

HOUSE BILL No. 4772

May 11, 2005, Introduced by Reps. McDowell, Mayes, Alma Smith, Dillon, Clemente, Gleason, Espinoza, Condino, Gillard, Brown, Adamini, Meisner, Sheltroun, Byrum, Kathleen Law and Miller and referred to the Committee on House Oversight, Elections, and Ethics.

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 642 and 644g (MCL 168.642 and 168.644g), section 642 as amended by 2004 PA 292 and section 644g as amended by 2004 PA 293, and by adding section 642c.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 642. (1) Except as otherwise provided in this section and
2 section 642a, on the effective date of this act, a city shall hold
3 its regular election or regular primary election as follows:

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

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

8 (c) A city that holds its regular election for a city office

1 annually or in the even year on the November regular election date
2 shall continue holding elections on that schedule.

3 (d) A city that holds its regular election primary for a city
4 office annually or in the even year on the August regular primary
5 election date shall continue holding primary elections on that
6 schedule.

7 (2) If, on September 1, 2004, a city holds its regular
8 election at other than a regular November election date, the city
9 council may choose to hold the regular election on the May regular
10 election date by adopting a resolution in compliance with this
11 section. Except as provided in section 642a, if a city council
12 adopts the resolution in compliance with this section to hold its
13 regular election on the May regular election date, after December
14 31, 2004, the city's regular election is on the May regular
15 election date. If a city's regular election is held on the May
16 regular election date, the city's regular election primary shall be
17 held on the February regular election date immediately before its
18 regular election.

19 (3) If, on September 1, 2004, a city holds its regular
20 election annually or in the even year on the November regular
21 election date, the city council may choose to hold the regular
22 election at the odd year general election by adopting a resolution
23 in compliance with this section. Except as provided in section
24 642a, if a city council adopts the resolution in compliance with
25 this section to hold its regular election at the odd year general
26 election, after December 31, 2004, the city's regular election is
27 at the odd year election. If a city's regular election is held at

1 the odd year general election, the city's regular election primary
2 shall be held at the odd year primary election.

3 (4) If, on September 1, 2004, a city holds its regular
4 election annually on the November regular election date, the city
5 council may choose to hold the regular election at the even year
6 general election by adopting a resolution in compliance with this
7 section. Except as provided in section 642a, if a city council
8 adopts the resolution in compliance with this section to hold its
9 regular election at the even year general election, after December
10 31, 2004, the city's regular election is at the even year election.
11 If a city's regular election is held at the even year general
12 election, the city's regular election primary shall be held at the
13 even year primary election.

14 (5) If, on September 1, 2004, a city holds its regular
15 election primary at the September primary election, the city
16 council may choose to continue holding its regular election primary
17 at the September primary election by adopting a resolution in
18 compliance with this section. Except as provided in section
19 ~~642a(2)~~ **642A**, if a city council adopts the resolution in
20 compliance with this section to hold its regular election primary
21 at the September primary election, after December 31, 2004, the
22 city's regular election primary is at the September primary
23 election.

24 (6) Except as otherwise provided in this section and section
25 642a, on September 1, 2004, a village shall hold its regular
26 election as follows:

27 (a) A village shall hold its regular election for a village

1 office at the general election and the appropriate township clerk
2 shall conduct the election.

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

4 (7) A village council may make a 1-time choice to hold the
5 regular election at the September primary election by adopting a
6 resolution in compliance with this section. Except as provided in
7 section 642a, if a village council adopts the resolution in
8 compliance with this section to hold its regular election at the
9 September primary election, after December 31, 2004, the village's
10 regular election is at the September primary election and the
11 village clerk shall conduct the election. The resolution may
12 provide for the terms of office and for staggered terms. If a
13 village's regular or special election is held in conjunction with
14 another election conducted by a township, the village shall pay the
15 township a proportionate share of the election expenses. If a
16 village's regular or special election is not held in conjunction
17 with another election conducted by a township, the village shall
18 pay the township 100% of the actual costs of conducting the
19 village's regular or special election. The township shall make
20 voting equipment available to a village if the village conducts an
21 election. If the village is located in more than 1 township, the
22 township with the largest number of village electors shall furnish
23 the voting equipment.

24 (8) Except as otherwise provided in this section and ~~section~~
25 **SECTIONS 642a AND 642C, BEGINNING** on September 1, 2004, a school
26 district shall hold its regular election for the office of school
27 board member at the odd year general election.

1 (9) If, on September 1, 2004, a school district holds its
2 regular election at other than the odd year general election, the
3 school district's school board may choose to hold its regular
4 election on 1 of the following by adopting a resolution in
5 compliance with this section:

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

7 (b) The November regular election date in both even and odd
8 years.

