

**SENATE 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 or for a village that holds its regular election for a village  
20 office in September, the regular election, held on the first  
21 Tuesday after the second Monday in September in an odd year.

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

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

1       (i) "Uniform voting system" means the voting system that is  
2 used at all elections in every election precinct throughout the  
3 state.

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

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

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

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

7 **CHAPTER XIV.**

8 **SCHOOL AND COMMUNITY COLLEGE ELECTIONS**

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

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

21 **(a) Receive filing fees or nominating petitions and**  
22 **affidavits of identity from candidates for school board and**  
23 **petitions for special elections.**

24 **(b) Procure the necessary qualified voter file precinct**  
25 **lists.**

26 **(c) Certify candidates.**

27 **(d) Receive ballot proposal language.**

(e) Issue absent voter ballots.

(3) A school district election coordinator who is a county clerk may delegate, if the city or township clerk agrees, all or a portion of the school district election coordinator's duties to that city or township clerk.

(4) A school district election coordinator who is a county clerk may delegate the following duties to the city or township clerk, who shall perform the following duties:

(a) Distribute, receive, and process absent voter ballot applications for a school election.

(b) Make voting systems available for the conduct of a school election.

(c) Make available to the school district election coordinator the list of election inspectors for that city or township.

Sec. 302. An individual is eligible for election as a school board member if the individual is a citizen of the United States and is a qualified and registered elector of the school district the individual seeks to represent by the filing deadline. At least 1 school board member for a school district shall be elected at each of the school district's regular elections held as provided in section 642a. Except as otherwise provided in this section or section 310 or 644g, a school board member's term of office is prescribed by the applicable provision of section 11a, 617, 701, or 703 of the revised school code, 1976 PA 451, MCL 380.11a, 380.617, 380.701, and 380.703, or section 34, 34a, 41, 54, or 83 of the community college act of



1 1966, 1966 PA 331, MCL 389.34, 389.34a, 389.41, 389.54, and  
2 389.83. A school board member's term begins on 1 of the  
3 following dates:

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

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

8 Sec. 303. (1) Subject to subsection (4), for an  
9 individual's name to appear on the official ballot as a candidate  
10 for school board member, the candidate shall file a nominating  
11 petition and the affidavit required by section 558 with the  
12 school district filing official not later than 4 p.m. on the  
13 twelfth Tuesday before the election date. The nominating  
14 petition must be signed by the following number of electors of  
15 the school district:

16 (a) If the population of the school district is less than  
17 10,000 according to the most recent federal census, a minimum of  
18 6 and a maximum of 20.

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

22 (2) The nominating petition shall be substantially in the  
23 form prescribed in section 544c, except that the petition shall  
24 be nonpartisan and shall include the following opening  
25 paragraph:

26 We, the undersigned, registered and qualified voters of  
27 \_\_\_\_\_ and residents of the

1 (legal name of school district)  
 2 \_\_\_\_\_, the county of \_\_\_\_\_, state  
 3 (city or township)  
 4 of Michigan, nominate \_\_\_\_\_  
 5 (name of candidate)  
 6 \_\_\_\_\_, a registered  
 7 (street address) (city or township)  
 8 and qualified elector of the district as a member of the board of  
 9 education of the school district for a term of \_\_\_\_\_ years,  
 10 expiring \_\_\_\_\_, to be voted for at the election to be held on the  
 11 \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.  
 12 (month) (year)

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

15 (4) Instead of filing nominating petitions, a candidate for  
 16 school board member may pay a nonrefundable filing fee of \$100.00  
 17 to the school district filing official. If this fee is paid by  
 18 the due date for a nominating petition, the payment has the same  
 19 effect under this section as the filing of a nominating  
 20 petition.

21 (5) A nominating petition filed under this chapter is subject  
 22 to the examination and investigation process prescribed in  
 23 section 552 as to its sufficiency and the validity and  
 24 genuineness of the signatures on the nominating petition, and to  
 25 the other procedures prescribed in that section relevant to a  
 26 petition filed under this chapter.

27 (6) After a nominating petition is filed or filing fee is

1 paid for a candidate for school board member, the candidate is  
2 not permitted to withdraw unless a written withdrawal notice,  
3 signed by the candidate, is filed with the school district filing  
4 official not later than 4 p.m. of the third day after the last  
5 day for filing the nominating petition. If the school district  
6 filing official is not a county clerk, the school district filing  
7 official shall notify the county clerk of the candidates' names  
8 and addresses not later than 3 days after the last day for filing  
9 a withdrawal notice.

10       Sec. 305. (1) Within 30 days after the effective date of  
11 this chapter, the school district election coordinating committee  
12 for each school district shall hold an initial meeting. Within  
13 14 days after convening the initial meeting, the school district  
14 election coordinating committee shall file a report with the  
15 secretary of state that sets forth the arrangements that are  
16 agreed upon for the conduct of the school district's elections.  
17 Each school district election coordinating committee member shall  
18 sign the report and retain a copy.

19       (2) After filing its initial report under subsection (1), a  
20 school district election coordinating committee shall meet at  
21 2-year intervals to review and, if necessary, alter the election  
22 arrangements set forth in its previous report. After each  
23 review, a school district election coordinating committee shall  
24 either notify the secretary of state in writing that its previous  
25 report is not being altered or file with the secretary of state a  
26 report with the alterations. Election arrangements made by the  
27 clerks of the jurisdictions participating in the school district

1 election coordinating committee meeting are binding on the  
2 participating jurisdictions for at least 2 years after the report  
3 is filed, and each jurisdiction continues to be bound until an  
4 altered report is filed.

5 (3) The arrangements agreed upon by a school district  
6 election coordinating committee for the conduct of the school  
7 district's elections shall accomplish at least both of the  
8 following:

9 (a) If a school district election is held on the same day as  
10 an election of a jurisdiction that overlaps with the school  
11 district, an elector wishing to vote in both elections shall not  
12 be required to vote at 2 different locations.

13 (b) If, before the filing of an initial report or of the  
14 notice or altered report after its 2-year review, a city or  
15 township clerk notifies the school district election coordinating  
16 committee that the city or township clerk has decided to  
17 participate in the conduct of the school district's elections,  
18 the school district election coordinating committee shall include  
19 that city or township clerk in its initial or an altered report  
20 as the person conducting the school district's elections in the  
21 clerk's city or township.

