

HOUSE BILL No. 4393

March 7, 2013, Introduced by Reps. Pagel, Jacobsen, Price, Outman, VerHeulen, Victory and Cotter and referred to the Committee on Elections and Ethics.

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 312, 386, 641, and 646a (MCL 168.312, 168.386, 168.641, and 168.646a), sections 312 and 646a as amended by 2006 PA 647, section 386 as added by 2012 PA 586, and section 641 as amended by 2005 PA 71.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 312. (1) A school board may submit a ballot question to
2 the school electors on a regular election date, on a date when a
3 city or township within the school district's jurisdiction is
4 holding an election by adopting a resolution to that effect not
5 ~~less than 70 days~~ **LATER THAN 4 P.M. ON THE FIFTEENTH TUESDAY**
6 before the election date, or on a special election date as
7 provided in section 641(4). The school board shall certify the
8 ballot question language to the school district election

1 coordinator not ~~less than 70 days~~ **LATER THAN 4 P.M. ON THE**
 2 **FIFTEENTH TUESDAY** before the election date. The school district
 3 election coordinator shall send a copy of the ballot question
 4 language to the county clerk of each county not less than ~~68-103~~
 5 days before the election.

6 (2) If a special election is called on a date provided under
 7 section 641(4), the school district election coordinating
 8 committee shall schedule the special election date.

9 Sec. 386. (1) ~~For~~ **UNTIL DECEMBER 31, 2013, FOR** an
 10 individual's name to appear on the official ballot as a candidate
 11 for metropolitan district officer, the candidate shall file a
 12 nominating petition and the affidavit required by section 558
 13 with the metropolitan district election coordinator not later
 14 than 4 p.m. on the twelfth Tuesday before the election date.
 15 **BEGINNING JANUARY 1, 2014, FOR AN INDIVIDUAL'S NAME TO APPEAR ON**
 16 **THE OFFICIAL BALLOT AS A CANDIDATE FOR METROPOLITAN DISTRICT**
 17 **OFFICER, THE CANDIDATE SHALL FILE A NOMINATING PETITION AND THE**
 18 **AFFIDAVIT REQUIRED BY SECTION 558 WITH THE METROPOLITAN DISTRICT**
 19 **ELECTION COORDINATOR NOT LATER THAN 4 P.M. ON THE FIFTEENTH**
 20 **TUESDAY BEFORE THE ELECTION DATE.** The nominating petitions shall
 21 be signed by a number of qualified and registered electors
 22 residing in the metropolitan district as determined under section
 23 544f.

24 (2) The nominating petition shall be substantially in the
 25 form prescribed in section 544c, except that the petition shall
 26 be nonpartisan and shall include the following opening paragraph:

1 Sec. 641. (1) Except as otherwise provided in this section
2 and sections 642 and 642a, beginning January 1, 2005, an election
3 held under this act shall be held on 1 of the following regular
4 election dates:

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

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

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

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

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

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

26 (4) A school district may call a special election to submit
27 a ballot question to borrow money, increase a millage, or

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

26 ~~—— (5) The secretary of state shall make a report to the house~~
27 ~~and senate committees that consider election issues by December~~

1 ~~1, 2006. The secretary of state shall report about the special~~
 2 ~~elections held under this subsection, including, but not limited~~
 3 ~~to, all of the following:~~

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

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

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

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

11 (5) ~~(6)~~ The secretary of state shall direct and supervise
 12 the consolidation of all elections held under this act.

13 (6) ~~(7)~~ This section shall be known and may be cited as the
 14 "Hammerstrom election consolidation law".

15 Sec. 646a. (1) If a local officer is to be elected at a
 16 general November election, candidates for the local office shall
 17 be nominated in the manner provided by law or charter, subject to
 18 sections 641 and 642. If candidates for the local office are to
 19 be nominated at caucuses, the caucuses shall be held on a date
 20 before the date set for the primary election or on the Saturday
 21 before the day of the primary election as determined by the local
 22 legislative body at least 20 days before the date of the caucus.
 23 If candidates are nominated by filing petitions or affidavits,
 24 they shall be filed at a time provided by charter, but not later
 25 than the date of the primary. Except as provided in section 642,
 26 the local primary election shall be held on the same day as a
 27 state or county primary election. If a state or county primary is

1 being held on the same day, the last day for local candidates to
2 file nominating petitions is the same as the last date to file
3 petitions for state and county offices. The names of all local
4 candidates and titles of office shall be certified to the county
5 clerk by the local clerk within 5 days after the last day for
6 filing petitions, and certification of nominees shall be made to
7 that clerk within 5 days after the date on which the primary or
8 caucus was held.

9 (2) If a local, school district, or county ballot question
10 is to be voted on at a regular election date or special election,
11 the ballot wording of the ballot question shall be certified to
12 the local or county clerk ~~at least 70 days~~ **NOT LATER THAN 4 P.M.**
13 **ON THE FIFTEENTH TUESDAY** before the election. If the wording is
14 certified to a clerk other than the county clerk, the clerk shall
15 certify the ballot wording to the county clerk at least ~~68~~ **103**
16 days before the election. Petitions to place a county or local
17 ballot question on the ballot at the election shall be filed with
18 the clerk at least 14 days before the date the ballot wording
19 must be certified to the local clerk.

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

25 Enacting section 1. This amendatory act takes effect 120
26 days after the date it is enacted into law.