m. on the

~~1 seventh Monday preceding the primary election provided to be~~
~~2 held on the third Monday in February, nominating petitions~~
3 twelfth Tuesday before the September primary election for a city
4 that holds a September primary election. A nominating petition
5 shall be signed by a number of qualified and registered electors
 6 of the political party who reside in the city or ward as
 7 determined under section 544f. This section does not apply to a
 8 city ~~the~~ **if the city** charter ~~of which~~ provides for a
 9 different method of nominating candidates for public office. The
 10 form of the petition shall be as provided in section 544c.

11 Sec. 358a. The township board of a township may call a
 12 special election to be held in the township for the purpose of
 13 submitting ~~any proposition or propositions~~ **a ballot question** to
 14 the electors of the township. A special election shall ~~not~~ be
 15 held ~~within 30 days before or after a regular township or state~~
 16 ~~primary or general election~~ **on a regular election date**. Notice
 17 of the special election shall be given in the same manner ~~now~~
 18 required ~~of regular elections held under this act~~ **by**
 19 **section 653a.**

20 Sec. 370. (1) Except as provided in subsection (2), if a
 21 vacancy occurs in an elective or appointive township office, the
 22 vacancy shall be filled by appointment by the township board, and
 23 the person appointed shall hold the office for the remainder of
 24 the unexpired term.

25 (2) If 1 or more vacancies occur in an elective township
 26 office that cause the number of members serving on the township
 27 board to be less than the minimum number of board members that is

1 required to constitute a quorum for the transaction of business
2 by the board, the board of county election commissioners shall
3 make temporary appointment of the number of members required to
4 constitute a quorum for the transaction of business by the
5 township board. An official appointed under this subsection
6 shall hold the office only until the official's successor is
7 elected or appointed and qualified. An official who is
8 temporarily appointed under this subsection shall not vote on the
9 appointment of himself or herself to an elective or appointive
10 township office.

11 (3) If a township official submits a written resignation from
12 an elective township office, for circumstances other than a
13 resignation related to a recall election, ~~which~~ **that** specifies
14 a date and time ~~at which~~ **when** the resignation is effective, the
15 township board, within 30 days before that effective date and
16 time, may appoint a person to fill the vacancy at the effective
17 date and time of the resignation. The resigning official shall
18 not vote on the appointment.

19 (4) Except as provided in subsection (5), if the township
20 board does not make an appointment under subsection (3), or if a
21 vacancy occurs in an elective township office and the vacancy is
22 not filled by the township board or the board of county election
23 commissioners within 45 days after the beginning of the vacancy,
24 the county clerk of the county in which the township is located
25 shall notify the governor of the fact. The governor shall call a
26 special election to fill the vacancy. The governor shall provide
27 for the date for the filing of the petitions, ~~which~~ **and that**

1 date shall also be the last date to register for the special
 2 primary election. ~~Notwithstanding section 358a, the special~~
 3 ~~primary or special general election may be held within 60 days of~~
 4 ~~a state primary or a state general election.~~ A special primary
 5 or election called by the governor under authority of this
 6 section ~~shall~~ **does** not affect the rights of a qualified elector
 7 to register for any other election. A person elected to fill a
 8 vacancy shall serve for the remainder of the unexpired term.

9 (5) Subsection (4) ~~shall~~ **does** not apply to the office of
 10 township constable. If a vacancy occurs in the office of
 11 township constable, the township board shall determine if and
 12 when the vacancy shall be filled **by appointment**. If the township
 13 board does not fill the vacancy **by appointment**, the office of
 14 township constable shall remain vacant until the next general or
 15 special election in which ~~the~~ township offices are filled.

16 Sec. 381. (1) Except as provided in subsection ~~(3)~~ **(2)**
 17 and ~~section~~ **sections** 383, **641, 642, and 644g**, the
 18 qualifications, nomination, election, appointment, term of
 19 office, and removal from office of a village officer shall be
 20 ~~pursuant to~~ **as determined by** the charter provisions governing
 21 the village.

22 ~~(2) Within 3 days after the last day on which a candidate~~
 23 ~~for a village office may withdraw, the village clerk shall~~
 24 ~~deliver to the county clerk of the county in which the village is~~
 25 ~~located, a list setting forth the name and address of each~~
 26 ~~candidate for a village office.~~

27 **(2)** ~~(3)~~ If the membership of the village council of a

1 village governed by ~~Act No. 3 of the Public Acts of 1895, being~~
2 ~~sections 61.1 to 74.22 of the Michigan Compiled Laws~~ **the general**
3 **law village act, 1895 PA 3, MCL 61.1 to 74.25**, is reduced to less
4 than a quorum of 4 and a special election for the purpose of
5 filling all vacancies in the office of trustee is called under
6 section 13 of ~~Act No. 3 of the Public Acts of 1895, being~~
7 ~~section 62.13 of the Michigan Compiled Laws~~ **chapter II of the**
8 **general law village act, 1895 PA 3, MCL 62.13**, temporary
9 appointments of trustees shall be made as provided in this
10 subsection. The board of county election commissioners of the
11 county in which the largest portion of the population of the
12 village is situated ~~as reported by the last decennial census~~
13 shall make temporary appointment of the number of trustees
14 required to constitute a quorum for the transaction of business
15 by the village council. A trustee appointed under this
16 subsection shall hold the office only until the trustee's
17 successor is elected and qualified. A trustee who is temporarily
18 appointed under this subsection shall not vote on the appointment
19 of himself or herself to an elective or appointive village
20 office.

