

HOUSE BILL No. 5584

May 20, 2014, Introduced by Rep. Lyons and referred to the Committee on Elections and Ethics.

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 570a, 641, 642, 642a, 963, and 970e (MCL 168.570a, 168.641, 168.642, 168.642a, 168.963, and 168.970e), section 641 as amended by 2005 PA 71, section 642 as amended by 2013 PA 51, section 642a as amended by 2012 PA 523, and section 963 as amended and section 970e as added by 2012 PA 417; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 570a. The official primary ballot shall include
2 candidates for township offices. Township offices and candidates
3 shall follow state and county offices and candidates. Parties
4 qualified to appear on the primary ballot for state and county
5 offices and no others are qualified to appear and have the names of

1 their candidates printed on the township portion of the primary
2 ballot. Parties qualified to nominate candidates for state and
3 county offices under ~~the provisions of~~ section 685 and no others
4 are qualified to nominate candidates for township offices at the
5 county caucuses provided in section 686a.

6 ~~—— All references in the election law to a February primary shall~~
7 ~~be deemed to be references to the primary provided by the election~~
8 ~~law to be held in August prior to the general November election and~~
9 ~~all references to an April election shall be deemed to be~~
10 ~~references to the general November election.~~

11 Sec. 641. (1) Except as otherwise provided in this section and
12 sections **613A AND** 642, ~~and 642a,~~ beginning January 1, 2005, an
13 election held under this act shall be held on 1 of the following
14 regular election dates:

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

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

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

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

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

1 (3) Except as otherwise provided in this subsection and
2 subsection (4), a special election shall be held on a regular
3 election date. A special election called by the governor under
4 section 145, 178, 632, 633, or 634 to fill a vacancy or called by
5 the legislature to submit a proposed constitutional amendment as
6 authorized in section 1 of article XII of the state constitution of
7 1963 may, but is not required to be, held on a regular election
8 date.

9 (4) A school district may call a special election to submit a
10 ballot question to borrow money, increase a millage, or establish a
11 bond if an initiative petition is filed with the county clerk. The
12 petition shall be signed by a number of qualified and registered
13 electors of the district equal to not less than 10% of the electors
14 voting in the last gubernatorial election in that district or 3,000
15 signatures, whichever number is lesser. Section 488 applies to a
16 petition to call a special election for a school district under
17 this section. In addition to the requirements set forth in section
18 488, the proposed date of the special election shall appear beneath
19 the petition heading, and the petition shall clearly state the
20 amount of the millage increase or the amount of the loan or bond
21 sought and the purpose for the millage increase or the purpose for
22 the loan or bond. The petition shall be filed with the county clerk
23 by 4 p.m. of the twelfth Tuesday before the proposed date of the
24 special election. The petition signatures shall be obtained within
25 60 days before the filing of the petition. Any signatures obtained
26 more than 60 days before the filing of the petition are not valid.
27 If the special election called by the school district is not

1 scheduled to be held on a regular election date as provided in
 2 subsection (1), the special election shall be held on a Tuesday. A
 3 special election called by a school district under this subsection
 4 shall not be held within 30 days before or 35 days after a regular
 5 election date as provided in subsection (1). A school district may
 6 only call 1 special election pursuant to this subsection in each
 7 calendar year.

8 ~~—— (5) The secretary of state shall make a report to the house~~
 9 ~~and senate committees that consider election issues by December 1,~~
 10 ~~2006. The secretary of state shall report about the special~~
 11 ~~elections held under this subsection, including, but not limited~~
 12 ~~to, all of the following:~~

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

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

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

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

19 (5) ~~(6)~~ The secretary of state shall direct and supervise the
 20 consolidation of all elections held under this act.

21 (6) ~~(7)~~ This section shall be known and may be cited as the
 22 "Hammerstrom election consolidation law".

23 Sec. 642. (1) Except as otherwise provided in this section and
 24 section 642a, ~~on the effective date of this act,~~ **BEGINNING ON**
 25 **SEPTEMBER 1, 2004,** a city shall hold its regular election or
 26 regular primary election as follows:

27 (a) A city shall hold its regular election for a city office

1 at the odd year general election.

2 (b) A city shall hold its regular election primary at the odd
3 year primary election.

