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BILL



ANALYSIS

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Senate Bills 1258 and 1259 (as enacted)

House Bills 6247 and 6248 (as enacted)

Sponsor: Senator Cameron S. Brown (S.B. 1258)

Senator Michelle A. McManus (S.B. 1259)

Representative Kathy Angerer (H.B. 6247)

Representative Marie Donigan (H.B. 6248)

Senate Committee: Campaign and Election Oversight (S.B. 1258 & 1259)

House Committee: Ethics and Elections

PUBLIC ACTS 183 and 184 of 2010

PUBLIC ACTS 181 and 182 of 2010

Date Completed: 1-20-11

CONTENT

The bills amended the Michigan Election Law to do all of the following:

- Define "September election" with respect to the election of village offices, and delete the definition of "September primary election".
- Refer to a village's September election, rather than September primary election, in regard to a nominating petition deadline.
- Require a city to hold its regular election primary at the odd year primary election (in August), if it adopts a resolution to hold its primary at the September election.
- Delete the deadline for filing a nominating petition for a city's September primary election.

The bills took effect on September 30, 2010.

Senate Bill 1258

Previously, for a city holding a September primary election, for the name of a political party's candidate for a city office to appear under the particular party heading on the official primary election ballots for use in the city, a nominating petition had to be filed with the city clerk by 4 p.m. on the 12th Tuesday before the September primary. The bill deleted that provision.

Under the bill, for the name of a candidate for a city office to appear on the official

February primary election ballot, a nominating petition must be filed with the city clerk by 4 p.m. of the 12th Tuesday before the February primary. Previously, that provision applied to an August primary, and referred to a political party's candidate.

Under the bill, if a charter provides for nomination by caucus or by filing a petition or affidavit directly for the May election, the candidate filing deadline or certification deadline is 4 p.m. on the 12th Tuesday before the May election.

Senate Bill 1259

Under the bill, if a village council adopts a resolution to hold its regular election at the September election, the nominating petitions for village offices to be filled at the September election must be filed with the village clerk by 4 p.m. on the 12th Tuesday before the September election. The Law previously referred to the September "primary" election.

House Bill 6247

The Law previously defined "September primary election" as the primary election, or for a village that holds its regular election for a village office in September, the regular election, held on the first Tuesday after the second Monday in September in an odd year.

Under the bill, instead, "September election" means the election held on the first Tuesday after the second Monday in September in an odd year for the election of village offices.

House Bill 6248

Previously, if a city council adopted a resolution so that its regular election primary was held at the September primary election, the council could change its regular election primary to the odd year primary election by adopting a resolution in compliance with the Law. If a city council did so, after December 31 of the year in which the resolution was adopted, the city's regular election primary was to be on the odd year primary election date. The bill deleted those provisions.

Under the bill, after December 31, 2010, if a city adopts a resolution so that its regular election primary is held at the September election, the city must hold its regular election primary at the odd year primary election.

(The Law defines "odd year primary election" as the election held on the August regular election date in an odd-numbered year.)

MCL 168.322 (S.B. 1258)
168.381 (S.B. 1259)
168.4 (H.B. 6247)
168.642a (H.B. 6248)

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bills will have no fiscal impact on State or local government.

Fiscal Analyst: Joe Carrasco

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.