

MICHIGAN ELECTION LAW (EXCERPT)

Act 116 of 1954

CHAPTER XVIII

METROPOLITAN DISTRICT ELECTIONS

168.385 Metropolitan district election coordinator; duties.

Sec. 385. (1) Unless a particular power or duty of an election official or a particular election procedure is specifically governed by a provision of this chapter, a metropolitan district election is governed by the provisions of this act that generally govern elections.

(2) The metropolitan district election coordinator shall conduct each regular election that is requested by the legislative body of a metropolitan district to submit a ballot question or to fill a position or vacancy on the legislative body of the metropolitan district. The metropolitan district election coordinator shall do all of the following:

(a) Receive nominating petitions and affidavits of identity from candidates for officer to the legislative body of a metropolitan district and petitions for ballot questions.

(b) Procure the necessary qualified voter file precinct lists.

(c) Certify candidates.

(d) Receive ballot proposal language.

(e) Issue absent voter ballots.

(3) A metropolitan district election coordinator may delegate, if the city or township clerk agrees, all or a portion of the metropolitan district election coordinator's duties to that city or township clerk. The metropolitan district election coordinator shall not delegate duties to any person not named in this section.

(4) A metropolitan district election coordinator may delegate the following duties to the city or township clerk, who shall perform the following duties:

(a) Distribute, receive, and process absent voter ballot applications for a metropolitan district election.

(b) Make voting systems available for the conduct of a metropolitan district election.

(c) Make available to the metropolitan district election coordinator the list of election inspectors for that city or township.

(d) Notify metropolitan district electors of precinct and polling place location changes.

(5) The county election commission shall establish that metropolitan district's election precincts and polling place locations in accordance with this act.

History: Add. 2012, Act 586, Imd. Eff. Jan. 7, 2013.

Popular name: Election Code

168.385a Metropolitan district officer; eligibility; term.

Sec. 385a. (1) An individual is eligible for election as an officer to the legislative body of a metropolitan district if the individual is a citizen of the United States and is a qualified and registered elector of the metropolitan district the individual seeks to represent by the filing deadline.

(2) A metropolitan district officer's term of office is prescribed by the metropolitan district act, 1929 PA 312, MCL 119.1 to 119.18.

History: Add. 2012, Act 586, Imd. Eff. Jan. 7, 2013.

Popular name: Election Code

168.386 Metropolitan district officer; nominating petition; form; signature of elector; examination and investigation; withdrawal.

Sec. 386. (1) For an individual's name to appear on the official ballot as a candidate for metropolitan district officer, the candidate shall file a nominating petition and the affidavit required by section 558 with the metropolitan district election coordinator not later than 4 p.m. on the fifteenth Tuesday before the election date. The nominating petitions shall be signed by a number of qualified and registered electors residing in the metropolitan district as determined under section 544f.

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

We, the undersigned, registered and qualified voters

of the city or township of _____

and residents of the _____, the
(legal name of metropolitan district)

county of _____, state of Michigan,

nominate _____
(name of candidate)

(street address) (city or township),
a registered and qualified elector of the metropolitan district
as an officer of the legislative body of the metropolitan
district for a term of ____ years, expiring ____, to be
voted for at the election to be held on the ____ day of
_____,
(month) (year).

(3) An elector shall not sign petitions for more candidates than are to be elected.

(4) A nominating petition filed under this chapter is subject to the examination and investigation process prescribed in section 552 as to its sufficiency and the validity and genuineness of the signatures on the nominating petition, and to the other procedures prescribed in that section relevant to a petition filed under this chapter.

(5) After a nominating petition is filed for a candidate for metropolitan district officer, the candidate is not permitted to withdraw unless a written withdrawal notice, signed by the candidate, is filed with the metropolitan district election coordinator not later than 4 p.m. of the third day after the last day for filing the nominating petition.

History: Add. 2012, Act 586, Imd. Eff. Jan. 7, 2013;—Am. 2014, Act 94, Imd. Eff. Apr. 3, 2014.

Popular name: Election Code

168.386a Canvass of votes by board of canvassers; election; statement of returns and certification; votes subject to recount.

Sec. 386a. (1) The appropriate board of canvassers as prescribed in section 24a shall canvass the votes for candidates for metropolitan district officer and votes for and against a ballot question at a regular election in each metropolitan district. That number of candidates equal to the number of individuals to be elected who receive the greatest number of votes cast at the election, as set forth in the report of the board of canvassers canvassing the votes, based upon the returns from the election precincts or as determined by the board of canvassers as a result of a recount, are elected to the office of metropolitan district officer. Upon completion of the canvass, the board of canvassers shall make a statement of returns and certify the election of metropolitan district officers to the metropolitan district election coordinator and to the secretary of the legislative body of the metropolitan district.

(2) The votes cast for a candidate for metropolitan district officer or on a ballot question submitted to the electors at a metropolitan district election are subject to recount as provided in chapter XXXIII.

History: Add. 2012, Act 586, Imd. Eff. Jan. 7, 2013.

Popular name: Election Code

168.386b Statement of returns and certification; preservation and filing by metropolitan district election coordinator; execution of certificate of election.

Sec. 386b. The metropolitan district election coordinator who receives the certification of the board of canvassers under section 386a shall preserve and file in his or her office the certified statement of returns and certification of the board of canvassers of the result of the election. The metropolitan district election coordinator shall immediately execute and provide to the individuals declared elected as officers to the legislative body of the metropolitan district a certificate of election.

History: Add. 2012, Act 586, Imd. Eff. Jan. 7, 2013.