4 (c) A city that holds its regular election for a city office
5 annually or in the even year on the November regular election date
6 shall continue holding elections on that schedule.

7 (d) A city that holds its regular election primary for a city
8 office annually or in the even year on the August regular primary
9 election date shall continue holding primary elections on that
10 schedule.

11 ~~—— (2) If, on September 1, 2004, a city holds its regular~~
12 ~~election at other than a regular November election date, the city~~
13 ~~council may choose to hold the regular election on the May regular~~
14 ~~election date by adopting a resolution in compliance with this~~
15 ~~section. Except as provided in section 642a, if a city council~~
16 ~~adopts the resolution in compliance with this section to hold its~~
17 ~~regular election on the May regular election date, after December~~
18 ~~31, 2004, the city's regular election is on the May regular~~
19 ~~election date. If a city's regular election is held on the May~~
20 ~~regular election date, the city's regular election primary shall be~~
21 ~~held on the February regular election date immediately before its~~
22 ~~regular election.~~

23 (2) ~~(3)~~ If, on September 1, 2004, a city holds its regular
24 election annually or in the even year on the November regular
25 election date, the city council may choose to hold the regular
26 election at the odd year general election by adopting a resolution
27 in compliance with this section. Except as provided in section

1 642a, if a city council adopts the resolution in compliance with
2 this section to hold its regular election at the odd year general
3 election, after December 31, 2004, the city's regular election is
4 at the odd year election. If a city's regular election is held at
5 the odd year general election, the city's regular election primary
6 shall be held at the odd year primary election.

7 (3) ~~(4)~~—If, on September 1, 2004, a city holds its regular
8 election annually on the November regular election date, the city
9 council may choose to hold the regular election at the even year
10 general election by adopting a resolution in compliance with this
11 section. Except as provided in section 642a, if a city council
12 adopts the resolution in compliance with this section to hold its
13 regular election at the even year general election, after December
14 31, 2004, the city's regular election is at the even year election.
15 If a city's regular election is held at the even year general
16 election, the city's regular election primary shall be held at the
17 even year primary election.

18 (4) ~~(5)~~—A village shall hold its regular election as follows:

19 (a) A village shall hold its regular election for a village
20 office at the general election and the appropriate township clerk
21 shall conduct the election.

22 (b) A village shall not hold a regular primary election.

23 (5) ~~(6)~~—If a village's special election is held in conjunction
24 with another election conducted by a township, the village shall
25 pay the township a proportionate share of the election expenses. If
26 a village's special election is not held in conjunction with
27 another election conducted by a township, the village shall pay the

1 township 100% of the actual costs of conducting the village's
2 special election.

3 (6) ~~(7)~~—A resolution permitted under this section or section
4 642a is valid only if a city council adopts the resolution in
5 compliance with all of the following:

6 (a) The resolution is adopted before 1 of the following:

7 (i) If the resolution is permitted under subsection (2) ~~—OR~~
8 (3), ~~or (4)~~, January 1, 2005.

9 (ii) If the resolution is permitted under section 642a(1) ~~—~~
10 ~~(2), or (4), OR (3)~~, January 1 of the year in which the change in
11 the date of the election takes effect.

12 (b) Before adopting the resolution, the council holds at least
13 1 public hearing on the resolution. The public hearing may be held
14 on the same day and immediately before considering the adoption of
15 the resolution.

16 (c) The council gives notice of each public hearing on the
17 resolution in a manner designed to reach the largest number of the
18 jurisdiction's qualified electors in a timely fashion.

19 (d) The council votes on the resolution and, on a record roll
20 call vote, a majority of the council's board members, elected or
21 appointed, and serving, adopt the resolution.

22 (e) The council files the resolution with the secretary of
23 state.

