

SENATE BILL No. 888

October 8, 2009, Introduced by Senator SWITALSKI and referred to the Committee on Campaign and Election Oversight.

A bill to amend 1954 PA 116, entitled
"Michigan election law,"
by amending sections 4, 302, 321, 322, 381, 641, 644e, 644g, 646a,
and 821 (MCL 168.4, 168.302, 168.321, 168.322, 168.381, 168.641,
168.644e, 168.644g, 168.646a, and 168.821), sections 4, 321, 322,
644e, and 821 as amended by 2003 PA 302, sections 302 and 641 as
amended by 2005 PA 71, section 381 as amended by 2006 PA 122,
section 644g as amended by 2004 PA 293, and section 646a as amended
by 2006 PA 647; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Sec. 4. As used in this act:

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

(b) "School board member" means an individual holding the

1 office of school board member under the revised school code, 1976
2 PA 451, MCL 380.1 to 380.1852, or the office of board of trustees
3 member under the community college act of 1966, 1966 PA 331, MCL
4 389.1 to 389.195. School board member includes a school board
5 member of an intermediate school district if that intermediate
6 school district has adopted sections 615 to 617 of the revised
7 school code, 1976 PA 451, MCL 380.615 to 380.617.

8 (c) "School district" means a school district, a local act
9 school district, or an intermediate school district, as those terms
10 are defined in the revised school code, 1976 PA 451, MCL 380.1 to
11 380.1852, or a community college district under the community
12 college act of 1966, 1966 PA 331, MCL 389.1 to 389.195.

13 (d) "School district election coordinating committee" means 1
14 of the following:

15 (i) For a school district whose entire territory lies within a
16 single city or township, a committee composed of the secretary of
17 the school board or his or her designee, the city or township
18 election commission, and the school district election coordinator.

19 (ii) For a school district that has territory in more than 1
20 city or township, a committee composed of the secretary of the
21 school board or his or her designee, the school district election
22 coordinator, and the clerk of each city or township in which school
23 district territory is located.

24 (e) "School district election coordinator" means 1 of the
25 following:

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

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

~~—— (f) "September primary election" means 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.~~

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

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

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

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

Sec. 302. An individual is eligible for election as a school board member if the individual is a citizen of the United States and is a qualified and registered elector of the school district the individual seeks to represent by the filing deadline. At least 1 school board member for a school district shall be elected at each of the school district's regular elections held as provided in section ~~642 or 642a~~ **641**. Except as otherwise provided in this section or section 310 or 644g, a school board member's term of office is prescribed by the applicable provision of section 11a, 617, 701, or 703 of the revised school code, 1976 PA 451, MCL

1 380.11a, 380.617, 380.701, and 380.703, or section 34, 34a, 41, 54,
2 or 83 of the community college act of 1966, 1966 PA 331, MCL
3 389.34, 389.34a, 389.41, 389.54, and 389.83. Except as provided in
4 section 302a, if a ballot question changing the number of school
5 board members or changing the terms of office for school board
6 members pursuant to section 11a of the revised school code, 1976 PA
7 451, MCL 380.11a, is proposed and a school district needs a
8 temporary variance from the terms of office provisions in this act
9 and the revised school code, 1976 PA 451, MCL 380.1 to 380.1852, to
10 phase in or out school board members' terms of office, the school
11 board shall submit the proposed ballot question language and a
12 proposed transition plan to the secretary of state at least 30 days
13 before the school board submits the ballot question language to the
14 school district election coordinator pursuant to section 312. The
15 secretary of state shall approve or reject the proposed transition
16 plan within 10 business days of receipt of the proposed transition
17 plan. The secretary of state shall approve the proposed transition
18 plan if the plan provides only temporary relief to the school
19 district from the terms of office provisions in this act and the
20 revised school code, 1976 PA 451, MCL 380.1 to 380.1852, until such
21 time that the terms of office for school board members can be made
22 to comply with this act and the revised school code, 1976 PA 451,
23 MCL 380.1 to 380.1852. The school board shall not submit the
24 proposed ballot question language to the school district election
25 coordinator pursuant to section 312 until the proposed transition
26 plan is approved by the secretary of state. A school board member's
27 term begins on 1 of the following dates:

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

3 (b) If elected at an election held on a ~~May~~ **AN AUGUST** regular
4 election date, ~~July 1~~ **OCTOBER 1** immediately following the election.