22 (4) Notwithstanding the other provisions of this chapter, if  
23 a city or township is holding an election for elective office or  
24 on a ballot question at the same time that a school district  
25 located in whole or part in the city or township is holding an  
26 election, the city or township clerk shall also conduct the  
27 school district election within his or her jurisdiction. If a

1 city or township clerk is conducting a school election under this  
2 subsection, the clerk shall use the same precincts that are used  
3 for state and federal elections as the precincts for the school  
4 district election. If these precincts change the polling place  
5 location for school district electors, the clerk shall notify  
6 those school district electors of the location of the different  
7 polling place.

8       Sec. 307. (1) The appropriate board of canvassers as  
9 prescribed in section 24a or 30a shall canvass the votes for  
10 candidates for school board member and votes for and against a  
11 ballot question at a regular or special election in each school  
12 district. That number of candidates equal to the number of  
13 individuals to be elected who receive the greatest number of  
14 votes cast at the election, as set forth in the report of the  
15 board of canvassers canvassing the votes, based upon the returns  
16 from the election precincts or as determined by the board of  
17 canvassers as a result of a recount, are elected to the office of  
18 school board member. Upon completion of the canvass, the board  
19 of canvassers shall make a statement of returns and certify the  
20 election of school board members to the secretary of the school  
21 board, the county clerk, and, if other than the county clerk, the  
22 school district election coordinator.

23       (2) The votes cast for a candidate for school board member or  
24 on a ballot question submitted to the electors at a school  
25 election are subject to recount as provided in chapter XXXIII.  
26 An individual elected to the office of school board member is  
27 subject to recall as provided in chapter XXXVI and in section 8

1 of article II of the state constitution of 1963.

2       Sec. 308. A local official who receives the certification  
3 of the board of canvassers under section 307 shall preserve and  
4 file in his or her office the certified statement of returns and  
5 certification of the board of canvassers of the result of the  
6 election. The city, township, or county clerk who is the  
7 secretary to the board of canvassers canvassing the school board  
8 election shall immediately execute and provide to the individuals  
9 declared elected to the office of school board member a  
10 certificate of election.

11       Sec. 310. (1) Before entering upon the duties of his or her  
12 office, an individual elected to the office of school board  
13 member shall take and subscribe to the oath provided in section 1  
14 of article XI of the state constitution of 1963.

15       (2) The office of a school board member becomes vacant  
16 immediately, regardless of declaration by an officer or  
17 acceptance by the school board or 1 or more of its members, upon  
18 any of the following events:

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

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

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

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

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

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

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

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

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

8 Sec. 311. (1) If less than a majority of the offices of  
9 school board member of a school district become vacant, the  
10 remaining school board members shall fill each vacant office by  
11 appointment. If a vacancy in the office of school board member  
12 is not filled within 30 days after the vacancy occurs or if a  
13 majority of the offices of school board member of a school  
14 district become vacant, the intermediate school board for that  
15 school district shall fill each vacancy by appointment. An  
16 individual appointed under this subsection serves until a  
17 successor is elected and qualified.

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

24 Sec. 312. (1) A school board may submit a ballot question  
25 to the school electors on a regular election date, on a date when  
26 a city or township within the school district's jurisdiction is  
27 holding an election by adopting a resolution to that effect not

1 less than 70 days before the election date, or on a special  
2 election date as provided in section 641(4). The school board  
3 shall certify the ballot question language to the school district  
4 election coordinator not less than 70 days before the election  
5 date. If the ballot question is submitted on the same date as an  
6 election for a state or county office, the school district  
7 election coordinator shall send a copy of the ballot question  
8 language to the county clerk of each county not less than 68 days  
9 before the election.

10 (2) If a special election is called on a date provided under  
11 section 641(4), the school district election coordinating  
12 committee shall schedule the special election date.

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

17 (2) If a school district's regular or special election is  
18 held in conjunction with another election conducted by a county,  
19 city, or township, the school district shall pay the county,  
20 city, or township 100% of the actual additional costs  
21 attributable to conducting the school district's regular or  
22 special election. If a school district's regular or special  
23 election is not held in conjunction with another election  
24 conducted by a county, city, or township, the school district  
25 shall pay the county, city, or township 100% of the actual costs  
26 of conducting the school district's regular or special election.

27 (3) The county, city, or township shall present to a school



1 district a verified account of actual costs of conducting the  
2 school district's regular or special election not later than 84  
3 days after the date of the election. The school board shall pay  
4 or disapprove all or a portion of the verified account within 84  
5 days after the school district receives a verified account of  
6 actual costs under this subsection.

7 (4) If the school board disapproves all or a portion of a  
8 verified account of actual costs under subsection (3), the school  
9 board shall send a notice of disapproval along with the reasons  
10 for the disapproval to the county, city, or township. Upon  
11 request of a county, city, or township whose verified account or  
12 portion of a verified account was disapproved under this section,  
13 the school board shall review the disapproved costs with the  
14 county, city, or township.

15 (5) A school board, county, city, or township shall use the  
16 agreement made between the department of treasury and the  
17 secretary of state, as required by section 487, as a basis for  
18 preparing and evaluating verified accounts under this section.  
19 The secretary of state shall assist a school board, county, city,  
20 or township in preparing and evaluating a verified account under  
21 this section. If a county, city, or township and a school board  
22 cannot agree on the actual costs of an election as prescribed by  
23 this section, the secretary of state shall determine those actual  
24 costs.

25 Sec. 321. (1) Except as provided in subsection (3) and  
26 ~~section~~ sections 327, 641, 642, and 644g, the qualifications,  
27 nomination, election, appointment, term of office, and removal

1 from office of ~~any~~ a city officer shall be in accordance with  
2 the charter provisions governing the city.

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

8 (3) If the membership of the legislative body of a city  
9 governed by the home rule city act, ~~Act No. 279 of the Public~~  
10 ~~Acts of 1909, being sections 117.1 to 117.38 of the Michigan~~  
11 ~~Compiled Laws 1909 PA 279, MCL 117.1 to 117.38,~~ is reduced to  
12 less than a quorum, unless another method of appointing members  
13 of the legislative body is provided by the city charter, members  
14 of the legislative body ~~shall be~~ **are** appointed as provided in  
15 this subsection. The board of county election commissioners of  
16 the county in which the largest portion of the population of the  
17 city resides ~~as reported by the last decennial census~~ shall  
18 appoint the number of members of the legislative body required to  
19 constitute a quorum for the transaction of business by the  
20 legislative body. A member of the legislative body appointed  
21 under this subsection shall hold the office only until the  
22 member's successor is elected and qualified. ~~Unless otherwise~~  
23 ~~provided by charter, the successor shall be elected at the next~~  
24 ~~regular election for a member of the legislative body or, if a~~  
25 ~~regular election is not scheduled to be held within 90 days after~~  
26 ~~the appointment is made under this subsection, the legislative~~  
27 ~~body shall call a special election for the successor to be held~~

1 ~~within 90 days after the appointment is made. In either case,~~  
 2 ~~the~~ **The successor shall be elected at a special or regular**  
 3 **election on the next regular election date that is not less than**  
 4 **60 days after the appointment is made. The** successor shall serve  
 5 for the balance of the unexpired term. A member who is appointed  
 6 under this subsection shall not vote on the appointment of  
 7 himself or herself to an elective or appointive city office.