Popular name: Election Code

168.387 Notification of member-elect; acceptance; filing; forwarding copy.

Sec. 387. Within 5 business days after certification of an election, each member-elect shall be notified of the election. Within 10 business days after notification by the metropolitan district election coordinator of election or appointment to the legislative body, each person shall file with the secretary of the legislative body of the metropolitan district an acceptance of the office to which the person has been elected or appointed. The secretary of the legislative body of the metropolitan district shall forward a copy of the acceptance to the metropolitan district election coordinator.

History: Add. 2012, Act 586, Imd. Eff. Jan. 7, 2013.

Popular name: Election Code

168.387a Oath; immediate vacancy; events.

Sec. 387a. (1) Before entering upon the duties of his or her office, an individual elected as an officer to the legislative body of a metropolitan district shall take and subscribe to the oath provided in section 1 of article XI of the state constitution of 1963.

(2) The office of a metropolitan district officer becomes vacant immediately, regardless of declaration by an officer or acceptance by the legislative body of a metropolitan district or 1 or more of its officers, upon any of the following events:

- (a) The death of the metropolitan district officer.
- (b) The metropolitan district officer's being adjudicated insane or being found to be a legally incapacitated individual by a court of competent jurisdiction.
- (c) The metropolitan district officer's resignation.
- (d) The metropolitan district officer's removal from office.
- (e) The metropolitan district officer's conviction for a felony.
- (f) The metropolitan district officer's election or appointment being declared void by a competent tribunal.
- (g) The metropolitan district officer's neglect or failure to file the acceptance of office, to take the oath of office, or to give or renew an official bond required by law.
- (h) The metropolitan district officer ceasing to possess the legal qualifications for holding office.
- (i) The metropolitan district officer moving his or her residence from the metropolitan district.

History: Add. 2012, Act 586, Imd. Eff. Jan. 7, 2013.

Popular name: Election Code

168.388 Metropolitan district officer; vacancy filled by appointment; election; notice.

Sec. 388. (1) If less than a majority of the offices of metropolitan district officer of a metropolitan district become vacant, the remaining metropolitan district officers shall fill each vacant office by appointment. If a vacancy in the office of metropolitan district officer is not filled within 30 days after the vacancy occurs or if a majority of the offices of metropolitan district officer of a metropolitan district become vacant, the county election commission of the county in which the largest number of registered electors of the metropolitan district reside shall fill each vacancy by appointment. An individual appointed under this subsection serves until a successor is elected and qualified.

(2) If a vacancy occurs in an office of metropolitan district officer more than 7 days before the nominating petition filing deadline as provided in section 386 for the regular metropolitan district election that is not the regular metropolitan district election at which a successor in office would be elected if there were no vacancy, the person appointed shall hold office only until a successor is elected at the next regular metropolitan district election in the manner provided by law and qualifies for office. The successor shall hold the office for the remainder of the unexpired term. This subsection applies regardless of whether an individual is appointed under subsection (1) to fill the vacancy.

(3) Within 3 days after an appointment is made to fill a vacancy in an elected office in a metropolitan district, the secretary of the legislative body of the metropolitan district shall notify the metropolitan district election coordinator, in writing, of the name, address, and office of the person who vacated the office as well as the person filling the office.

History: Add. 2012, Act 586, Imd. Eff. Jan. 7, 2013;—Am. 2014, Act 94, Imd. Eff. Apr. 3, 2014.

Popular name: Election Code

168.389 Ballot question.

Sec. 389. The legislative body of a metropolitan district may submit a ballot question to the metropolitan district electors on a regular election date. The legislative body of the metropolitan district shall file the ballot question with the metropolitan district election coordinator as provided in section 646a(2).

History: Add. 2012, Act 586, Imd. Eff. Jan. 7, 2013.

Popular name: Election Code

168.389a Actual costs of election; payment; verified account; disapproval; failure to agree on actual costs.

Sec. 389a. (1) A metropolitan district shall pay to each county, city, and township that conducts a regular election for the metropolitan district an amount determined in accordance with this section.

(2) If a metropolitan district's regular election is held in conjunction with another election conducted by a county, city, or township, the metropolitan district shall pay the county, city, or township 100% of the actual

additional costs attributable to conducting the metropolitan district's regular election. If a metropolitan district's regular election is not held in conjunction with another election conducted by a county, city, or township, the metropolitan district shall pay the county, city, or township 100% of the actual costs of conducting the metropolitan district's regular election.

(3) The county, city, or township shall present to a metropolitan district a verified account of actual costs of conducting the metropolitan district's regular election not later than 84 days after the date of the election. The legislative body of the metropolitan district shall pay or disapprove all or a portion of the verified account within 84 days after the metropolitan district receives a verified account of actual costs under this subsection.

(4) If the legislative body of the metropolitan district disapproves all or a portion of a verified account of actual costs under subsection (3), the legislative body of the metropolitan district shall send a notice of disapproval along with the reasons for the disapproval to the county, city, or township. Upon request of a county, city, or township whose verified account or portion of a verified account was disapproved under this section, the legislative body of the metropolitan district shall review the disapproved costs with the county, city, or township.

(5) A legislative body of a metropolitan district, county, city, or township shall use the agreement made between the department of treasury and the secretary of state, as required by section 487, as a basis for preparing and evaluating verified accounts under this section. The secretary of state shall assist a legislative body of a metropolitan district, county, city, or township in preparing and evaluating a verified account under this section. If a county, city, or township and the legislative body of the metropolitan district cannot agree on the actual costs of an election as prescribed by this section, the secretary of state shall determine those actual costs.

History: Add. 2012, Act 586, Imd. Eff. Jan. 7, 2013.

Popular name: Election Code

168.390 Recall.

Sec. 390. Each officer on the legislative body of a metropolitan district is subject to recall by the electors of the metropolitan district in the manner prescribed in chapter XXXVI.

History: Add. 2012, Act 586, Imd. Eff. Jan. 7, 2013.

Popular name: Election Code