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

10 (10) A resolution permitted under this section or section 642a
11 is valid only if a city council, village council, or school board
12 adopts the resolution in compliance with all of the following:

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

14 (i) If the resolution is permitted under subsection (2), (3),
15 (4), (5), (7), or (9) of this section, January 1, 2005.

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

19 (b) Before adopting the resolution, the council or school
20 board holds at least 1 public hearing on the resolution. The public
21 hearing may be held on the same day and immediately before
22 considering the adoption of the resolution.

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

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

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

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

14 (iv) That the hearing is being held on the issue of whether to
15 schedule the school district's regular election at other than the
16 odd year general election and that, if the resolution is not
17 adopted, the school district's regular election will be held at the
18 odd year general election. The notice shall specifically state the
19 regular election date permitted under ~~subsection~~ **SUBSECTIONS** (8)
20 **AND** (9) on which the school board is proposing that the school
21 district's regular election be held.

22 (v) That the hearing is being held on the issue of whether to
23 schedule the school district's regular election at the odd year
24 general election and that, if the resolution is not adopted, the
25 school district's regular election will continue to be held on the
26 date on which it is currently being held.

27 (d) The council or school board votes on the resolution and,

1 on a record roll call vote, a majority of the council's or school
2 board's members, elected or appointed, and serving, adopt the
3 resolution.

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

6 ~~(11) This section takes effect September 1, 2004.~~

7 SEC. 642C. (1) AFTER DECEMBER 31, 2004, A SCHOOL DISTRICT'S
8 SCHOOL BOARD MAY CHOOSE TO HOLD ITS REGULAR ELECTION AT THE
9 NOVEMBER GENERAL ELECTION IN EVEN NUMBERED YEARS BY ADOPTING A
10 RESOLUTION IN COMPLIANCE WITH THIS SECTION.

11 (2) A RESOLUTION PERMITTED UNDER THIS SECTION IS VALID ONLY IF
12 A SCHOOL BOARD ADOPTS THE RESOLUTION IN COMPLIANCE WITH ALL THE
13 FOLLOWING:

14 (A) BEFORE ADOPTING THE RESOLUTION, THE SCHOOL BOARD HOLDS AT
15 LEAST 1 PUBLIC HEARING ON THE RESOLUTION. THE PUBLIC HEARING MAY
16 BE HELD ON THE SAME DAY AND IMMEDIATELY BEFORE CONSIDERING THE
17 ADOPTION OF THE RESOLUTION.

18 (B) THE SCHOOL BOARD GIVES NOTICE OF EACH PUBLIC HEARING ON
19 THE RESOLUTION IN A MANNER DESIGNED TO REACH THE LARGEST NUMBER OF
20 THE JURISDICTION'S QUALIFIED ELECTORS IN A TIMELY FASHION. THE
21 NOTICE SHALL STATE THAT THE HEARING IS BEING HELD ON THE ISSUE OF
22 WHETHER TO SCHEDULE THE SCHOOL DISTRICT'S REGULAR ELECTION ON THE
23 NOVEMBER GENERAL ELECTION DATE IN EVEN NUMBERED YEARS AND THAT, IF
24 THE RESOLUTION IS NOT ADOPTED, THE SCHOOL DISTRICT'S REGULAR
25 ELECTION WILL CONTINUE TO BE HELD ON THE DATE ON WHICH IT IS
26 CURRENTLY BEING HELD.

27 (C) THE SCHOOL BOARD VOTES ON THE RESOLUTION AND, ON A RECORD

1 ROLL CALL VOTE, A MAJORITY OF THE SCHOOL BOARD'S MEMBERS, ELECTED
2 OR APPOINTED, AND SERVING, ADOPT THE RESOLUTION.

3 (D) THE SCHOOL BOARD FILES THE RESOLUTION WITH THE SECRETARY
4 OF STATE.

5 (3) IF A SCHOOL BOARD ADOPTS A RESOLUTION IN COMPLIANCE WITH
6 THIS SECTION, THE SCHOOL BOARD'S SCHOOL DISTRICT SHALL HOLD ITS
7 REGULAR ELECTION AT THE NOVEMBER GENERAL ELECTION IN EVEN NUMBERED
8 YEARS.

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

20 (2) Notwithstanding a law or charter provision to the
21 contrary, an officer required to be elected at the odd year general
22 election, who by law or charter is elected for a term of an odd
23 number of years shall, after September 1, 2004, be elected for a
24 term of 1 year longer than provided by law or charter.

25 (3) In home rule cities where the charter provides for the
26 election of city officers at a time other than at the odd year
27 general election and provides that members of the governing body

1 are not all to be elected in the same year, the governing body by
2 ordinance adopted prior to April 1, 1971 may alter the length of
3 terms now provided by charter to provide that the city may continue
4 to elect part of the governing body at each election. A term shall
5 not be extended beyond January 1 following the first odd year
6 general election at which the officer would be elected as provided
7 by charter. A term shall not be for more than 4 years.