

HOUSE BILL No. 4824

June 10, 2003, Introduced by Reps. Stakoe, Hummel, Farhat, Brandenburg, Garfield, Drolet, Hoogendyk, Amos, Casperson, Emmons, Wenke, Tabor, Palsrok, Sheen, Stahl, Vander Veen, Acciavatti, LaJoy, Steil, Walker, Pastor, Meyer, Voorhees, Taub, Ward, Ruth Johnson, Rocca, Kooiman, Robertson, Moolenaar and Richardville and referred to the Committee on Local Government and Urban Policy.

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, the city or township election commission,
4 and the school district election coordinator.

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

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

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

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

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

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

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

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

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

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

(2) The city council or the township board of ~~any~~ a city or township having more than 5 precincts may contract with the board of ~~supervisors~~ **commissioners** of the county in which all or the greater portion of the city or township's population resides to provide that the board of county canvassers of that county shall perform all the functions of the board of city or township canvassers. Financial arrangements of ~~such~~ a contract **with the**

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

4 CHAPTER XIV.

5 SCHOOL AND COMMUNITY COLLEGE ELECTIONS

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

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

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

23 (b) Certify candidates.

24 (c) Receive ballot proposal language.

25 (d) Issue absent voter ballots.

26 (3) If a city or township clerk is conducting a school
27 district election being held in the clerk's city or township, the

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

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

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

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

24 Sec. 303. (1) Subject to subsection (4), for an
25 individual's name to appear on the official ballot as a candidate
26 for school board member, the candidate shall file a nominating
27 petition and the affidavit required by section 558 with the

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

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

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

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

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

1 (month) (year)

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

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

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

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

26 Sec. 305. (1) Within 30 days after the effective date of
27 this chapter, the school district election coordinating committee

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

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

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

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

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

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

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

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

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

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

26 Sec. 310. (1) Before entering upon the duties of his or her
27 office, an individual elected to the office of school board

1 member shall take and subscribe to the oath provided in section 1
2 of article XI of the state constitution of 1963.

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

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

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

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

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

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

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

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

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

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

23 Sec. 311. (1) If less than a majority of the offices of
24 school board member of a school district become vacant, the
25 remaining school board members shall fill each vacant office by
26 appointment. If a vacancy in the office of school board member
27 is not filled within 20 days after the vacancy occurs or if a

1 majority of the offices of school board member of a school
2 district become vacant, the intermediate school board for that
3 school district shall fill each vacancy by appointment. An
4 individual appointed under this subsection serves until a
5 successor is elected and qualified.

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

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

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

26 Sec. 315. (1) A school district shall pay to each county,
27 city, and township that conducts a regular or special election

1 for the school district an amount determined in accordance with
2 this section.

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

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

20 (4) If the school board disapproves all or a portion of a
21 verified account of actual costs under subsection (3), the school
22 board shall send a notice of disapproval along with the reasons
23 for the disapproval to the county, city, or township. Upon
24 request of a county, city, or township whose verified account or
25 portion of a verified account was disapproved under this section,
26 the school board shall review the disapproved costs with the
27 county, city, or township.

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

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

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

21 (3) If the membership of the legislative body of a city
 22 governed by the home rule city act, ~~Act No. 279 of the Public~~
 23 ~~Acts of 1909, being sections 117.1 to 117.38 of the Michigan~~
 24 ~~Compiled Laws~~ **1909 PA 279, MCL 117.1 to 117.38**, is reduced to
 25 less than a quorum, unless another method of appointing members
 26 of the legislative body is provided by the city charter, members
 27 of the legislative body ~~shall be~~ **are** appointed as provided in

1 this subsection. The board of county election commissioners of
2 the county in which the largest portion of the population of the
3 city resides ~~as reported by the last decennial census~~ shall
4 appoint the number of members of the legislative body required to
5 constitute a quorum for the transaction of business by the
6 legislative body. A member of the legislative body appointed
7 under this subsection shall hold the office only until the
8 member's successor is elected and qualified. ~~Unless otherwise~~
9 ~~provided by charter, the successor shall be elected at the next~~
10 ~~regular election for a member of the legislative body or, if a~~
11 ~~regular election is not scheduled to be held within 90 days after~~
12 ~~the appointment is made under this subsection, the legislative~~
13 ~~body shall call a special election for the successor to be held~~
14 ~~within 90 days after the appointment is made. In either case,~~
15 ~~the~~ **The successor shall be elected at a special or regular**
16 **election on the next regular election date that is not less than**
17 **60 days after the appointment is made. The** successor shall serve
18 for the balance of the unexpired term. A member who is appointed
19 under this subsection shall not vote on the appointment of
20 himself or herself to an elective or appointive city office.

