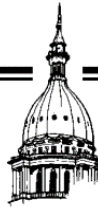




Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

BILL



ANALYSIS

Telephone: (517) 373-5383
Fax: (517) 373-1986

House Bill 4307 (as reported without amendment)
Sponsor: Representative Lisa Posthumus Lyons
House Committee: Elections and Ethics
Senate Committee: Local Government and Elections

Date Completed: 6-4-13

RATIONALE

Under State law, if a vacancy on a county board of commissioners occurs during an election year, the board must appoint a person to fill the vacancy for the remainder of the unexpired term. If a vacancy occurs in an odd-numbered year, however, a special election must be held to fill the vacancy. It has been suggested that the special election requirement be eliminated due to the cost it places on local governments.

CONTENT

The bill would amend Public Act 261 of 1966 (which governs the apportionment of county boards of commissioners) to eliminate a requirement that a special election be held when a county commission vacancy occurs in an odd-numbered year.

The Act requires a county board of commissioners to fill a vacancy in the office of commissioner by appointment within 30 days after the vacancy occurs. In an odd-numbered year, the appointed person serves until the vacancy is filled in a special election called by the board. In an election year, the appointed person serves for the remainder of the unexpired term.

Under the bill, a person appointed to fill a vacancy would serve for the remainder of the unexpired term (whether the vacancy occurred in an odd-numbered year or an election year).

The bill would retain a requirement that a vacancy be filled by a special election called

by the county board of commissioners if it does not appoint someone within 30 days. The bill specifies that an individual elected at a special election would serve for the remainder of the unexpired term.

MCL 46.412 et al.

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

Special elections to fill county commission vacancies can be inefficient and costly to local units of government, exacerbating the fiscal difficulties they are experiencing. For example, a special election to fill a vacancy on the Oakland County Board of Commissioners several years ago involved both a primary and a general election, and cost about \$90,000. Additionally, a special election requires substantial planning and participation by multiple local clerks in a county. Sometimes, there are no other issues on the ballot in a special election called in response to a county commission vacancy, and voter turnout at special elections typically is very low. A special election to fill an off-year vacancy is not required for any other office. Eliminating this requirement would create consistency in the way vacancies are filled, save taxpayer dollars, and lessen the burden on local governments.

Legislative Analyst: Julie Cassidy

FISCAL IMPACT

The bill would have no impact on local unit revenue, but would reduce expenditures in local units affected by the bill by an unknown amount. No information exists on the number of county commissioner vacancies that will occur in an odd-numbered year and, absent the bill, require a special election. Data are not available for the cost of these types of special elections, assuming that other elections do not occur concurrently. However, for a general statewide election, the average cost of conducting an election is approximately \$2,000 per precinct. It is unknown if the low turnout typical of these special elections results in a lower cost per precinct.

The bill would have no impact on State revenue or expenditure.

Fiscal Analyst: David Zin

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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.