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

15 Sec. 322. ~~To obtain the printing of~~ **For** the name of a  
 16 candidate of a political party for a city office, including a  
 17 ward office, **to appear** under the particular party heading on the  
 18 official primary election ballots for use in the city, ~~there a~~  
 19 **nominating petition** shall be filed with the city clerk ~~of the~~  
 20 ~~city~~ not later than 4 p.m. on the twelfth Tuesday ~~preceding~~  
 21 **before** the August primary, or not later than 4 p.m. on the  
 22 ~~seventh Monday preceding the primary election provided to be~~  
 23 ~~held on the third Monday in February, nominating petitions~~  
 24 **twelfth Tuesday before the September primary election for a city**  
 25 **that holds a September primary election. A nominating petition**  
 26 **shall be** signed by a number of qualified and registered electors  
 27 of the political party who reside in the city or ward as

1 determined under section 544f. This section does not apply to a  
2 city ~~the~~ **if the city** charter ~~of which~~ provides for a  
3 different method of nominating candidates for public office. The  
4 form of the petition shall be as provided in section 544c.

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

14 Sec. 370. (1) Except as provided in subsection (2), if a  
15 vacancy occurs in an elective or appointive township office, the  
16 vacancy shall be filled by appointment by the township board, and  
17 the person appointed shall hold the office for the remainder of  
18 the unexpired term.

19 (2) If 1 or more vacancies occur in an elective township  
20 office that cause the number of members serving on the township  
21 board to be less than the minimum number of board members that is  
22 required to constitute a quorum for the transaction of business  
23 by the board, the board of county election commissioners shall  
24 make temporary appointment of the number of members required to  
25 constitute a quorum for the transaction of business by the  
26 township board. An official appointed under this subsection  
27 shall hold the office only until the official's successor is

1 elected or appointed and qualified. An official who is  
2 temporarily appointed under this subsection shall not vote on the  
3 appointment of himself or herself to an elective or appointive  
4 township office.

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

13 (4) Except as provided in subsection (5), if the township  
14 board does not make an appointment under subsection (3), or if a  
15 vacancy occurs in an elective township office and the vacancy is  
16 not filled by the township board or the board of county election  
17 commissioners within 45 days after the beginning of the vacancy,  
18 the county clerk of the county in which the township is located  
19 shall notify the governor of the fact. The governor shall call a  
20 special election to fill the vacancy. The governor shall provide  
21 for the date for the filing of the petitions, ~~which~~ **and that**  
22 date shall also be the last date to register for the special  
23 primary election. ~~Notwithstanding section 358a, the special~~  
24 ~~primary or special general election may be held within 60 days of~~  
25 ~~a state primary or a state general election.~~ A special primary  
26 or election called by the governor under authority of this  
27 section ~~shall~~ **does** not affect the rights of a qualified elector

1 to register for any other election. A person elected to fill a  
 2 vacancy shall serve for the remainder of the unexpired term.

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

10 Sec. 381. (1) Except as provided in subsection ~~(3)~~ **(2)**  
 11 and ~~section~~ **sections** 383, **641, 642, and 644g**, the  
 12 qualifications, nomination, election, appointment, term of  
 13 office, and removal from office of a village officer shall be  
 14 ~~pursuant to~~ **as determined by** the charter provisions governing  
 15 the village.

16 ~~(2) Within 3 days after the last day on which a candidate~~  
 17 ~~for a village office may withdraw, the village clerk shall~~  
 18 ~~deliver to the county clerk of the county in which the village is~~  
 19 ~~located, a list setting forth the name and address of each~~  
 20 ~~candidate for a village office.~~

21 **(2)** ~~(3)~~ If the membership of the village council of a  
 22 village governed by ~~Act No. 3 of the Public Acts of 1895, being~~  
 23 ~~sections 61.1 to 74.22 of the Michigan Compiled Laws~~ **the general**  
 24 **law village act, 1895 PA 3, MCL 61.1 to 74.25**, is reduced to less  
 25 than a quorum of 4 and a special election for the purpose of  
 26 filling all vacancies in the office of trustee is called under  
 27 section 13 of ~~Act No. 3 of the Public Acts of 1895, being~~

1 ~~section 62.13 of the Michigan Compiled Laws~~ **chapter II of the**  
 2 **general law village act, 1895 PA 3, MCL 62.13,** temporary  
 3 appointments of trustees shall be made as provided in this  
 4 subsection. The board of county election commissioners of the  
 5 county in which the largest portion of the population of the  
 6 village is situated ~~as reported by the last decennial census~~  
 7 shall make temporary appointment of the number of trustees  
 8 required to constitute a quorum for the transaction of business  
 9 by the village council. A trustee appointed under this  
 10 subsection shall hold the office only until the trustee's  
 11 successor is elected and qualified. A trustee who is temporarily  
 12 appointed under this subsection shall not vote on the appointment  
 13 of himself or herself to an elective or appointive village  
 14 office.

