

Legislative Analysis



COUNTY COMMISSIONER VACANCIES & SPECIAL ELECTIONS

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House Bill 4307 as enrolled
Public Act 84 of 2013
Sponsor: Rep. Lisa Posthumus Lyons
House Committee: Elections and Ethics
Senate Committee: Local Government and Elections

Second Analysis (2-21-15)

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 county commissioners on the partisan ballot, and those county commissioner serve 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, prior to enactment of this bill, when a vacancy on the county commission occurred in an odd-numbered year, that vacancy was filled by an appointee (again, within 30 days), but the county commission also had call a special election. The winner of that election then served 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 was introduced to eliminate the requirement 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 amended Public Act 261 of 1966 (MCL 46.412), which prescribes the manner of election for county boards of commissioners. It eliminated the requirement for a special election when a vacancy occurs in the office of county commissioner during an odd-numbered year.

Previously, if a vacancy occurred 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.

Finally, the bill was amended to ratify a special election to fill a vacancy that was scheduled for August 6, 2013, by a county board of commissioners—a vacancy that occurred before the effective date of this amendatory act—allowing the person elected to fill the vacancy to serve for the remainder of the unexpired term.

ARGUMENTS:

For:

The bill should 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 allows county commissioners to fill these vacancies by appointment.

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■ 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.