21 (3) Notwithstanding ~~any other~~ **another** provision of law or
22 charter to the contrary, an appointment to an elective or
23 appointive village office made by a quorum constituted by
24 temporary appointments under this subsection ~~shall expire~~
25 **expires** upon the election and qualification of trustees under the
26 special election called to fill the vacancies in the office of
27 trustee.

1 Sec. 382. ~~If~~ **Except as otherwise provided in this act,**
 2 **the general law village act, 1895 PA 3, MCL 61.1 to 74.25, or the**
 3 **home rule village act, 1909 PA 278, MCL 78.1 to 78.28, if the**
 4 charter of a village does not specify the time, manner, and means
 5 of nominating and electing its public officers, the village shall
 6 nominate and elect its officers in accordance with the provisions
 7 governing the selection of ~~township~~ **city** officers, as provided
 8 in chapter **XV**. ~~16 of this act, except that nomination by caucus~~
 9 ~~or primary shall occur on the third Monday in February and~~
 10 ~~village elections shall be held on the second Monday in March~~
 11 ~~biennially in even numbered years or annually as provided in~~
 12 ~~section 5 of chapter 2 of Act No. 3 of the Public Acts of 1895,~~
 13 ~~being section 62.5 of the Michigan Compiled Laws.~~

14 Sec. 500f. The clerk of a township shall transmit to the
 15 village clerk of a village ~~—, the whole or part of which~~ **that**
 16 lies **partly or completely** in the township ~~—, the~~ information
 17 necessary to complete the village registration of a person
 18 registered under sections 500a to 500j. ~~The clerk of a city or~~
 19 ~~township shall transmit to the secretary of a school district,~~
 20 ~~where applicable, the information on the application of a person~~
 21 ~~residing within the school district and registered under sections~~
 22 ~~500a to 500j.~~

23 Sec. 500g. A registration card prepared under sections 500a
 24 to 500j shall be sworn to and signed by the voter at the first
 25 election during which the voter appears at the polls, or may be
 26 signed in the ~~office of the secretary of the school district or~~
 27 ~~in the~~ clerk's office. The application shall be retained by the

1 city or township clerk for signature purposes until the
 2 registration card is signed, except that the application shall be
 3 sent to the appropriate precinct for each election until the
 4 registration card is signed. The secretary of state may provide
 5 an application form ~~which~~ **that** allows a completed ~~affidavit~~
 6 **attestation** to be attached to a registration card prepared by a
 7 local clerk. The registrant shall not be required to sign a
 8 registration card if the completed ~~affidavit~~ **attestation** is
 9 attached.

10 Sec. 501a. The **board of** election ~~commission~~ **commissioners**
 11 of a city, village, or township may authorize the clerk of the
 12 city, village, or township to create a registration list. The
 13 registration list shall be alphabetically arranged and shall
 14 contain the name of each registered elector in a precinct. The
 15 name shall be followed by the address and date of birth of the
 16 elector. The **board of** election ~~commission~~ **commissioners** may
 17 also provide that the registration list may be used instead of
 18 the precinct registration file when this act provides for the use
 19 of a precinct registration file. ~~A school district or an~~
 20 ~~intermediate school district may also use a registration list~~
 21 ~~instead of the precinct registration file when a precinct~~
 22 ~~registration file is required.~~ A city, village, or township
 23 shall maintain a file containing the signature of each elector
 24 registered in the city, village, or township.

25 Sec. 505. (1) At the time an elector is applying for
 26 registration, the registration officer shall ascertain if the
 27 elector is already registered as a voter. If the elector is

1 previously registered, the elector shall at the time of applying
2 for registration sign an authorization to cancel ~~any~~ a previous
3 registration. The secretary of state shall prescribe forms for
4 this purpose. The form may be a part of the application or a
5 separate form. The clerk of the city or township in which the
6 elector is newly registered shall notify the registration officer
7 of the place of previous registration of the authorization to
8 cancel.

9 (2) An authorization to cancel ~~which~~ **that** indicates a
10 previous address in a state other than this state shall be
11 forwarded to the secretary of state of that state. Notice may be
12 made by forwarding the separate cancellation form, by forwarding
13 the portion of an application listing a previous place of
14 registration, or by forwarding a list certified by the clerk
15 containing the names of people authorizing cancellation.

16 (3) Notices of cancellation shall contain the name, birth
17 date, and address at which the elector was previously registered,
18 and the name of the city or township of previous registration of
19 all persons authorizing cancellations. Notices shall be sent
20 within 30 days after receipt, but not later than 5 days after the
21 close of registration.

22 (4) Upon receipt of the notice, the clerk shall cancel the
23 registration of the persons listed on the notice. The clerk
24 **receiving the notice** shall also notify the ~~registration officer~~
25 **clerk** of each village ~~and school district~~ in which ~~the~~ a
26 person **listed on the notice** resides of receipt of an
27 authorization to cancel. An authorization to cancel a voter

1 registration signed by the voter and received from another state
 2 or a notice from an election official of another state that an
 3 elector has registered in that state ~~shall have~~ **has** the same
 4 force and effect as the notice of authorization to cancel of this
 5 state.

6 Sec. 509n. The secretary of state is responsible for the
 7 coordination of the requirements imposed under this chapter and
 8 the national voter registration act of 1993. The secretary of
 9 state shall do all of the following:

10 (a) Develop a mail registration form and make the form
 11 available for distribution through governmental and private
 12 entities, with special emphasis on making the form available to
 13 voter registration programs established for the purpose of
 14 registering citizens of this state to vote.