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

22 Sec. 382. ~~If~~ **Except as otherwise provided in this act,**  
 23 **the general law village act, 1895 PA 3, MCL 61.1 to 74.25, or the**  
 24 **home rule village act, 1909 PA 278, MCL 78.1 to 78.28, if the**  
 25 charter of a village does not specify the time, manner, and means  
 26 of nominating and electing its public officers, the village shall  
 27 nominate and elect its officers in accordance with the provisions

1 governing the selection of township officers, as provided in  
 2 chapter **XV**. ~~16 of this act, except that nomination by caucus or~~  
 3 ~~primary shall occur on the third Monday in February and village~~  
 4 ~~elections shall be held on the second Monday in March biennially~~  
 5 ~~in even numbered years or annually as provided in section 5 of~~  
 6 ~~chapter 2 of Act No. 3 of the Public Acts of 1895, being section~~  
 7 ~~62.5 of the Michigan Compiled Laws.~~

8       Sec. 500f. The clerk of a township shall transmit to the  
 9 village clerk of a village ~~, the whole or part of which~~ **that**  
 10 lies **partly or completely** in the township ~~, the~~ information  
 11 necessary to complete the village registration of a person  
 12 registered under sections 500a to 500j. ~~The clerk of a city or~~  
 13 ~~township shall transmit to the secretary of a school district,~~  
 14 ~~where applicable, the information on the application of a person~~  
 15 ~~residing within the school district and registered under sections~~  
 16 ~~500a to 500j.~~

17       Sec. 500g. A registration card prepared under sections 500a  
 18 to 500j shall be sworn to and signed by the voter at the first  
 19 election during which the voter appears at the polls, or may be  
 20 signed in the ~~office of the secretary of the school district or~~  
 21 ~~in the~~ clerk's office. The application shall be retained by the  
 22 city or township clerk for signature purposes until the  
 23 registration card is signed, except that the application shall be  
 24 sent to the appropriate precinct for each election until the  
 25 registration card is signed. The secretary of state may provide  
 26 an application form ~~which~~ **that** allows a completed ~~affidavit~~  
 27 **attestation** to be attached to a registration card prepared by a



1 local clerk. The registrant shall not be required to sign a  
2 registration card if the completed ~~affidavit~~ **attestation** is  
3 attached.

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

19       Sec. 505. (1) At the time an elector is applying for  
20 registration, the registration officer shall ascertain if the  
21 elector is already registered as a voter. If the elector is  
22 previously registered, the elector shall at the time of applying  
23 for registration sign an authorization to cancel ~~any~~ **a** previous  
24 registration. The secretary of state shall prescribe forms for  
25 this purpose. The form may be a part of the application or a  
26 separate form. The clerk of the city or township in which the  
27 elector is newly registered shall notify the registration officer

1 of the place of previous registration of the authorization to  
2 cancel.

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

10       (3) Notices of cancellation shall contain the name, birth  
11 date, and address at which the elector was previously registered,  
12 and the name of the city or township of previous registration of  
13 all persons authorizing cancellations. Notices shall be sent  
14 within 30 days after receipt, but not later than 5 days after the  
15 close of registration.

16       (4) Upon receipt of the notice, the clerk shall cancel the  
17 registration of the persons listed on the notice. The clerk  
18 **receiving the notice** shall also notify the ~~registration officer~~  
19 **clerk** of each village ~~and school district~~ in which ~~the~~ a  
20 person **listed on the notice** resides of receipt of an  
21 authorization to cancel. An authorization to cancel a voter  
22 registration signed by the voter and received from another state  
23 or a notice from an election official of another state that an  
24 elector has registered in that state ~~shall have~~ **has** the same  
25 force and effect as the notice of authorization to cancel of this  
26 state.

27       Sec. 509n. The secretary of state is responsible for the

1 coordination of the requirements imposed under this chapter and  
2 the national voter registration act of 1993. The secretary of  
3 state shall do all of the following:

4 (a) Develop a mail registration form and make the form  
5 available for distribution through governmental and private  
6 entities, with special emphasis on making the form available to  
7 voter registration programs established for the purpose of  
8 registering citizens of this state to vote.

9 (b) Instruct designated voter registration agencies ~~—, and~~  
10 county, city, township, and village clerks ~~—, and school~~  
11 ~~officials regarding~~ **about** the voter registration procedures and  
12 requirements imposed by law.

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

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

20 (ii) ~~Any recommendations~~ **Recommendations** of the secretary  
21 of state for amendments to this act to increase the efficiency  
22 and effectiveness of the qualified voter file as a voter  
23 registration system.

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

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

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

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

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

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

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

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

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

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

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

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

4       Sec. 509gg. The information described in this section that  
 5 is contained in a registration record is exempt from the freedom  
 6 of information act, ~~Act No. 442 of the Public Acts of 1976,~~  
 7 ~~being sections 15.231 to 15.246 of the Michigan Compiled Laws~~  
 8 **1976 PA 442, MCL 15.231 to 15.246.** The secretary of state, a  
 9 designated voter registration agency, **or** a county, city,  
 10 township, or village clerk ~~—, or the secretary of a school board~~  
 11 shall not release a copy of that portion of a registration record  
 12 that contains any of the following:

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

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

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

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

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

20       Sec. 538. Primary **election** notices shall be published and  
 21 posted ~~in the same manner as nearly as may be~~ as provided in  
 22 section ~~653 of this act for elections~~ **653a.**

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

26       Sec. 642. (1) **Except as otherwise provided in this section**  
 27 **and section 642a, on the effective date of this act, a city shall**

1 hold its regular election or regular primary election as  
2 follows:

3 (a) A city shall hold its regular election for a city office  
4 at the odd year general election.

5 (b) A city shall hold its regular election primary at the odd  
6 year primary election.

7 (c) A city that holds its regular election for a city office  
8 annually on the November regular election date shall continue  
9 holding elections on that schedule.

10 (2) If, on the effective date of this section, a city holds  
11 its regular election at other than the odd year general election  
12 or annually on the regular November election date, the city  
13 council may choose to hold the regular election on the May  
14 regular election date by adopting a resolution in compliance with  
15 this section. Except as provided in section 642a, if a city  
16 council adopts the resolution in compliance with this section to  
17 hold its regular election on the May regular election date, after  
18 December 31, 2004, the city's regular election is on the May  
19 regular election date. If a city's regular election is held on  
20 the May regular election date, the city's regular election  
21 primary shall be held on the February regular election date  
22 immediately before its regular election.

23 (3) If, on the effective date of this section, a city holds  
24 its regular election annually on the November regular election  
25 date, the city council may choose to hold the regular election at  
26 the odd year general election by adopting a resolution in  
27 compliance with this section. Except as provided in section

1 642a, if a city council adopts the resolution in compliance with  
2 this section to hold its regular election at the odd year general  
3 election, after December 31, 2004, the city's regular election is  
4 at the odd year election. If a city's regular election is held  
5 at the odd year general election, the city's regular election  
6 primary shall be held at the odd year primary election.

7 (4) If, on the effective date of this section, a city holds  
8 its regular election primary at the September primary election,  
9 the city council may choose to continue holding its regular  
10 election primary at the September primary election by adopting a  
11 resolution in compliance with this section. Except as provided  
12 in section 642a(2), if a city council adopts the resolution in  
13 compliance with this section to hold its regular election primary  
14 at the September primary election, after December 31, 2004, the  
15 city's regular election primary is at the September primary  
16 election.