21 (4) Notwithstanding ~~any other~~ **another** provision of law or
22 charter to the contrary, an appointment to an elective or
23 appointive city office made by a quorum constituted by
24 appointments under this ~~subsection shall expire~~ **section expires**
25 upon the election and qualification of a sufficient number of
26 members of the legislative body so that the elected members
27 constitute a quorum.

1 Sec. 322. ~~To obtain the printing of~~ **For** the name of a
 2 candidate of a political party for a city office, including a
 3 ward office, **to appear** under the particular party heading on the
 4 official primary election ballots for use in the city, ~~there a~~
 5 **nominating petition** shall be filed with the city clerk ~~of the~~
 6 ~~city~~ not later than 4 p.m. on the twelfth Tuesday ~~preceeding~~
 7 **before** the August primary, or not later than 4 p.m. on the
 8 ~~seventh Monday preceeding the primary election provided to be~~
 9 ~~held on the third Monday in February, nominating petitions~~
 10 **twelfth Tuesday before the September primary election for a city**
 11 **that holds a September primary election. A nominating petition**
 12 **shall be** signed by a number of qualified and registered electors
 13 of the political party who reside in the city or ward as
 14 determined under section 544f. This section does not apply to a
 15 city ~~the~~ **if the city** charter ~~of which~~ provides for a
 16 different method of nominating candidates for public office. The
 17 form of the petition shall be as provided in section 544c.

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

27 Sec. 370. (1) Except as provided in subsection (2), if a

1 vacancy occurs in an elective or appointive township office, the
2 vacancy shall be filled by appointment by the township board, and
3 the person appointed shall hold the office for the remainder of
4 the unexpired term.

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

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

26 (4) Except as provided in subsection (5), if the township
27 board does not make an appointment under subsection (3), or if a

1 vacancy occurs in an elective township office and the vacancy is
 2 not filled by the township board or the board of county election
 3 commissioners within 45 days after the beginning of the vacancy,
 4 the county clerk of the county in which the township is located
 5 shall notify the governor of the fact. The governor shall call a
 6 special election to fill the vacancy. The governor shall provide
 7 for the date for the filing of the petitions, ~~which~~ **and that**
 8 date shall also be the last date to register for the special
 9 primary election. ~~Notwithstanding section 358a, the special~~
 10 ~~primary or special general election may be held within 60 days of~~
 11 ~~a state primary or a state general election.~~ A special primary
 12 or election called by the governor under authority of this
 13 section ~~shall~~ **does** not affect the rights of a qualified elector
 14 to register for any other election. A person elected to fill a
 15 vacancy shall serve for the remainder of the unexpired term.

16 (5) Subsection (4) ~~shall~~ **does** not apply to the office of
 17 township constable. If a vacancy occurs in the office of
 18 township constable, the township board shall determine if and
 19 when the vacancy shall be filled **by appointment**. If the township
 20 board does not fill the vacancy **by appointment**, the office of
 21 township constable shall remain vacant until the next general or
 22 special election in which ~~the~~ township offices are filled.

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

1 the village.

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

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

1 (3) Notwithstanding ~~any other~~ **another** provision of law or
 2 charter to the contrary, an appointment to an elective or
 3 appointive village office made by a quorum constituted by
 4 temporary appointments under this subsection ~~shall expire~~
 5 **expires** upon the election and qualification of trustees under the
 6 special election called to fill the vacancies in the office of
 7 trustee.

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

21 Sec. 500f. The clerk of a township shall transmit to the
 22 village clerk of a village ~~—, the whole or part of which~~ **that**
 23 lies **partly or completely** in the township ~~—, the~~ information
 24 necessary to complete the village registration of a person
 25 registered under sections 500a to 500j. ~~The clerk of a city or~~
 26 ~~township shall transmit to the secretary of a school district,~~
 27 ~~where applicable, the information on the application of a person~~

1 ~~residing within the school district and registered under sections~~
 2 ~~500a to 500j.~~

3 Sec. 500g. A registration card prepared under sections 500a
 4 to 500j shall be sworn to and signed by the voter at the first
 5 election during which the voter appears at the polls, or may be
 6 signed in the ~~office of the secretary of the school district or~~
 7 ~~in the~~ clerk's office. The application shall be retained by the
 8 city or township clerk for signature purposes until the
 9 registration card is signed, except that the application shall be
 10 sent to the appropriate precinct for each election until the
 11 registration card is signed. The secretary of state may provide
 12 an application form ~~which~~ **that** allows a completed ~~affidavit~~
 13 **attestation** to be attached to a registration card prepared by a
 14 local clerk. The registrant shall not be required to sign a
 15 registration card if the completed ~~affidavit~~ **attestation** is
 16 attached.