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

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

15 (3) If the membership of the legislative body of a city
16 governed by the home rule city act, 1909 PA 279, MCL 117.1 to
17 117.38, is reduced to less than a quorum, unless another method of
18 appointing members of the legislative body is provided by the city
19 charter, members of the legislative body are appointed as provided
20 in this subsection. The board of county election commissioners of
21 the county in which the largest portion of the population of the
22 city resides shall appoint the number of members of the legislative
23 body required to constitute a quorum for the transaction of
24 business by the legislative body. A member of the legislative body
25 appointed under this subsection shall hold the office only until
26 the member's successor is elected and qualified. The successor
27 shall be elected at a special or regular election on the next

1 regular election date that is not less than 60 days after the
2 appointment is made. The successor shall serve for the balance of
3 the unexpired term. A member who is appointed under this subsection
4 shall not vote on the appointment of himself or herself to an
5 elective or appointive city office.

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

12 Sec. 322. For the name of a candidate of a political party for
13 a city office, including a ward office, to appear under the
14 particular party heading on the official primary election ballots
15 for use in the city, a nominating petition shall be filed with the
16 city clerk not later than 4 p.m. on the twelfth Tuesday before the
17 August primary. ~~, or not later than 4 p.m. on the twelfth Tuesday~~
18 ~~before the September primary election for a city that holds a~~
19 ~~September primary election.~~ A nominating petition shall be signed
20 by a number of qualified and registered electors of the political
21 party who reside in the city or ward as determined under section
22 544f. This section does not apply to a city if the city charter
23 provides for a different method of nominating candidates for public
24 office. The form of the petition shall be as provided in section
25 544c.

26 Sec. 381. (1) Except as provided in this section and sections
27 383 ~~, 641, 642,~~ and 644g, the qualifications, nomination, election,

1 appointment, term of office, and removal from office of a village
2 officer shall be as determined by the charter provisions governing
3 the village.

4 (2) If the membership of the village council of a village
5 governed by the general law village act, 1895 PA 3, MCL 61.1 to
6 74.25, is reduced to less than a quorum of 4 and a special election
7 for the purpose of filling all vacancies in the office of trustee
8 is called under section 13 of chapter II of the general law village
9 act, 1895 PA 3, MCL 62.13, temporary appointments of trustees shall
10 be made as provided in this subsection. The board of county
11 election commissioners of the county in which the largest portion
12 of the population of the village is situated shall make temporary
13 appointment of the number of trustees required to constitute a
14 quorum for the transaction of business by the village council. A
15 trustee appointed under this subsection shall hold the office only
16 until the trustee's successor is elected and qualified. A trustee
17 who is temporarily appointed under this subsection shall not vote
18 on the appointment of himself or herself to an elective or
19 appointive village office.

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

26 (4) Filing for a village office shall be with the township
27 clerk if the township is conducting the election or if the village

1 is located in more than 1 township with the township in which the
2 largest number of the registered electors of the village reside.

3 ~~Except as provided in subsection (5), nominating~~ **NOMINATING**

4 petitions for village offices shall be filed with the appropriate
5 township clerk by 4 p.m. on the twelfth Tuesday before the general
6 November election. After a nominating petition is filed for a
7 candidate for a village office, the candidate is not permitted to
8 withdraw unless a written withdrawal notice, signed by the
9 candidate, is filed with the appropriate township clerk not later
10 than 4 p.m. of the third day after the last day for filing the
11 nominating petition.