15 (b) Instruct designated voter registration agencies ~~;~~ **and**
 16 county, city, township, and village clerks ~~;~~ **and school**
 17 ~~officials regarding~~ **about** the voter registration procedures and
 18 requirements imposed by law.

19 (c) By June 15 of each odd numbered year, submit to each
 20 member of the committees of the senate and house of
 21 representatives with primary responsibility for election matters
 22 a report on the qualified voter file. The report shall include,
 23 but need not be limited to, both of the following:

24 (i) Information on the efficiency and effectiveness of the
 25 qualified voter file as a voter registration system.

26 (ii) ~~Any recommendations~~ **Recommendations** of the secretary
 27 of state for amendments to this act to increase the efficiency

1 and effectiveness of the qualified voter file as a voter
2 registration system.

3 Sec. 509r. (1) The secretary of state shall establish and
4 maintain the computer system and programs necessary to the
5 operation of the qualified voter file. The secretary of state
6 shall allow each county, city, township, or village access to the
7 qualified voter file. The county, city, township, and village
8 clerks shall verify the accuracy of the names and addresses of
9 registered voters in the qualified voter file.

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

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

17 (b) An application for benefits or services, including
18 renewals and changes of address, taken by a designated voter
19 registration agency.

20 (c) An application to register to vote taken by a county,
21 city, township, or village clerk. ~~or secretary of a school~~
22 ~~board.~~

23 (3) A person whose name does not otherwise appear in the
24 qualified voter file shall be placed in the qualified voter file
25 only if the person signs under penalty of perjury an application
26 that contains an attestation that the applicant meets all of the
27 following requirements:

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

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

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

(4) A designated voter registration agency or a county, city, township, or village clerk shall not add to, delete from, or change any information contained in the qualified voter file during the period beginning on the seventh day before an election and ending on the day of the election.

Sec. 509gg. The information described in this section that is contained in a registration record is exempt from the freedom of information act, ~~Act No. 442 of the Public Acts of 1976, being sections 15.231 to 15.246 of the Michigan Compiled Laws 1976 PA 442, MCL 15.231 to 15.246.~~ The secretary of state, a designated voter registration agency, **or** a county, city, township, or village clerk ~~—, or the secretary of a school board~~ shall not release a copy of that portion of a registration record that contains any of the following:

(a) The record that a person declined to register to vote.

(b) The office that received a registered voter's application.

(c) A registered voter's ~~driver~~ **driver's** license or state personal identification card number.

(d) The month and day of birth of a registered voter.

(e) The telephone number provided by the registered voter.

Sec. 538. Primary **election** notices shall be published and posted ~~in the same manner as nearly as may be~~ as provided in

1 section ~~653 of this act for elections~~ 653a.

2 Sec. 635. ~~It shall be lawful to call a~~ A special election
3 for the submission of ~~any~~ a proposition ~~on any regular or~~
4 ~~special primary day~~ may be held on a regular election date.

5 Sec. 642. (1) If a city council, village council, or school
6 board has not adopted, in compliance with the time and procedural
7 requirements of subsection (2), a resolution to alter the city's,
8 village's, or school district's regular election or regular
9 election primary date as permitted under section 642a, then,
10 after December 31, 2004, a city, village, or school district
11 shall hold its regular election or regular primary election as
12 follows:

13 (a) A city or village shall hold its regular election for a
14 city or village office at the general election.

15 (b) A city shall hold its regular election primary on the
16 August regular election date immediately before the general
17 election.

18 (c) A school district shall hold its regular election for the
19 office of school board member at the odd year general election.

20 (2) A resolution permitted under section 642a is valid only
21 if a city council, village council, or school board adopts the
22 resolution in compliance with all of the following:

23 (a) The resolution is adopted before 1 of the following:

24 (i) If the resolution is permitted under section 642a(1),
25 (3), or (5), January 1, 2005.

26 (ii) If the resolution is permitted under section 642a(2),
27 (4), (7), or (8), January 1 of the year in which the change in

1 the date of the election takes effect.

2 (b) Before adopting the resolution, the council or school
3 board holds at least 1 public hearing on the resolution.

4 (c) The council or school board gives notice of each public
5 hearing on the resolution in a manner designed to reach the
6 largest number of the jurisdiction's qualified electors in a
7 timely fashion, and the notice states at least the following, as
8 applicable:

9 (i) That the hearing is being held on the issue of whether to
10 schedule the city's or village's regular election on the May
11 regular election date and that, if the resolution is not adopted,
12 the city's or village's regular election will be held at the
13 general election.

14 (ii) That the hearing is being held on the issue of whether
15 to schedule the city's or village's regular election at the
16 general election and that, if the resolution is not adopted, the
17 city's or village's regular election will continue to be held on
18 the May regular election date.

19 (iii) That the hearing is being held on the issue of whether
20 to schedule the city's regular election primary at the September
21 primary election and that, if the resolution is not adopted, the
22 city's regular election primary will be held on the August
23 regular election date.

24 (iv) That the hearing is being held on the issue of whether
25 to schedule the city's regular election primary on the August
26 regular election date and that, if the resolution is not adopted,
27 the city's regular election primary will continue to be held at

1 the September primary election.

2 (v) That the hearing is being held on the issue of whether to
3 schedule the school district's regular election at other than the
4 odd year general election and that, if the resolution is not
5 adopted, the school district's regular election will be held at
6 the odd year general election. The notice shall specifically
7 state the regular election date permitted under section 642a(5)
8 on which the school board is proposing that the school district's
9 regular election be held.