17 (5) Except as otherwise provided in this section and section  
18 642a, on the effective date of this act, a village shall hold its  
19 regular election as follows:

20 (a) A village shall hold its regular election for a village  
21 office at the general election and the appropriate township clerk  
22 shall conduct the election.

23 (b) A village shall not hold a regular primary election.

24 (6) A village council may choose to hold the regular election  
25 at the September primary election by adopting a resolution in  
26 compliance with this section. Except as provided in section  
27 642a, if a village council adopts the resolution in compliance

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1 with this section to hold its regular election at the September  
2 primary election, after December 31, 2004, the village's regular  
3 election is at the September primary election. <<If a village's regular  
or special election is held in conjunction with another election  
conducted by a township, the village shall pay the township a  
proportionate share of the election expenses. If a village's regular or  
special election is not held in conjunction with another election  
conducted by a township, the village shall pay the township 100% of the  
actual costs of conducting the village's regular or special election.>>

4 (7) Except as otherwise provided in this section and section  
5 642a, on the effective date of this act, a school district shall  
6 hold its regular election for the office of school board member  
7 at the odd year general election.

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

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

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

15 (c) The May regular election date in both even and odd  
16 years.

17 (9) A resolution permitted under section 642a is valid only  
18 if a city council, village council, or school board adopts the  
19 resolution in compliance with all of the following:

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

21 (i) If the resolution is permitted under subsection (2), (3),  
22 (4), (6), or (8) of this section, January 1, 2005.

23 (ii) If the resolution is permitted under section 642a(1),  
24 (2), or (3), January 1 of the year in which the change in the  
25 date of the election takes effect.

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



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

6           (i) That the hearing is being held on the issue of whether to  
7 schedule the city's regular election on the May regular election  
8 date and that, if the resolution is not adopted, the city's  
9 regular election will be held at the odd year general election.

10          (ii) That the hearing is being held on the issue of whether  
11 to schedule the city's regular election primary at the September  
12 primary election and that, if the resolution is not adopted, the  
13 city's regular election primary will be held on the odd year  
14 primary election.

15          (iii) That the hearing is being held on the issue of whether  
16 to schedule the village's regular election at the September  
17 primary election and that, if the resolution is not adopted, the  
18 village's regular election will be held at the general election.

19          (iv) That the hearing is being held on the issue of whether  
20 to schedule the school district's regular election at other than  
21 the odd year general election and that, if the resolution is not  
22 adopted, the school district's regular election will be held at  
23 the odd year general election. The notice shall specifically  
24 state the regular election date permitted under subsection (8) on  
25 which the school board is proposing that the school district's  
26 regular election be held.

27          (v) That the hearing is being held on the issue of whether to

1 schedule the school district's regular election at the odd year  
2 general election and that, if the resolution is not adopted, the  
3 school district's regular election will continue to be held on  
4 the date on which it is currently being held.

5 (d) The council or school board votes on the resolution  
6 immediately following the close of a public hearing on the  
7 resolution and, on a record roll call vote, a majority of the  
8 council's or school board's members, elected or appointed, and  
9 serving, adopt the resolution.

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

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

13 Sec. 642a. (1) After December 31, 2004, a city council that  
14 adopted a resolution so that its regular election is held on the  
15 May regular election date may change its regular election to the  
16 odd year general election by adopting a resolution in compliance  
17 with section 642. If a city council adopts the resolution in  
18 compliance with section 642 to hold its regular election at the  
19 odd year general election, after December 31 of the year in which  
20 the resolution is adopted, the city's regular election is at the  
21 odd year general election.

22 (2) After December 31, 2004, a city council that adopted a  
23 resolution so that its regular election primary is held at the  
24 September primary election may change its regular election  
25 primary to the odd year primary election by adopting a resolution  
26 in compliance with section 642. If a city council adopts the  
27 resolution in compliance with section 642 to hold its regular

1 election primary on the odd year primary election date, after  
2 December 31 of the year in which the resolution is adopted, the  
3 city's regular election primary is on the odd year primary  
4 election date.

5 (3) After December 31, 2004, a school district's school  
6 board that adopted a resolution so that its regular election is  
7 held on a date other than at the odd year general election may  
8 change its regular election to the odd year general election by  
9 adopting a resolution in compliance with section 642. If a  
10 school board adopts the resolution in compliance with section 642  
11 to hold its regular election at the odd year general election,  
12 after December 31 of the year in which the resolution is adopted,  
13 the school board's school district shall hold its regular  
14 election at the odd year general election.

15 (4) This section takes effect September 1, 2004.

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

18 (a) Presidential electors.

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

21 (c) A United States senator.

22 (d) In each congressional district, a representative in  
23 congress.

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

25 (f) In each state representative district, a representative  
26 in the state legislature.

27 (g) Justices of the supreme court.

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

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

4 (j) Two trustees of Michigan State University.

5 (k) Two governors of Wayne State University.

6 (l) In each county or district, judges of the court of  
 7 appeals, a judge or judges of the circuit court, a judge or  
 8 judges of probate, a judge or judges of the district court, a  
 9 prosecuting attorney, a sheriff, a treasurer, an auditor, a mine  
 10 inspector, a county road commissioner, a drain commissioner, a  
 11 surveyor, and, subject to section 200, a clerk and a register of  
 12 deeds or a clerk register.

13 (m) Township officers.

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

16 Sec. 644e. ~~All officers~~ **Except as provided in section**  
 17 **642, an officer** required to be elected at the odd year general  
 18 election shall be nominated at the odd year primary ~~elections~~  
 19 ~~except where a city charter provides otherwise for city~~  
 20 ~~officers. Where a city~~ **election. 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  
 27 year **general** election requirement of this act and the intent of

1 the charter provisions.