12 ~~—— (5) If a village council adopts a resolution in compliance~~
13 ~~with section 642(7) to hold its regular election at the September~~
14 ~~primary election, the nominating petitions for village offices to~~
15 ~~be filled at the September primary election shall be filed as~~
16 ~~provided in this subsection. Until January 1, 2006, nominating~~
17 ~~petitions shall be filed with the village clerk by 4 p.m. on the~~
18 ~~eighth Tuesday before the September primary election. On and after~~
19 ~~January 1, 2006, nominating petitions shall be filed with the~~
20 ~~village clerk by 4 p.m. on the twelfth Tuesday before the September~~
21 ~~primary election. After a nominating petition is filed for a~~
22 ~~candidate for a village office, the candidate is not permitted to~~
23 ~~withdraw unless a written withdrawal notice, signed by the~~
24 ~~candidate, is filed with the village clerk not later than 4 p.m. of~~
25 ~~the third day after the last day for filing the nominating~~
26 ~~petition.~~

27 Sec. 641. (1) Except as otherwise provided in this section and

~~sections 642 and 642a~~ **SECTION 613A**, beginning January 1, 2005–2011,
 an election held under this act shall be held on 1 of the following
 regular election dates:

~~—— (a) The February regular election date, which is the fourth
 Tuesday in February.~~

~~—— (b) The May regular election date, which is the first Tuesday
 after the first Monday in May.~~

(A) ~~(c)~~ The August regular election date, which is the first
 Tuesday after the first Monday in August.

(B) ~~(d)~~ The November regular election date, which is the first
 Tuesday after the first Monday in November.

(2) If an elective office is listed by name in section 643,
 requiring the election for that office to be held at the general
 election, and if candidates for the office are nominated at a
 primary election, the primary election shall be held on the August
 regular election date.

(3) ~~Except as otherwise provided in this subsection and
 subsection (4), a~~ A special election shall be held on a regular
 election date. ~~A special election called by the governor under
 section 145, 178, 632, 633, or 634 to fill a vacancy or called by
 the legislature to submit a proposed constitutional amendment as
 authorized in section 1 of article XII of the state constitution of
 1963 may, but is not required to be, held on a regular election
 date.~~

~~—— (4) A school district may call a special election to submit a
 ballot question to borrow money, increase a millage, or establish a
 bond if an initiative petition is filed with the county clerk. The~~

~~petition shall be signed by a number of qualified and registered electors of the district equal to not less than 10% of the electors voting in the last gubernatorial election in that district or 3,000 signatures, whichever number is lesser. Section 488 applies to a petition to call a special election for a school district under this section. In addition to the requirements set forth in section 488, the proposed date of the special election shall appear beneath the petition heading, and the petition shall clearly state the amount of the millage increase or the amount of the loan or bond sought and the purpose for the millage increase or the purpose for the loan or bond. The petition shall be filed with the county clerk by 4 p.m. of the twelfth Tuesday before the proposed date of the special election. The petition signatures shall be obtained within 60 days before the filing of the petition. Any signatures obtained more than 60 days before the filing of the petition are not valid. If the special election called by the school district is not scheduled to be held on a regular election date as provided in subsection (1), the special election shall be held on a Tuesday. A special election called by a school district under this subsection shall not be held within 30 days before or 35 days after a regular election date as provided in subsection (1). A school district may only call 1 special election pursuant to this subsection in each calendar year.~~

~~—— (5) The secretary of state shall make a report to the house and senate committees that consider election issues by December 1, 2006. The secretary of state shall report about the special elections held under this subsection, including, but not limited~~

1 ~~to, all of the following:~~

2 ~~—— (a) The number of times a special election has been held.~~

3 ~~—— (b) Which school districts have held special elections.~~

4 ~~—— (c) Information about the success rate of the ballot question~~
5 ~~submitted at the special elections.~~

6 ~~—— (d) Information about voter turnout, including the percentage~~
7 ~~and number of registered voters who voted in each special election.~~

8 (4) IF A CITY, VILLAGE, OR TOWNSHIP IN WHICH A SCHOOL DISTRICT
9 IS LOCATED DOES NOT HOLD AN ELECTION ON THE AUGUST REGULAR ELECTION
10 DATE, THE SCHOOL DISTRICT SHALL HOLD ITS REGULAR SCHOOL DISTRICT
11 ELECTION ON THE NOVEMBER REGULAR ELECTION DATE.