10 (vi) That the hearing is being held on the issue of whether
11 to schedule the school district's regular election at the odd
12 year general election and that, if the resolution is not adopted,
13 the school district's regular election will continue to be held
14 on the date on which it is currently being held.

15 (d) The council or school board votes on the resolution
16 immediately following the close of a public hearing on the
17 resolution and, on a record roll call vote, a majority of the
18 council's or school board's members, elected or appointed, and
19 serving, adopt the resolution.

20 (e) The council or school board files the resolution with the
21 secretary of state.

22 (3) This section takes effect September 1, 2004.

23 Sec. 642a. (1) If, on the effective date of this section, a
24 city or village holds its regular election at other than the
25 general election, the city or village council may choose to hold
26 the regular election on the May regular election date by adopting
27 a resolution in compliance with section 642. Except as provided

1 in subsection (2) and subject to subsection (8), if a city or
2 village council adopts the resolution in compliance with
3 section 642 to hold its regular election on the May regular
4 election date, after December 31, 2004, the city's or village's
5 regular election is on the May regular election date. If a
6 city's regular election is held on the May regular election date,
7 the city's regular election primary shall be held on the February
8 regular election date immediately before its regular election.

9 (2) After December 31, 2004, a city or village council that
10 adopted a resolution so that its regular election is held on the
11 May regular election date may change its regular election to the
12 general election by adopting a resolution in compliance with
13 section 642. Subject to subsection (8), if a city or village
14 council adopts the resolution in compliance with section 642 to
15 hold its regular election at the general election, after
16 December 31 of the year in which the resolution is adopted, the
17 city's or village's regular election is at the general election.

18 (3) If, on the effective date of this section, a city holds
19 its regular election primary at the September primary election,
20 the city council may choose to continue holding its regular
21 election primary at the September primary election by adopting a
22 resolution in compliance with section 642. Except as provided in
23 subsection (4) and subject to subsection (8), if a city council
24 adopts the resolution in compliance with section 642 to hold its
25 regular election primary at the September primary election, after
26 December 31, 2004, the city's or village's regular election
27 primary is at the September primary election.

1 (4) After December 31, 2004, a city council that adopted a
2 resolution so that its regular election primary is held at the
3 September primary election may change its regular election
4 primary to the August regular election date by adopting a
5 resolution in compliance with section 642. Subject to
6 subsection (8), if a city council adopts the resolution in
7 compliance with section 642 to hold its regular election primary
8 on the August regular election date, after December 31 of the
9 year in which the resolution is adopted, the city's or village's
10 regular election primary is on the August regular election date.

11 (5) If, on the effective date of this section, a school
12 district holds its regular election at other than the odd year
13 general election, the school district's school board may choose
14 to hold its regular election on 1 of the following by adopting a
15 resolution in compliance with section 642:

16 (a) The odd year May regular election date.

17 (b) The general election in both even and odd years.

18 (c) The May regular election date in both even and odd
19 years.

20 (6) Except as provided in subsection (7), if a school board
21 adopts the resolution in compliance with section 642 to hold its
22 regular election on an election date permitted under
23 subsection (5), after December 31, 2004, the school board's
24 school district shall hold its regular election on the regular
25 election date adopted in the resolution.

26 (7) After December 31, 2004, a school district's school board
27 that adopted a resolution so that its regular election is held on

1 a date other than at the odd year general election may change its
2 regular election to the odd year general election by adopting a
3 resolution in compliance with section 642. If a school board
4 adopts the resolution in compliance with section 642 to hold its
5 regular election at the odd year general election, after
6 December 31 of the year in which the resolution is adopted, the
7 school board's school district shall hold its regular election at
8 the odd year general election.

9 (8) If a city council, village council, or school board has
10 previously adopted a resolution in compliance with section 642,
11 the city council, village council, or school board may once in a
12 10-year interval review that decision and choose to hold its
13 regular election on another date provided by this act, if the
14 city council, village council, or school board adopts a
15 resolution in compliance with the requirements contained in
16 section 642(2).

17 (9) Except as otherwise provided in this subsection, a
18 resolution permitted under this section and adopted in compliance
19 with section 642 is effective for the purpose for which it is
20 adopted regardless of a city or village charter or ordinance, or
21 a school district bylaw, to the contrary. Regardless of the day
22 on which a city holds its regular election or regular election
23 primary, the city shall hold those elections in each even year or
24 odd year, or both, as provided by its charter. Regardless of the
25 day on which a home rule village or general law village holds its
26 regular election, the home rule village or general law village
27 shall hold that election in each even year or odd year, or both,

1 as provided by its charter or ordinances.

2 (10) This section takes effect September 1, 2004.

3 Sec. 643. At the general ~~November elections~~ election, the
4 following officers shall be elected when required by law:

5 (a) Presidential electors.

6 (b) In the state at large, a governor and a lieutenant
7 governor, a secretary of state, and an attorney general.

8 (c) A United States senator.

9 (d) In each congressional district, a representative in
10 congress.

11 (e) In each state senatorial district, a state senator.

12 (f) In each state representative district, a representative
13 in the state legislature.

14 (g) Justices of the supreme court.

15 (h) Two members of the state board of education. ~~—, except as~~
16 ~~provided in section 282a.~~

17 (i) Two regents of the University of Michigan.

18 (j) Two trustees of Michigan State University.

19 (k) Two governors of Wayne State University.

