

BAY & OAKLAND COUNTY EXECUTIVE ELECTIONS

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Senate Bill 110 (as reported from House committee)

Sponsor: Sen. Dave Robertson

House Committee: Elections

Senate Committee: Elections and Government Reform

Complete to 12-9-15

Analysis available at
<http://www.legislature.mi.gov>

BRIEF SUMMARY: Unless a county commission chose to retain its current election cycle, the bill would change the election cycle of two county executives—those in Bay and Oakland Counties—moving their elections to the gubernatorial election years from the presidential election year (following an intermittent two-year term in 2017- 2018).

FISCAL IMPACT: The bill would have no fiscal impact on state or local government.

THE APPARENT PROBLEM:

Different Michigan statutes authorize counties to be organized differently. These enabling statutes include Public Act 139 of 1973, which provides for an "optional unified" form of county government, and also Public Act 293 of 1966, which provides for charter counties. In a county organized under either statute, some responsibilities and powers are transferred from the county board of commissioners to a county executive.

Two of Michigan's 83 counties—Bay and Oakland—are organized under Public Act 139, and two counties—Macomb and Wayne—are organized under the charter county law.

Both statutes provide for a county executive to be elected by the voters. However, in a county organized under Public Act 139, or within a charter county having a population of 1.5 million or more, there may be a county manager or administrator who is appointed by the county board of commissioners.

While all four of these counties—Bay, Oakland, Macomb, and Wayne—have a county executive who is elected for a four-year term, the counties' election cycles differ. Bay and Oakland county executives are elected in a presidential election year, while the Macomb and Wayne county executives are elected in the gubernatorial election year (sometimes referred to as the mid-term elections—a reference to the mid-point in the four-year presidential election cycle).

Legislation has been introduced to allow county boards of commissioners to schedule their county executive elections in gubernatorial election years—in particular, to allow Oakland county voters to elect their county executive at the same time county executive elections are scheduled in nearby Macomb and Wayne counties.

THE CONTENT OF THE BILL:

The bill would amend Public Act 139 of 1973 to synchronize the election cycle of a county executive with the gubernatorial election cycle, after a two-year term in 2017 and 2018, unless a county chose to retain its current election schedule.

Now the law requires a county executive to be elected on a partisan basis for a term of four years concurrent with the term of the county prosecuting attorney, clerk, register of deeds, treasurer, sheriff, elected auditors, and drain commissioner.

Except as provided below, the bill would require that, at the November 2016 general election, a county executive be elected on a partisan basis for a term of two years beginning on January 1, 2017, and ending on December 31, 2018.

Then, at the November 2018 general election, and every fourth year after that, a county executive would have to be elected for a term of four years beginning on January 1 following the election.

If a board of county commissioners, by April 1, 2016, adopted a resolution to continue to elect the county executive for a term of four years concurrent with the term of other county officials, then the county executive of that county would continue to be elected for a term of four years concurrent with the term of other county officials.

MCL 45.559

HOUSE COMMITTEE ACTION:

The members of the House Elections Committee reported out the Senate-passed version of Senate Bill 110 without amendments.

ARGUMENTS:

For:

Proponents of the bill say that moving the election of the county executive of Oakland County to the same schedule as the election of the county executives of Macomb and Wayne Counties, would promote cooperation and consistency among these three large southeastern Michigan counties. Increasingly, the issues and problems they must deal with are regional in nature—for example, transportation infrastructure, water resources, land use, air pollution, and economic development. A collaborative approach toward addressing the issues would likely be more successful than efforts made individually by each county. If the three county executives were elected at the same time, they would have the same four-year terms to work together and reach mutually beneficial solutions.

Proponents note that Bay County also would be affected by the bill. However, its board of commissioners could opt-out—adopting a resolution to ensure Bay County voters continued to elect their county executive during the presidential election year. Under the

bill, Oakland County commissioners could also opt out. However, doing so would fail to promote the three-county collaboration envisioned by the bill's supporters.

Against:

Opponents of the bill argue the bill causes election misalignment within Oakland County. If implemented, the Oakland county executive would be elected in the gubernatorial election year, while all other county elected officials would be elected during the presidential election year. That is because now the law requires a county executive to be elected on a partisan basis for a term of four years concurrent with the term of the county prosecuting attorney, clerk, register of deeds, treasurer, sheriff, elected auditors, and drain commissioner. In Oakland County, those officials are, as required by the state constitution, elected during the presidential election year.

Opponents of the bill note that fewer citizens vote in a gubernatorial election year than during a presidential election year. Consequently, in a lower-turnout election, fewer voters will decide who is elected to lead their county. Opponents argue the question of changing the election cycle should be decided by the voters, themselves. The people who are governed by the county executive may prefer to have that official chosen during the presidential election, when the most voters are at the polls.

POSITIONS:

Advance Oakland supports the bill. (12-9-15)

The Secretary of State is neutral on the bill. (12-9-15)

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