24 Sec. 642a. (1) ~~After December 31, 2004, a city council that~~
25 ~~adopted a resolution so that its regular election is held on the~~
26 ~~May regular election date may change its regular election to the~~
27 ~~odd year general election by adopting a resolution in compliance~~

1 ~~with section 642. If a city council adopts the resolution in~~
2 ~~compliance with section 642 to hold its regular election at the odd~~
3 ~~year general election, after December 31 of the year in which the~~
4 ~~resolution is adopted, the city's regular election is at the odd~~
5 ~~year general election.~~

6 ~~—— (2) After December 31, 2004, a city council that holds its~~
7 ~~regular election for city offices annually or in the even year on~~
8 ~~the November regular election date may change its regular election~~
9 ~~schedule to the odd year general election and the odd year primary~~
10 ~~election by adopting a resolution in compliance with section 642.~~
11 ~~If a city council adopts the resolution in compliance with section~~
12 ~~642, the city's regular election is at the odd year general~~
13 ~~election and its primary is at the odd year primary election.~~

14 (2) ~~(3) After December 31, 2010, a city that adopted a~~
15 ~~resolution so that its regular election primary is held at the~~
16 ~~September election shall hold its regular election primary at the~~
17 ~~odd year primary election.~~

18 (3) ~~(4) After December 31, 2011, a city that holds its regular~~
19 ~~election for city offices annually or in the odd year on the~~
20 ~~November regular election date may change its regular election~~
21 ~~schedule to the even year general election and the even year~~
22 ~~primary election by adopting a resolution in compliance with~~
23 ~~section 642. If a city council adopts the resolution in compliance~~
24 ~~with section 642, after December 31 of the year in which the~~
25 ~~resolution is adopted, the city's regular election is at the even~~
26 ~~year general election and its primary is at the even year primary~~
27 ~~election.~~

1 (4) ~~(5)~~After December 31, 2012, a village that adopted a
2 resolution so that its regular election is held at the September
3 election shall hold its regular election at the general November
4 election.

5 Sec. 963. (1) Within 35 days after the filing of the recall
6 petition, the filing official with whom the recall petition is
7 filed shall make an official declaration of the sufficiency or
8 insufficiency of the recall petition. If the recall petition is
9 determined to be insufficient, the filing official shall notify the
10 person or organization sponsoring the recall of the insufficiency
11 of the recall petition. It is not necessary to give notification
12 unless the person or organization sponsoring the recall files with
13 the filing official a written notice of sponsorship and a mailing
14 address.

15 (2) If a recall petition is filed under section 960,
16 immediately upon determining that the recall petition is
17 sufficient, but not later than 35 days after the date of filing of
18 the recall petition, the county clerk with whom the recall petition
19 is filed shall call the recall election and proceed under sections
20 971c to 975. The recall election shall be held not less than 95
21 days after the date the recall petition is filed and shall be held
22 on the next May regular election date or the next November regular
23 election date, whichever occurs first.

24 (3) Except as otherwise provided in subsection (4), if a
25 recall petition is filed under section 959, the filing official
26 with whom the recall petition is filed shall call the recall
27 primary election and proceed under sections 970b to 970g. The

1 recall primary election shall be held on the next regular election
2 date that is not less than 95 days after the date the recall
3 petition is filed.

4 (4) If a recall petition is filed under section 959 demanding
5 the recall of the governor, the filing official with whom the
6 recall petition is filed shall call a special recall election and
7 proceed under sections 975c to 975g. The special recall election
8 shall be held not less than 95 days after the date the recall
9 petition is filed and shall be held on the next ~~February~~ **MAY**
10 regular election date or the next August regular election date,
11 whichever occurs first.

12 Sec. 970e. Subject to section 970b, the candidate of each
13 political party receiving the greatest number of votes cast for
14 candidates at the recall primary election as set forth in the
15 report of the board of state canvassers, based on the returns from
16 the various election precincts, shall be declared the nominee of
17 that political party at the recall general election to be held on
18 the next ~~February~~ **MAY** regular election date or the next August
19 regular election date, whichever occurs first. In addition, except
20 as otherwise provided in this section, a candidate without a
21 political party affiliation may qualify for the recall general
22 election by filing a qualifying petition with the officer with whom
23 the recall petitions were filed that contains 10% of the number of
24 signatures required under section 544f within 10 days after the
25 recall general election is scheduled. An individual who was an
26 unsuccessful candidate in the recall primary election may not
27 subsequently file a qualifying petition as a candidate without a

1 political party affiliation for the recall general election.
2 Enacting section 1. Section 322 of the Michigan election law,
3 1954 PA 116, MCL 168.322, is repealed.