20 (l) In each county or district, judges of the court of
21 appeals, a judge or judges of the circuit court, a judge or
22 judges of probate, a judge or judges of the district court, a
23 prosecuting attorney, a sheriff, a treasurer, an auditor, a mine
24 inspector, a county road commissioner, a drain commissioner, a
25 surveyor, and, subject to section 200, a clerk and a register of
26 deeds or a clerk register.

27 (m) Township officers.

1 (n) Any other officers required by law to be elected **at that**
 2 **election.**

3 Sec. 644e. ~~All officers~~ **Except as provided in section**
 4 **642, an officer** required to be elected at the odd year general
 5 election shall be nominated at the odd year primary ~~elections~~
 6 ~~except where a city charter provides otherwise for city~~
 7 ~~officers. Where a city~~ **election. Subject to section 382, if a**
 8 charter provides for nomination by caucus or by filing a petition
 9 or affidavit directly for the general election, or provides for
 10 the election at the primary of a candidate who receives more than
 11 50% of the votes cast for that office, the governing body by
 12 ordinance may provide for a caucus date, filing date, or other
 13 provisions to the extent necessary to be consistent with the odd
 14 year **general** election requirement of this act and the intent of
 15 the charter provisions.

16 Sec. 644g. (1) A term of office shall not be shortened by
 17 the provisions of sections ~~644a~~ **641** to ~~644f~~ **644i**. An officer
 18 scheduled by prior law to be elected at a time other than ~~in~~
 19 ~~November of an odd-numbered year~~ **the odd year general election**
 20 shall not be elected on the date scheduled but shall continue in
 21 office until a successor takes office ~~pursuant to~~ **after being**
 22 **elected in** the first odd year general election following that
 23 date. **If the regular election date for holding a jurisdiction's**
 24 **regular election is changed under section 642 or 642a, the term**
 25 **of an official who was elected before the effective date of the**
 26 **change continues until a successor is elected and qualified at**
 27 **the next regular election following the date the official's term**

1 would have ended but for the change of the day of the
2 jurisdiction's regular election.

3 (2) Notwithstanding ~~any~~ a law or charter provision to the
4 contrary, ~~any~~ an officer required to be elected at the odd year
5 general election, who by law or charter is elected for a term of
6 an odd number of years shall, after the effective date of the
7 amendatory act that added section 642, be elected ~~hereafter~~ for
8 a term of 1 year longer than provided by law or charter.

9 (3) In home rule cities where the charter provides for the
10 election of city officers at a time other than ~~in November of~~
11 ~~odd numbered years~~ at the odd year general election and provides
12 that members of the governing body are not all to be elected in
13 the same year, the governing body by ordinance adopted prior to
14 April 1, 1971 — may alter the length of terms now provided by
15 charter to provide that the city may continue to elect part of
16 the governing body at each election. A term shall not be
17 extended beyond January 1 following the first odd ~~numbered~~ year
18 general election at which the officer would be elected ~~pursuant~~
19 ~~to~~ as provided by charter. A term shall not be for more than 4
20 years.

21 Sec. 644k. (1) If all or a portion of a ~~school district or~~
22 a community college district is ~~wholly or partly~~ within a
23 city 1 or more ~~than 1 city~~ cities that ~~elects~~ elect city
24 officers at the odd year general election, the ~~school district~~
25 or community college district — ~~except a first class school~~
26 ~~district,~~ may hold its election biennially at the odd year
27 general election if existing law requires ~~or an agreement~~

1 ~~pursuant to section 533 of Act No. 269 of the Public Acts of~~
 2 ~~1955, as amended, being section 340.533 of the Michigan Compiled~~
 3 ~~Laws, authorizes~~ each city to conduct the ~~school or~~ community
 4 college election at the same time as and in conjunction with the
 5 city election.

6 (2) The board of ~~education of a school district or the board~~
 7 ~~of~~ trustees of a community college ~~district~~ may determine by
 8 resolution whether the district shall hold its election as
 9 provided in this section. The resolution shall be adopted
 10 ~~before May 1, 1971, if it is to be applicable to the 1971 odd~~
 11 ~~year general election, otherwise it shall be adopted~~ not less
 12 than 6 months ~~preceeding~~ **before** the date of ~~any~~ **a** regularly
 13 scheduled ~~school or~~ community college district election. In
 14 its resolution the board shall provide that the term of office of
 15 members of the ~~school district or~~ **board of trustees of the**
 16 community college ~~district board~~ shall be for an even number of
 17 years and shall provide for an election schedule ~~which~~ **that**
 18 implements the change. A term may be extended for not more than
 19 1 year for this purpose. The board may change the filing date of
 20 nominating petitions for board of education candidates to conform
 21 with the filing dates of a city election that is held in
 22 conjunction with the school board election. ~~In the case of~~
 23 ~~school elections held in accordance with this section, the last~~
 24 ~~date for nomination shall not be more than 49 days before the~~
 25 ~~scheduled school election.~~ The board may provide that all
 26 members shall not be elected at the same election. ~~Incumbents'~~
 27 ~~terms shall be in accordance with~~ **An incumbent's term is**

1 **determined under** section 644g(1). The date for taking office
2 ~~shall be as~~ **is** prescribed in section 644h.