2       Sec. 644g. (1) A term of office shall not be shortened by  
3 the provisions of sections ~~644a~~ **641** to ~~644i~~ **644i**. An officer  
4 scheduled by prior law to be elected at a time other than ~~in~~  
5 ~~November of an odd numbered year~~ **the odd year general election**  
6 shall not be elected on the date scheduled but shall continue in  
7 office until a successor takes office ~~pursuant to~~ **after being**  
8 **elected in** the first odd year general election following that  
9 date. **If the regular election date for holding a jurisdiction's**  
10 **regular election is changed under section 642 or 642a, the term**  
11 **of an official who was elected before the effective date of the**  
12 **change continues until a successor is elected and qualified at**  
13 **the next regular election following the date the official's term**  
14 **would have ended but for the change of the day of the**  
15 **jurisdiction's regular election.**

16       (2) Notwithstanding ~~any~~ **a law or charter provision** to the  
17 contrary, ~~any~~ **an** officer required to be elected at the odd year  
18 general election, who by law **or charter** is elected for a term of  
19 an odd number of years shall, **after the effective date of the**  
20 **amendatory act that added section 642,** be elected ~~hereafter~~ for  
21 a term of 1 year longer than provided by law **or charter.**

22       (3) In home rule cities where the charter provides for the  
23 election of city officers at a time other than ~~in November of~~  
24 ~~odd numbered years~~ **at the odd year general election** and provides  
25 that members of the governing body are not all to be elected in  
26 the same year, the governing body by ordinance adopted prior to  
27 April 1, 1971 ~~—~~ may alter the length of terms now provided by

1 charter to provide that the city may continue to elect part of  
 2 the governing body at each election. A term shall not be  
 3 extended beyond January 1 following the first odd ~~numbered~~ year  
 4 **general** election at which the officer would be elected ~~pursuant~~  
 5 ~~to~~ **as provided by** charter. A term shall not be for more than 4  
 6 years.

7       Sec. 644k. (1) If all or **a** portion of a ~~school district or~~  
 8 ~~a~~ community college district is ~~wholly or partly~~ within ~~a~~  
 9 ~~city~~ 1 or more ~~than 1 city~~ **cities** that ~~elects~~ **elect** city  
 10 officers at the odd year general election, the ~~school district~~  
 11 ~~or~~ community college district ~~, except a first class school~~  
 12 ~~district,~~ may hold its election biennially at the odd year  
 13 general election if existing law requires ~~or an agreement~~  
 14 ~~pursuant to section 533 of Act No. 269 of the Public Acts of~~  
 15 ~~1955, as amended, being section 340.533 of the Michigan Compiled~~  
 16 ~~Laws, authorizes~~ each city to conduct the ~~school or~~ community  
 17 college election at the same time as and in conjunction with the  
 18 city election.

19       (2) The board of ~~education of a school district or the board~~  
 20 ~~of~~ trustees of a community college ~~district~~ may determine by  
 21 resolution whether the district shall hold its election as  
 22 provided in this section. The resolution shall be adopted  
 23 ~~before May 1, 1971, if it is to be applicable to the 1971 odd~~  
 24 ~~year general election, otherwise it shall be adopted~~ not less  
 25 than 6 months ~~preceeding~~ **before** the date of ~~any~~ **a** regularly  
 26 scheduled ~~school or~~ community college district election. In  
 27 its resolution the board shall provide that the term of office of

1 members of the ~~school district or~~ **board of trustees of the**  
 2 community college ~~district board~~ shall be for an even number of  
 3 years and shall provide for an election schedule ~~which~~ **that**  
 4 implements the change. A term may be extended for not more than  
 5 1 year for this purpose. The board may change the filing date of  
 6 nominating petitions for board of education candidates to conform  
 7 with the filing dates of a city election that is held in  
 8 conjunction with the school board election. ~~In the case of~~  
 9 ~~school elections held in accordance with this section, the last~~  
 10 ~~date for nomination shall not be more than 49 days before the~~  
 11 ~~scheduled school election.~~ The board may provide that all  
 12 members shall not be elected at the same election. ~~Incumbents'~~  
 13 ~~terms shall be in accordance with~~ **An incumbent's term is**  
 14 **determined under** section 644g(1). The date for taking office  
 15 ~~shall be as~~ **is** prescribed in section 644h.

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

22 Sec. 646a. (1) If a local officer is to be elected at a  
 23 general November election, ~~or on the first Monday of April in an~~  
 24 ~~odd numbered year,~~ candidates for the local office shall be  
 25 nominated in the manner provided by law or charter, **subject to**  
 26 **sections 641 and 642.** ~~If the candidates are to be nominated at~~  
 27 ~~a fall primary election, the primary shall be held on the same~~

1 ~~day as is provided by law for holding the county or state primary~~  
 2 ~~election before that election, except as provided in section~~  
 3 ~~646b. If the candidates are to be elected in April, the primary~~  
 4 ~~shall be held on the third Monday in February.~~ If candidates for  
 5 the local office are to be nominated at caucuses, the caucuses  
 6 shall be held on a date before the date set for the ~~above~~  
 7 ~~mentioned~~ primary election or on the Saturday ~~preceeding~~ **before**  
 8 the day of the primary election as determined by the local  
 9 legislative body at least 20 days ~~preceeding~~ **before** the date of  
 10 the caucus. If candidates are nominated by filing petitions or  
 11 affidavits, they shall be filed at a time provided by charter,  
 12 but not later than the date of the primary. ~~If a~~ **Except as**  
 13 **provided in section 642, the** local primary election ~~is to~~ **shall**  
 14 be held on the same day as a state or county primary election.  
 15 **If a state or county primary is being held on the same day,** the  
 16 last day for local candidates to file nominating petitions ~~shall~~  
 17 ~~be~~ **is** the same as the last date to file petitions for state and  
 18 county offices. The names of all local candidates and titles of  
 19 office shall be certified to the county clerk by the local clerk  
 20 within 5 days after the last day for filing petitions, and  
 21 certification of nominees shall be made to that clerk within 5  
 22 days after the date on which the primary or caucus was held.  
 23       (2) If a local, **school district,** or county **ballot** question is  
 24 to be voted on at a primary, special, **regular,** or general  
 25 election at which state officers are to be voted for, the ballot  
 26 wording of the **ballot** question shall be certified to the local or  
 27 county clerk at least 70 days before the election. If the



1 wording is certified to a clerk other than the county clerk, the  
2 clerk shall certify the ballot wording to the county clerk at  
3 least 68 days before the election. Petitions to place a county  
4 or local **ballot** question on the ballot at the election shall be  
5 filed with the clerk at least 14 days before the date the ballot  
6 wording must be certified to the local clerk. ~~For the year~~  
7 ~~2002, the certification and filing deadlines prescribed by this~~  
8 ~~subsection do not apply to a local or county ballot question that~~  
9 ~~is required to be placed on the ballot by state statute.~~

10 (3) The provisions of this section apply notwithstanding any  
11 provisions of law or charter to the contrary, unless an earlier  
12 date for the filing of affidavits or petitions, including  
13 nominating petitions, is provided in a law or charter, in which  
14 case the earlier filing date is controlling.