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

1 ~~instead of the precinct registration file when a precinct~~
2 ~~registration file is required.~~ A city, village, or township
3 shall maintain a file containing the signature of each elector
4 registered in the city, village, or township.

5 Sec. 505. (1) At the time an elector is applying for
6 registration, the registration officer shall ascertain if the
7 elector is already registered as a voter. If the elector is
8 previously registered, the elector shall at the time of applying
9 for registration sign an authorization to cancel ~~any~~ a previous
10 registration. The secretary of state shall prescribe forms for
11 this purpose. The form may be a part of the application or a
12 separate form. The clerk of the city or township in which the
13 elector is newly registered shall notify the registration officer
14 of the place of previous registration of the authorization to
15 cancel.

16 (2) An authorization to cancel ~~which~~ **that** indicates a
17 previous address in a state other than this state shall be
18 forwarded to the secretary of state of that state. Notice may be
19 made by forwarding the separate cancellation form, by forwarding
20 the portion of an application listing a previous place of
21 registration, or by forwarding a list certified by the clerk
22 containing the names of people authorizing cancellation.

23 (3) Notices of cancellation shall contain the name, birth
24 date, and address at which the elector was previously registered,
25 and the name of the city or township of previous registration of
26 all persons authorizing cancellations. Notices shall be sent
27 within 30 days after receipt, but not later than 5 days after the

1 close of registration.

2 **(4)** Upon receipt of the notice, the clerk shall cancel the
 3 registration of the persons listed on the notice. The clerk
 4 **receiving the notice** shall also notify the ~~registration officer~~
 5 **clerk** of each village ~~and school district~~ in which ~~the~~ a
 6 person **listed on the notice** resides of receipt of an
 7 authorization to cancel. An authorization to cancel a voter
 8 registration signed by the voter and received from another state
 9 or a notice from an election official of another state that an
 10 elector has registered in that state ~~shall have~~ **has** the same
 11 force and effect as the notice of authorization to cancel of this
 12 state.

13 Sec. 509n. The secretary of state is responsible for the
 14 coordination of the requirements imposed under this chapter and
 15 the national voter registration act of 1993. The secretary of
 16 state shall do all of the following:

17 (a) Develop a mail registration form and make the form
 18 available for distribution through governmental and private
 19 entities, with special emphasis on making the form available to
 20 voter registration programs established for the purpose of
 21 registering citizens of this state to vote.

22 (b) Instruct designated voter registration agencies ~~— and~~
 23 county, city, township, and village clerks ~~— and school~~
 24 ~~officials regarding~~ **about** the voter registration procedures and
 25 requirements imposed by law.

26 (c) By June 15 of each odd numbered year, submit to each
 27 member of the committees of the senate and house of

1 representatives with primary responsibility for election matters
2 a report on the qualified voter file. The report shall include,
3 but need not be limited to, both of the following:

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

6 (ii) ~~Any recommendations~~ **Recommendations** of the secretary
7 of state for amendments to this act to increase the efficiency
8 and effectiveness of the qualified voter file as a voter
9 registration system.

10 Sec. 509r. (1) The secretary of state shall establish and
11 maintain the computer system and programs necessary to the
12 operation of the qualified voter file. The secretary of state
13 shall allow each county, city, township, or village access to the
14 qualified voter file. The county, city, township, and village
15 clerks shall verify the accuracy of the names and addresses of
16 registered voters in the qualified voter file.

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

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

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

27 (c) An application to register to vote taken by a county,

1 city, township, or village clerk. ~~or secretary of a school~~
 2 ~~board.~~

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

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

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

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

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

17 Sec. 509gg. The information described in this section that
 18 is contained in a registration record is exempt from the freedom
 19 of information act, ~~Act No. 442 of the Public Acts of 1976,~~
 20 ~~being sections 15.231 to 15.246 of the Michigan Compiled Laws~~
 21 **1976 PA 442, MCL 15.231 to 15.246.** The secretary of state, a
 22 designated voter registration agency, **or** a county, city,
 23 township, or village clerk ~~—, or the secretary of a school board~~
 24 shall not release a copy of that portion of a registration record
 25 that contains any of the following:

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

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

1 application.

