

Legislative Analysis



COUNTY COMMISSIONER VACANCIES & SPECIAL ELECTIONS

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House Bill 4307 (reported from committee without amendment)

Sponsor: Rep. Lisa Posthumus Lyons

Committee: Elections and Ethics

First Analysis (3-6-13)

BRIEF SUMMARY: The bill would eliminate the requirement for a special election when a vacancy occurs in the office of county commissioner during an odd-numbered year.

FISCAL IMPACT: The bill would have no direct impact on state or local revenue. Eliminating special elections to fill an opening may reduce local costs, although any savings could be small.

THE APPARENT PROBLEM:

Michigan is divided into 83 counties, and each county is further divided into county commission districts. Every two years, in even-numbered election years, voters elect their county commissioner on the partisan ballot, and that county commissioner serves a two-year term. Together, all elected county commissioners constitute the county board of commissioners, which meets to conduct business in the county seat of government at least monthly.

Under Michigan law, when a vacancy occurs in the office of county commissioner in an even-numbered election year, that vacancy is filled by an appointee of the county board within 30 days, and that appointee serves the remainder of the term, until the general election later that year.

However, when a vacancy on the county commission occurs in an odd-numbered year, that vacancy is filled by an appointee (again, within 30 days), but the county commission must also call a special election. The winner of that election then serves the remainder of the term.

According to testimony offered in committee by spokespersons for the County and Municipal Clerks Associations, special elections are costly. For example, the Kent County Clerk estimated a special election to fill a county commission vacancy in her county would cost taxpayers \$25,000. Further, the Lansing City Clerk noted that voter turnout is often very low for a special one-issue election and most especially during special elections in political jurisdictions as small as county commission districts.

Legislation has been introduced to eliminate the necessity that a special election be scheduled to fill a vacancy on the county board of commissioners, if that vacancy occurs in an odd-numbered (non-election) year.

THE CONTENT OF THE BILL:

House Bill 4307 would amend Public Act 261 of 1966 (MCL 46.412), which prescribes the manner of election for county boards of commissioners. It would eliminate the requirement for a special election when a vacancy occurs in the office of county commissioner during an odd-numbered year.

Currently, if a vacancy occurs in an odd-numbered year, the vacancy is filled by appointment and the individual appointed serves until a special election can be held. A vacancy that occurs in an election year (an even-numbered year) is filled by appointment and the individual appointed serves for the remainder of the unexpired term. The act requires a vacancy to be filled within 30 days.

(County commissioners are elected in even-numbered years to a two-year term of office.)

Instead, under the bill, an individual appointed to fill a vacancy by a county board of commissioners would serve for the remainder of the unexpired term regardless of whether the vacancy occurs in an odd-numbered or even-numbered year. However, if the county board of commissioners did not fill a vacancy within 30 days, then that vacancy would have to be filled by a special election called by the board, and the individual elected at the special election would serve for the remainder of the unexpired term.

ARGUMENTS:

For:

The bill would save taxpayers the cost of low-turnout special elections when vacancies occur on county boards of commissions during odd-numbered years. Instead of costly special elections, the bill would allow county commissioners to fill these vacancies by appointment.

POSITIONS:

The Secretary of State is neutral on the bill. (2-27-13)

The Michigan Association of Municipal Clerks supports the bill. (2-27-13)

The Michigan Association of County Clerks supports the bill. (2-27-13)

The Kent County Clerk supports the bill. (2-27-13)

The Lansing City Clerk supports the bill. (2-27-13)

Legislative Analyst: J. Hunault
Fiscal Analyst: Jim Stansell

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.