15 **Sec. 659. (1)** If a county, city, ward, township, village,  
16 or school district is divided into 2 or more election precincts,  
17 the county, city, ward, township, or village election  
18 commissioners may, by resolution, consolidate the election  
19 precincts for a particular election that is not a general  
20 November election, primary election immediately before a general  
21 November election, or other statewide or federal election. In  
22 making the determination to consolidate election precincts for a  
23 particular election, the election commission shall take into  
24 consideration the number of choices the voter must make, the  
25 percentage of registered voters who voted at the last similar  
26 election in the jurisdiction, and the intensity of the interest  
27 of the electors in the jurisdiction concerning the candidates and

1 proposals to be voted upon.

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

4 (3) Unless the polling places for the election precincts to  
5 be consolidated are located in the same building, when a county,  
6 city, ward, township, or village consolidates election precincts  
7 for a particular election under subsection (1), the election  
8 commissioners or other designated election officials shall do  
9 both of the following:

10 (a) Provide notice to the registered electors of the affected  
11 election precincts of the consolidation of election precincts for  
12 the particular election and the location of the polling place for  
13 the election precinct or precincts for that election. Notice may  
14 be provided by mail or other method designed to provide actual  
15 notice to the registered electors.

16 (b) Post a written notice at each election precinct polling  
17 place stating the location of the consolidated election precinct  
18 polling place.

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

23 Sec. 690. The township, city, or village board of election  
24 commissioners ~~—, as the case may be, shall cause~~ for each  
25 jurisdiction conducting the election shall have the ballots  
26 required for ~~any~~ a regular or special township, village, ~~or~~  
27 city, school, or community college election, or official primary

1 election for the nomination of candidates for township,  
 2 ~~village,~~ city, ~~or~~ ward, **or community college** offices, to be  
 3 printed and delivered to the **election commission's** township,  
 4 village, or city clerk ~~, as the case may be,~~ at least 10 days  
 5 before ~~any such~~ **the** election. ~~, and like~~ **The** duties ~~as are~~  
 6 ~~hereinbefore enjoined~~ **imposed** upon county boards of election  
 7 commissioners and upon county, township, and city clerks relative  
 8 to the printing, counting, packaging, sealing, and delivery of  
 9 official ballots ~~, are hereby enjoined~~ **imposed** upon the  
 10 ~~several~~ township and municipal boards of election commissioners  
 11 and ~~upon~~ the ~~several~~ township, village, or city clerks  
 12 relative to the printing, counting, packaging, sealing, and  
 13 delivery of official ballots for use in each precinct of ~~such~~  
 14 **the** township, village, or city at ~~any such~~ a municipal, ~~or~~  
 15 township, **village, school, or community college** election.

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

22       (2) If, at an election held on the May regular election date,  
 23 a ballot question appears on the ballot concerning authorized  
 24 millage that is subject to a millage reduction as provided in  
 25 section 34d of the general property tax act, 1893 PA 206, MCL  
 26 211.34d, the board of county canvassers shall meet to canvass and  
 27 certify the results of the vote on that proposition after May 31

1 and before June 15 following the election.

2       Sec. 862. A candidate for ~~any~~ office ~~, including a~~  
 3 ~~candidate at all school elections except an election for board~~  
 4 ~~members in a primary school district, at any primary or election,~~  
 5 ~~conceiving himself~~ **who believes he or she is** aggrieved on  
 6 account of fraud or mistake in the canvass **or returns** of the  
 7 votes by the **election** inspectors ~~of election, or in the returns~~  
 8 ~~made thereon by the inspectors,~~ may petition for a recount of  
 9 the votes cast for that office in any precinct or precincts as  
 10 provided in this chapter.

11       Sec. 863. A qualified and registered elector voting in a  
 12 city, township, ~~school district other than a primary school~~  
 13 ~~district at an election for board members,~~ or village ~~at the~~  
 14 ~~last preceding~~ election who believes there has been fraud or  
 15 error committed by the inspectors of election in its canvass or  
 16 returns of the votes cast at the election, upon a proposed  
 17 amendment to the charter of the city or village or ~~any~~ other  
 18 ~~proposition~~ **ballot question** submitted to the voters of the  
 19 county, city, township, school district, **community college**  
 20 **district**, or village, may petition for a recount of the votes  
 21 cast in any precinct or precincts of that county, city, township,  
 22 school district, **community college district**, or village, upon  
 23 that proposed amendment or other ~~proposition~~ **ballot question** as  
 24 provided in this chapter.

25       Sec. 954. ~~The petitions~~ **A recall petition** shall be signed  
 26 by registered and qualified electors of the electoral district of  
 27 the official whose recall is sought. ~~In a school district where~~

1 ~~school electors are not required to be registered, the signers of~~  
2 ~~the petition shall not be required to be registered electors and~~  
3 ~~the term "registered and qualified electors" shall mean~~  
4 ~~"qualified electors".~~ Each signer of ~~the~~ **a recall** petition  
5 shall affix his **or her** signature, address, and the date of  
6 signing. ~~The persons signing the~~ **A person who signs a recall**  
7 petition shall be **a** registered and qualified ~~electors~~ **elector**  
8 of the governmental subdivision designated in the heading of the  
9 petition.

10       Sec. 963. (1) Within 35 days after the filing of the recall  
11 petition, the filing official with whom the recall petition is  
12 filed shall make an official declaration of the sufficiency or  
13 insufficiency of the petition. If the recall petition is  
14 determined to be insufficient, the filing official shall notify  
15 the person or organization sponsoring the recall of the  
16 insufficiency of the petition. It is not necessary to give  
17 notification unless the person or organization sponsoring the  
18 recall files with the filing official a written notice of  
19 sponsorship and a mailing address.

20       (2) Immediately upon determining that the petition is  
21 sufficient, but not later than 35 days after the date of filing  
22 of the petition, the county clerk with whom the petition is filed  
23 shall ~~submit to the county election scheduling committee a~~  
24 ~~proposed date for a special election to be held within 60 days~~  
25 ~~after the submission to the county scheduling committee~~ **call the**  
26 **special election** to determine whether the electors will recall  
27 the officer whose recall is sought. **The election shall be held**

1 on the next regular election date that is not less than 70 days  
2 after the date the petition is filed.