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

9 Sec. 646a. (1) If a local officer is to be elected at a
10 general November election, ~~or on the first Monday of April in an~~
11 ~~odd numbered year,~~ candidates for the local office shall be
12 nominated in the manner provided by law or charter, **subject to**
13 **sections 641 and 642.** ~~If the candidates are to be nominated at~~
14 ~~a fall primary election, the primary shall be held on the same~~
15 ~~day as is provided by law for holding the county or state primary~~
16 ~~election before that election, except as provided in section~~
17 ~~646b. If the candidates are to be elected in April, the primary~~
18 ~~shall be held on the third Monday in February. If candidates for~~
19 the local office are to be nominated at caucuses, the caucuses
20 shall be held on a date before the date set for the ~~above~~
21 ~~mentioned~~ primary election or on the Saturday ~~preceeding~~ **before**
22 the day of the primary election as determined by the local
23 legislative body at least 20 days ~~preceeding~~ **before** the date of
24 the caucus. If candidates are nominated by filing petitions or
25 affidavits, they shall be filed at a time provided by charter,
26 but not later than the date of the primary. ~~If a~~ **Except as**
27 **provided in section 642, the** local primary election ~~is to~~ **shall**

1 be held on the same day as a state or county primary election.

2 **If a state or county primary is being held on the same day**, the
3 last day for local candidates to file nominating petitions ~~shall~~
4 ~~be~~ **is** the same as the last date to file petitions for state and
5 county offices. The names of all local candidates and titles of
6 office shall be certified to the county clerk by the local clerk
7 within 5 days after the last day for filing petitions, and
8 certification of nominees shall be made to that clerk within 5
9 days after the date on which the primary or caucus was held.

10 (2) If a local, **school district**, or county **ballot** question is
11 to be voted on at a primary, special, **regular**, or general
12 election at which state officers are to be voted for, the ballot
13 wording of the **ballot** question shall be certified to the local or
14 county clerk at least 70 days before the election. If the
15 wording is certified to a clerk other than the county clerk, the
16 clerk shall certify the ballot wording to the county clerk at
17 least 68 days before the election. Petitions to place a county
18 or local **ballot** question on the ballot at the election shall be
19 filed with the clerk at least 14 days before the date the ballot
20 wording must be certified to the local clerk. ~~For the year~~
21 ~~2002, the certification and filing deadlines prescribed by this~~
22 ~~subsection do not apply to a local or county ballot question that~~
23 ~~is required to be placed on the ballot by state statute.~~

24 (3) The provisions of this section apply notwithstanding any
25 provisions of law or charter to the contrary, unless an earlier
26 date for the filing of affidavits or petitions, including
27 nominating petitions, is provided in a law or charter, in which

1 case the earlier filing date is controlling.

2 Sec. 659. (1) If a county, city, ward, township, village,
3 or school district is divided into 2 or more election precincts,
4 the county, city, ward, township, or village election
5 commissioners may, by resolution, consolidate the election
6 precincts for a particular election that is not a general
7 November election, primary election immediately before a general
8 November election, or other statewide or federal election. In
9 making the determination to consolidate election precincts for a
10 particular election, the election commission shall take into
11 consideration the number of choices the voter must make, the
12 percentage of registered voters who voted at the last similar
13 election in the jurisdiction, and the intensity of the interest
14 of the electors in the jurisdiction concerning the candidates and
15 proposals to be voted upon.

16 (2) A consolidation under this section shall be made not less
17 than 60 days before a primary, general, or special election.

18 (3) Unless the polling places for the election precincts to
19 be consolidated are located in the same building, when a county,
20 city, ward, township, or village consolidates election precincts
21 for a particular election under subsection (1), the election
22 commissioners or other designated election officials shall do
23 both of the following:

24 (a) Provide notice to the registered electors of the affected
25 election precincts of the consolidation of election precincts for
26 the particular election and the location of the polling place for
27 the election precinct or precincts for that election. Notice may

1 be provided by mail or other method designed to provide actual
2 notice to the registered electors.

3 (b) Post a written notice at each election precinct polling
4 place stating the location of the consolidated election precinct
5 polling place.

6 (4) If a county, city, ward, township, or village
7 consolidates election precincts under this section, each affected
8 election precinct shall be treated as a whole unit and shall not
9 be divided during the consolidation.

10 Sec. 690. The township, city, or village board of election
11 commissioners ~~—, as the case may be, shall cause~~ **for each**
12 **jurisdiction conducting the election shall have** the ballots
13 required for ~~any~~ a regular or special township, village, ~~or~~
14 city, **school, or community college** election, or official primary
15 election for the nomination of candidates for township,
16 ~~village, city, or ward, or community college~~ offices, to be
17 printed and delivered to the **election commission's** township,
18 village, or city clerk ~~—, as the case may be,~~ at least 10 days
19 before ~~any such~~ **the** election. ~~—, and like~~ **The** duties ~~as are~~
20 ~~hereinbefore enjoined~~ **imposed** upon county boards of election
21 commissioners and upon county, township, and city clerks relative
22 to the printing, counting, packaging, sealing, and delivery of
23 official ballots ~~—, are hereby enjoined~~ **imposed** upon the
24 ~~several~~ township and municipal boards of election commissioners
25 and ~~upon~~ the ~~several~~ township, village, or city clerks
26 relative to the printing, counting, packaging, sealing, and
27 delivery of official ballots for use in each precinct of ~~such~~

1 ~~the~~ township, village, or city at ~~any such~~ a municipal, ~~or~~
 2 township, **village, school, or community college** election.

3 Sec. 821. (1) The board of county canvassers shall meet at
 4 the office of the county clerk at 1 p.m. on the day ~~succeeding~~
 5 **after** the day of ~~any November~~ a general **election**, August
 6 primary, or presidential primary election in the county. ~~For~~
 7 **Except as provided in subsection (2), for** other elections the
 8 board shall meet within 5 days following the election.