12 (5) ~~(6)~~ The secretary of state shall direct and supervise the
13 consolidation of all elections held under this act.

14 ~~—— (7) This section shall be known and may be cited as the~~
15 ~~"Hammerstrom election consolidation law".~~

16 Sec. 644e. ~~Except as provided in section 642, an~~ **AN** officer
17 required to be elected at the odd year general election shall be
18 nominated at the odd year primary election. Subject to section 382,
19 if a charter provides for nomination by caucus or by filing a
20 petition or affidavit directly for the general election, or
21 provides for the election at the primary of a candidate who
22 receives more than 50% of the votes cast for that office, the
23 governing body by ordinance may provide for a caucus date, filing
24 date, or other provisions to the extent necessary to be consistent
25 with the odd year general election requirement of this act and the
26 intent of the charter provisions.

27 Sec. 644g. (1) A term of office shall not be shortened by the

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

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

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

26 Sec. 646a. (1) If a local officer is to be elected at a
27 general November election, candidates for the local office shall be

1 nominated in the manner provided by law or charter, subject to
2 ~~sections~~ **SECTION** 641. and ~~642.~~ If candidates for the local office
3 are to be nominated at caucuses, the caucuses shall be held on a
4 date before the date set for the primary election or on the
5 Saturday before the day of the primary election as determined by
6 the local legislative body at least 20 days before the date of the
7 caucus. If candidates are nominated by filing petitions or
8 affidavits, they shall be filed at a time provided by charter, but
9 not later than the date of the primary. ~~Except as provided in~~
10 ~~section 642, the~~ **THE** local primary election shall be held on the
11 same day as a state or county primary election. If a state or
12 county primary is being held on the same day, the last day for
13 local candidates to file nominating petitions is the same as the
14 last date to file petitions for state and county offices. The names
15 of all local candidates and titles of office shall be certified to
16 the county clerk by the local clerk within 5 days after the last
17 day for filing petitions, and certification of nominees shall be
18 made to that clerk within 5 days after the date on which the
19 primary or caucus was held.

20 (2) If a local, school district, or county ballot question is
21 to be voted on at a regular election date or special election, the
22 ballot wording of the ballot question shall be certified to the
23 local or county clerk at least 70 days before the election. If the
24 wording is certified to a clerk other than the county clerk, the
25 clerk shall certify the ballot wording to the county clerk at least
26 68 days before the election. Petitions to place a county or local
27 ballot question on the ballot at the election shall be filed with

1 the clerk at least 14 days before the date the ballot wording must
2 be certified to the local clerk.

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

8 Sec. 821. ~~(1) The board of county canvassers shall meet at the~~
9 ~~office of the county clerk at 1 p.m. on the day after the day of a~~
10 ~~general election, August primary, or presidential primary election~~
11 ~~in the county. Except as provided in subsection (2), for other~~
12 ~~elections the board shall meet within 5 days following the~~
13 ~~election.~~

14 ~~—— (2) If, at an election held on the May regular election date,~~
15 ~~a ballot question appears on the ballot concerning authorized~~
16 ~~millage that is subject to a millage reduction as provided in~~
17 ~~section 34d of the general property tax act, 1893 PA 206, MCL~~
18 ~~211.34d, the board of county canvassers shall meet to canvass and~~
19 ~~certify the results of the vote on that proposition after May 31~~
20 ~~and before June 15 following the election.~~

21 Enacting section 1. Sections 500f, 642, and 642a of the
22 Michigan election law, 1954 PA 116, MCL 168.500f, 168.642, and
23 168.642a, are repealed.

24 Enacting section 2. This amendatory act takes effect January
25 1, 2011.