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

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

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

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

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

12 Sec. 642. (1) If a city council, village council, or school
13 board has not adopted, in compliance with the time and procedural
14 requirements of subsection (2), a resolution to alter the city's,
15 village's, or school district's regular election or regular
16 election primary date as permitted under section 642a, then,
17 after December 31, 2004, a city, village, or school district
18 shall hold its regular election or regular primary election as
19 follows:

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

22 (b) A city shall hold its regular election primary on the
23 August regular election date immediately before the general
24 election.

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

27 (2) A resolution permitted under section 642a is valid only

1 if a city council, village council, or school board adopts the
2 resolution in compliance with all of the following:

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

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

6 (ii) If the resolution is permitted under section 642a(2),
7 (4), or (7), January 1 of the year in which the change in the
8 date of the election takes effect.

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

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

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

21 (ii) That the hearing is being held on the issue of whether
22 to schedule the city's or village's regular election at the
23 general election and that, if the resolution is not adopted, the
24 city's or village's regular election will continue to be held on
25 the May regular election date.

26 (iii) That the hearing is being held on the issue of whether
27 to schedule the city's regular election primary at the September

1 primary election and that, if the resolution is not adopted, the
2 city's regular election primary will be held on the August
3 regular election date.

4 (iv) That the hearing is being held on the issue of whether
5 to schedule the city's regular election primary on the August
6 regular election date and that, if the resolution is not adopted,
7 the city's regular election primary will continue to be held at
8 the September primary election.

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

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

22 (d) The council or school board votes on the resolution
23 immediately following the close of a public hearing on the
24 resolution and, on a record roll call vote, a majority of the
25 council's or school board's members, elected or appointed, and
26 serving, adopt the resolution.

27 (e) The council or school board files the resolution with the

1 secretary of state.

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

3 Sec. 642a. (1) If, on the effective date of this section, a
4 city or village holds its regular election at other than the
5 general election, the city or village council may choose to hold
6 the regular election on the May regular election date by adopting
7 a resolution in compliance with section 642. Except as provided
8 in subsection (2) and subject to subsection (8), if a city or
9 village council adopts the resolution in compliance with
10 section 642 to hold its regular election on the May regular
11 election date, after December 31, 2004, the city's or village's
12 regular election is on the May regular election date. If a
13 city's regular election is held on the May regular election date,
14 the city's regular election primary shall be held on the February
15 regular election date immediately before its regular election.

16 (2) After December 31, 2004, a city or village council that
17 adopted a resolution so that its regular election is held on the
18 May regular election date may change its regular election to the
19 general election by adopting a resolution in compliance with
20 section 642. Subject to subsection (8), if a city or village
21 council adopts the resolution in compliance with section 642 to
22 hold its regular election at the general election, after
23 December 31 of the year in which the resolution is adopted, the
24 city's or village's regular election is at the general election.

25 (3) If, on the effective date of this section, a city holds
26 its regular election primary at the September primary election,
27 the city council may choose to continue holding its regular

1 election primary at the September primary election by adopting a
2 resolution in compliance with section 642. Except as provided in
3 subsection (4) and subject to subsection (8), if a city council
4 adopts the resolution in compliance with section 642 to hold its
5 regular election primary at the September primary election, after
6 December 31, 2004, the city's or village's regular election
7 primary is at the September primary election.

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

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

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

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

25 (c) The May regular election date in both even and odd
26 years.

27 (6) Except as provided in subsection (7), if a school board

1 adopts the resolution in compliance with section 642 to hold its
2 regular election on an election date permitted under
3 subsection (5), after December 31, 2004, the school board's
4 school district shall hold its regular election on the regular
5 election date adopted in the resolution.

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

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

1 **(9) This section takes effect September 1, 2004.**

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

4 (a) Presidential electors.

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

7 (c) A United States senator.

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

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

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

13 (g) Justices of the supreme court.

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

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

17 (j) Two trustees of Michigan State University.

18 (k) Two governors of Wayne State University.

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

26 (m) Township officers.

27 (n) Any other officers required by law to be elected **at that**

1 election.

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

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

1 jurisdiction's regular election.