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

10 Sec. 971. (1) If the recall ~~was~~ **is** successful, ~~the~~  
11 ~~officer with whom the recall petition was filed shall, within 5~~  
12 ~~days after receiving the certification, submit to the county~~  
13 ~~election scheduling committee a proposed date for a special~~  
14 ~~election to be held within 60 days for the filling of the~~  
15 ~~vacancy. If any primary or election is to be held in that~~  
16 ~~electoral district within 4 months after the certification and at~~  
17 ~~a time as will permit preparation for the election by election~~  
18 ~~officials as provided by law, the election to fill the vacancy~~  
19 ~~shall be held concurrently with that primary or election.~~ **a**  
20 **special election to fill the vacancy shall be held on the next**  
21 **regular election date.** The ~~same~~ provisions ~~made~~ in section  
22 964 for calling and conducting of the recall election govern ~~in~~  
23 the calling and conducting of the election to fill the vacancy  
24 created, except as otherwise provided in this section.

25 ~~(2) If a petition is filed under section 959, the officer~~  
26 ~~with whom the petition is filed shall not submit a proposed date~~  
27 ~~to the county election scheduling committee, but shall call the~~

1 ~~special election subject to the same time limitations set out in~~  
2 ~~this section.~~

3       (2) ~~—(3)—~~ If the governor appoints a review team under the  
4 local government fiscal responsibility act, 1990 PA 72, MCL  
5 141.1201 to 141.1291, to perform the functions prescribed in that  
6 act relative to a city, township, or village and an elected  
7 official of the city, township, or village was the subject of a  
8 successful recall, the officer with whom the recall petition was  
9 filed does not have the authority to propose a date for a special  
10 election. If the review team described in this subsection is  
11 appointed after the officer submits a proposed special election  
12 date or the county election scheduling committee schedules the  
13 special election as required by subsection (1), but before the  
14 election is held, the officer's or county election scheduling  
15 committee's action becomes void when the review team is  
16 appointed. Within 5 days after the review team described in this  
17 subsection reports its findings to the governor as required by  
18 section 14 of the local government fiscal responsibility act,  
19 1990 PA 72, MCL 141.1214, the review team shall submit to the  
20 county election scheduling committee a proposed date for the  
21 special election. A special election scheduled under this  
22 subsection is subject to all of the other provisions of  
23 subsection (1). This subsection applies to any special election  
24 scheduled but not yet held before ~~the effective date of the~~  
25 ~~amendatory act that added this sentence~~ **April 9, 2002.**

26       Sec. 972. (1) Except as provided in subsection (2), a  
27 candidate for a nonpartisan office shall be nominated and voted

1 for in an election scheduled ~~pursuant to~~ **under** section 971 by  
 2 filing a nominating petition **or paying a \$100.00 nonrefundable**  
 3 **fee** not later than 4 p.m. on the fifteenth day after the election  
 4 is called. The nominating petition shall be filed with the clerk  
 5 ~~or secretary~~ of the electoral district and signed by ~~not less~~  
 6 ~~than 3% of the registered and~~ **a number of qualified and**  
 7 **registered** electors of the electoral district **as determined under**  
 8 **section 544f.** ~~However, a nominating petition for the office of~~  
 9 ~~district library board member shall be signed by not less than 3%~~  
 10 ~~of the number of persons voting in the district library district~~  
 11 ~~at the last election at which district library board members were~~  
 12 ~~elected and filed with the clerk of the largest county or, if a~~  
 13 ~~school district is a participating municipality, with the~~  
 14 ~~secretary of the largest participating school district. For the~~  
 15 ~~purposes of this subsection, the term "largest" has the meaning~~  
 16 ~~ascribed to it in section 2 of the district library establishment~~  
 17 ~~act.~~ **Instead of filing a nominating petition, an individual may**  
 18 **become a candidate by paying a \$100.00 nonrefundable fee with the**  
 19 **clerk of the electoral district.**

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



~~1 by the candidate for member of the board of education who~~  
~~2 received the greatest number of votes at the last election at~~  
~~3 which members of the board of education were elected, but the~~  
~~4 number shall not be less than 20~~ **as determined under section**  
~~5 544f.~~ The **nominating** petition shall clearly state that it  
~~6 relates to the filling of a vacancy for an unexpired term and~~  
~~7 shall be filed with the secretary of the board or in the office~~  
~~8 of the board of education~~ **school district filing official, as**  
~~9 designated by section 301,~~ not later than 4 p.m. on the fifteenth  
~~10 day after the election is called.~~ **Instead of filing a nominating**  
~~11 petition, an individual may become a candidate by paying a~~  
~~12 \$100.00 nonrefundable fee to the school district filing official~~  
~~13 not later than 4 p.m. on the fifteenth day after the election is~~  
~~14 called.~~

15 Enacting section 1. Sections 5, 6, 8, 9a, 12, 325, 348,  
 16 639, 640, 644a, 644b, 644c, 644j to 646, 646b, and 758c of the  
 17 Michigan election law, 1954 PA 116, MCL 168.5, 168.6, 168.8,  
 18 168.9a, 168.12, 168.325, 168.348, 168.639, 168.640, 168.644a,  
 19 168.644b, 168.644c, 168.644j to 168.646, 168.646b, and 168.758c,  
 20 are repealed January 1, 2005.

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

24 Enacting section 3. Sections 2, 3, 4, 30a, 321, 322, 358a,  
 25 370, 381, 382, 500f, 500g, 501a, 505, 509n, 509r, 509gg, 538,  
 26 635, 643, 644e, 644g, 644k, 646a, 690, 821, 862, 863, 954, 963,  
 27 971, and 972 of the Michigan election law, 1954 PA 116, MCL

House Bill No. 4824 as amended December 11, 2003

1 168.2, 168.3, 168.4, 168.30a, 168.321, 168.322, 168.358a,  
2 168.370, 168.381, 168.382, 168.500f, 168.500g, 168.501a, 168.505,  
3 168.509n, 168.509r, 168.509gg, 168.538, 168.635, 168.643,  
4 168.644e, 168.644g, 168.644k, 168.646a, 168.690, 168.821,  
5 168.862, 168.863, 168.954, 168.963, 168.971, and 168.972, as  
6 amended by this amendatory act, take effect January 1, 2005.

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

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

- 13 (a) Senate Bill No. 877.
- 14 (b) House Bill No. 4820.
- 15 (c) House Bill No. 4822.
- 16 (d) House Bill No. 4823.
- 17 (e) House Bill No. 4825.
- 18 (f) House Bill No. 4826.
- 19 (g) House Bill No. 4827.
- 20 (h) House Bill No. 4828.

21 << >>