9 (2) If, at an election held on the May regular election date,
 10 a ballot question appears on the ballot concerning authorized
 11 millage that is subject to a millage reduction as provided in
 12 section 34d of the general property tax act, 1893 PA 206, MCL
 13 211.34d, the board of county canvassers shall meet to canvass and
 14 certify the results of the vote on that proposition after May 31
 15 and before June 15 following the election.

16 Sec. 862. A candidate for ~~any~~ office ~~, including a~~
 17 ~~candidate at all school elections except an election for board~~
 18 ~~members in a primary school district, at any primary or election,~~
 19 ~~conceiving himself~~ **who believes he or she is** aggrieved on
 20 account of fraud or mistake in the canvass **or returns** of the
 21 votes by the **election** inspectors ~~of election, or in the returns~~
 22 ~~made thereon by the inspectors,~~ may petition for a recount of
 23 the votes cast for that office in any precinct or precincts as
 24 provided in this chapter.

25 Sec. 863. A qualified and registered elector voting in a
 26 city, township, ~~school district other than a primary school~~
 27 ~~district at an election for board members,~~ or village ~~at the~~

1 ~~last preceding~~ election who believes there has been fraud or
 2 error committed by the inspectors of election in its canvass or
 3 returns of the votes cast at the election, upon a proposed
 4 amendment to the charter of the city or village or ~~any~~ other
 5 ~~proposition~~ **ballot question** submitted to the voters of the
 6 county, city, township, school district, **community college**
 7 **district**, or village, may petition for a recount of the votes
 8 cast in any precinct or precincts of that county, city, township,
 9 school district, **community college district**, or village, upon
 10 that proposed amendment or other ~~proposition~~ **ballot question** as
 11 provided in this chapter.

12 Sec. 954. ~~The petitions~~ **A recall petition** shall be signed
 13 by registered and qualified electors of the electoral district of
 14 the official whose recall is sought. ~~In a school district where~~
 15 ~~school electors are not required to be registered, the signers of~~
 16 ~~the petition shall not be required to be registered electors and~~
 17 ~~the term "registered and qualified electors" shall mean~~
 18 ~~"qualified electors".~~ Each signer of ~~the~~ **a recall** petition
 19 shall affix his **or her** signature, address, and the date of
 20 signing. ~~The persons signing the~~ **A person who signs a recall**
 21 petition shall be **a** registered and qualified ~~electors~~ **elector**
 22 of the governmental subdivision designated in the heading of the
 23 petition.

24 Sec. 963. (1) Within 35 days after the filing of the recall
 25 petition, the filing official with whom the recall petition is
 26 filed shall make an official declaration of the sufficiency or
 27 insufficiency of the petition. If the recall petition is

1 determined to be insufficient, the filing official shall notify
2 the person or organization sponsoring the recall of the
3 insufficiency of the petition. It is not necessary to give
4 notification unless the person or organization sponsoring the
5 recall files with the filing official a written notice of
6 sponsorship and a mailing address.

7 (2) Immediately upon determining that the petition is
8 sufficient, but not later than 35 days after the date of filing
9 of the petition, the county clerk with whom the petition is filed
10 shall ~~submit to the county election scheduling committee a~~
11 ~~proposed date for a special election to be held within 60 days~~
12 ~~after the submission to the county scheduling committee~~ **call the**
13 **special election** to determine whether the electors will recall
14 the officer whose recall is sought. **The election shall be held**
15 **on the next regular election date that is not less than 70 days**
16 **after the date the petition is filed.**

17 (3) If a petition is filed under section 959, the ~~officer~~
18 **filing official** with whom the petition is filed shall ~~not submit~~
19 ~~a proposed date to the county election scheduling committee but~~
20 ~~shall~~ call the special election. ~~subject to the time~~
21 ~~limitations set out in this section.~~ **The election shall be held**
22 **on the next regular election date that is not less than 70 days**
23 **after the petition is filed.**

24 Sec. 971. (1) If the recall ~~was~~ **is** successful, ~~the~~
25 ~~officer with whom the recall petition was filed shall, within 5~~
26 ~~days after receiving the certification, submit to the county~~
27 ~~election scheduling committee a proposed date for a special~~

1 ~~election to be held within 60 days for the filling of the~~
 2 ~~vacancy. If any primary or election is to be held in that~~
 3 ~~electoral district within 4 months after the certification and at~~
 4 ~~a time as will permit preparation for the election by election~~
 5 ~~officials as provided by law, the election to fill the vacancy~~
 6 ~~shall be held concurrently with that primary or election. a~~
 7 **special election to fill the vacancy shall be held on the next**
 8 **regular election date.** The ~~same~~ provisions ~~made~~ in section
 9 964 for calling and conducting of the recall election govern ~~in~~
 10 the calling and conducting of the election to fill the vacancy
 11 created, except as otherwise provided in this section.