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

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

20 Sec. 644k. (1) If all or a portion of a ~~school district or~~
21 a community college district is ~~wholly or partly~~ within a
22 ~~city~~ 1 or more ~~than 1 city~~ **cities** that ~~elects~~ **elect** city
23 officers at the odd year general election, the ~~school district~~
24 ~~or~~ community college district ~~—, except a first class school~~
25 ~~district,~~ may hold its election biennially at the odd year
26 general election if existing law requires ~~or an agreement~~
27 ~~pursuant to section 533 of Act No. 269 of the Public Acts of~~

1 ~~1955, as amended, being section 340.533 of the Michigan Compiled~~
 2 ~~Laws, authorizes~~ each city to conduct the ~~school or~~ community
 3 college election at the same time as and in conjunction with the
 4 city election.

5 (2) The board of ~~education of a school district or the board~~
 6 ~~of~~ trustees of a community college ~~district~~ may determine by
 7 resolution whether the district shall hold its election as
 8 provided in this section. The resolution shall be adopted
 9 ~~before May 1, 1971, if it is to be applicable to the 1971 odd~~
 10 ~~year general election, otherwise it shall be adopted~~ not less
 11 than 6 months ~~preceeding~~ **before** the date of ~~any~~ **a** regularly
 12 scheduled ~~school or~~ community college district election. In
 13 its resolution the board shall provide that the term of office of
 14 members of the ~~school district or~~ **board of trustees of the**
 15 community college ~~district board~~ shall be for an even number of
 16 years and shall provide for an election schedule ~~which~~ **that**
 17 implements the change. A term may be extended for not more than
 18 1 year for this purpose. The board may change the filing date of
 19 nominating petitions for board of education candidates to conform
 20 with the filing dates of a city election that is held in
 21 conjunction with the school board election. ~~In the case of~~
 22 ~~school elections held in accordance with this section, the last~~
 23 ~~date for nomination shall not be more than 49 days before the~~
 24 ~~scheduled school election.~~ The board may provide that all
 25 members shall not be elected at the same election. ~~Incumbents'~~
 26 ~~terms shall be in accordance with~~ **An incumbent's term is**
 27 **determined under** section 644g(1). The date for taking office

1 ~~shall be as~~ **is** prescribed in section 644h.

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

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

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

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

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

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

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

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

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

1 designed to provide actual notice to the registered electors.

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

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

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

1 township, **village, school, or community college** election.

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

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

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

24 Sec. 863. A qualified and registered elector voting in a
25 city, township, ~~school district other than a primary school~~
26 ~~district at an election for board members,~~ or village ~~at the~~
27 ~~last preceding~~ election who believes there has been fraud or

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

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

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

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

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

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

23 Sec. 971. (1) If the recall ~~was~~ **is** successful, ~~the~~
24 ~~officer with whom the recall petition was filed shall, within 5~~
25 ~~days after receiving the certification, submit to the county~~
26 ~~election scheduling committee a proposed date for a special~~
27 ~~election to be held within 60 days for the filling of the~~

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

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

16 **(2) —(3)—** If the governor appoints a review team under the
17 local government fiscal responsibility act, 1990 PA 72, MCL
18 141.1201 to 141.1291, to perform the functions prescribed in that
19 act relative to a city, township, or village and an elected
20 official of the city, township, or village was the subject of a
21 successful recall, the officer with whom the recall petition was
22 filed does not have the authority to propose a date for a special
23 election. If the review team described in this subsection is
24 appointed after the officer submits a proposed special election
25 date or the county election scheduling committee schedules the
26 special election as required by subsection (1), but before the
27 election is held, the officer's or county election scheduling

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

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

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

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

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

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

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

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

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

26 (a) Senate Bill No. _____ or House Bill No. 4820
27 (request no. 01918'03 *).

- 1 (b) Senate Bill No. _____ or House Bill No. 4821
2 (request no. 01919'03 *).
- 3 (c) Senate Bill No. _____ or House Bill No. 4822
4 (request no. 01919'03 a *).
- 5 (d) Senate Bill No. _____ or House Bill No. 4823
6 (request no. 01919'03 b *).
- 7 (e) Senate Bill No. _____ or House Bill No. 4825
8 (request no. 01920'03 a *).
- 9 (f) Senate Bill No. _____ or House Bill No. 4826
10 (request no. 01920'03 b *).
- 11 (g) Senate Bill No. _____ or House Bill No. 4827
12 (request no. 01920'03 c *).
- 13 (h) Senate Bill No. _____ or House Bill No. 4828
14 (request no. 01921'03 *).