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

17 **(2)** ~~-(3)-~~ If the governor appoints a review team under the
 18 local government fiscal responsibility act, 1990 PA 72, MCL
 19 141.1201 to 141.1291, to perform the functions prescribed in that
 20 act relative to a city, township, or village and an elected
 21 official of the city, township, or village was the subject of a
 22 successful recall, the officer with whom the recall petition was
 23 filed does not have the authority to propose a date for a special
 24 election. If the review team described in this subsection is
 25 appointed after the officer submits a proposed special election
 26 date or the county election scheduling committee schedules the
 27 special election as required by subsection (1), but before the

1 election is held, the officer's or county election scheduling
2 committee's action becomes void when the review team is
3 appointed. Within 5 days after the review team described in this
4 subsection reports its findings to the governor as required by
5 section 14 of the local government fiscal responsibility act,
6 1990 PA 72, MCL 141.1214, the review team shall submit to the
7 county election scheduling committee a proposed date for the
8 special election. A special election scheduled under this
9 subsection is subject to all of the other provisions of
10 subsection (1). This subsection applies to any special election
11 scheduled but not yet held before ~~the effective date of the~~
12 ~~amendatory act that added this sentence~~ **April 9, 2002.**

13 Sec. 972. (1) Except as provided in subsection (2), a
14 candidate for a nonpartisan office shall be nominated and voted
15 for in an election scheduled ~~pursuant to~~ **under** section 971 by
16 filing a nominating petition **or paying a \$100.00 nonrefundable**
17 **fee** not later than 4 p.m. on the fifteenth day after the election
18 is called. The nominating petition shall be filed with the clerk
19 ~~or secretary~~ of the electoral district and signed by ~~not less~~
20 ~~than 3% of the registered and~~ **a number of** qualified **and**
21 **registered** electors of the electoral district **as determined under**
22 **section 544f.** ~~However, a nominating petition for the office of~~
23 ~~district library board member shall be signed by not less than 3%~~
24 ~~of the number of persons voting in the district library district~~
25 ~~at the last election at which district library board members were~~
26 ~~elected and filed with the clerk of the largest county or, if a~~
27 ~~school district is a participating municipality, with the~~

~~1 secretary of the largest participating school district. For the~~
~~2 purposes of this subsection, the term "largest" has the meaning~~
~~3 ascribed to it in section 2 of the district library establishment~~
~~4 act. Instead of filing a nominating petition, an individual may~~
~~5 become a candidate by paying a \$100.00 nonrefundable fee with the~~
~~6 clerk of the electoral district.~~

7 (2) This subsection applies to an election to fill a vacancy
8 for an unexpired term created by a recall of a **school board**
9 member, ~~of a board of education of a school district,~~ if the
10 election is scheduled to be held on the same date as ~~an annual~~
11 ~~school election or~~ a general election. A **nominating** petition
12 filed by a candidate shall be signed by a number of ~~registered~~
13 ~~and~~ qualified **and registered** electors of the school district
14 ~~equal to not less than 1% of the total number of votes received~~
15 ~~by the candidate for member of the board of education who~~
16 ~~received the greatest number of votes at the last election at~~
17 ~~which members of the board of education were elected, but the~~
18 ~~number shall not be less than 20~~ **as determined under section**
19 **544f.** The **nominating** petition shall clearly state that it
20 relates to the filling of a vacancy for an unexpired term and
21 shall be filed with the ~~secretary of the board or in the office~~
22 ~~of the board of education~~ **school district filing official, as**
23 **designated by section 301,** not later than 4 p.m. on the fifteenth
24 day after the election is called. **Instead of filing a nominating**
25 **petition, an individual may become a candidate by paying a**
26 **\$100.00 nonrefundable fee to the school district filing official**
27 **not later than 4 p.m. on the fifteenth day after the election is**

1 called.

2 Enacting section 1. Sections 5, 6, 8, 9a, 12, 325, 348,
3 639, 640, 644a, 644b, 644c, 644j to 646, 646b, and 758c of the
4 Michigan election law, 1954 PA 116, MCL 168.5, 168.6, 168.8,
5 168.9a, 168.12, 168.325, 168.348, 168.639, 168.640, 168.644a,
6 168.644b, 168.644c, 168.644j to 168.646, 168.646b, and 168.758c,
7 are repealed January 1, 2005.

8 Enacting section 2. Sections 642 and 642a of the Michigan
9 election law, 1954 PA 116, as added by this amendatory act, take
10 effect September 1, 2004.

11 Enacting section 3. Sections 2, 3, 4, 30a, 321, 322, 358a,
12 370, 381, 382, 500f, 500g, 501a, 505, 509n, 509r, 509gg, 538,
13 635, 643, 644e, 644g, 644k, 646a, 690, 821, 862, 863, 954, 963,
14 971, and 972 of the Michigan election law, 1954 PA 116, MCL
15 168.2, 168.3, 168.4, 168.30a, 168.321, 168.322, 168.358a,
16 168.370, 168.381, 168.382, 168.500f, 168.500g, 168.501a, 168.505,
17 168.509n, 168.509r, 168.509gg, 168.538, 168.635, 168.643,
18 168.644e, 168.644g, 168.644k, 168.646a, 168.690, 168.821,
19 168.862, 168.863, 168.954, 168.963, 168.971, and 168.972, as
20 amended by this amendatory act, take effect January 1, 2005.

21 Enacting section 4. Chapter XIV of the Michigan election
22 law, 1954 PA 116, as added by this amendatory act, takes effect
23 January 1, 2005.

24 Enacting section 5. This amendatory act does not take
25 effect unless all of the following bills of the 92nd Legislature
26 are enacted into law:

27 (a) House Bill No. 4820.

- 1 (b) House Bill No. 4821.
- 2 (c) House Bill No. 4822.
- 3 (d) House Bill No. 4823.
- 4 (e) House Bill No. 4825.
- 5 (f) House Bill No. 4826.
- 6 (g) House Bill No. 4827.
- 7 (h) House Bill No. 4828.