

SUBSTITUTE FOR
HOUSE BILL NO. 5997
(As amended June 22, 2004)

A bill to amend 1954 PA 116, entitled
"Michigan election law,"
by amending section 642 (MCL 168.642), as added by 2003 PA 302.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 642. (1) Except as otherwise provided in this section
2 and section 642a, on the effective date of this act, a city shall
3 hold its regular election or regular primary election as
4 follows:
5 (a) A city shall hold its regular election for a city office
6 at the odd year general election.
7 (b) A city shall hold its regular election primary at the odd
8 year primary election.
9 (c) A city that holds its regular election for a city office
10 annually or [in the even year] on the November regular election date
11 shall continue holding elections on that schedule.

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1 (d) A city that holds its regular election primary for a city
2 office annually or ~~[in the even year]~~ on the August regular primary
3 election date shall continue holding primary elections on that
4 schedule.

5 (2) If, on ~~the effective date of this section~~ September 1,
6 2004, a city holds its regular election at other than ~~[the odd~~
7 ~~year general election or annually on the a]~~ regular November
8 election date, the city council may choose to hold the regular
9 election on the May regular election date by adopting a
10 resolution in compliance with this section. Except as provided
11 in section 642a, if a city council adopts the resolution in
12 compliance with this section to hold its regular election on the
13 May regular election date, after December 31, 2004, the city's
14 regular election is on the May regular election date. If a
15 city's regular election is held on the May regular election date,
16 the city's regular election primary shall be held on the February
17 regular election date immediately before its regular election.

18 (3) If, on ~~the effective date of this section~~ September 1,
19 2004, a city holds its regular election annually ~~[or in the even year]~~ on
the November
20 regular election date, the city council may choose to hold the
21 regular election at the odd year general election by adopting a
22 resolution in compliance with this section. Except as provided
23 in section 642a, if a city council adopts the resolution in
24 compliance with this section to hold its regular election at the
25 odd year general election, after December 31, 2004, the city's
26 regular election is at the odd year election. If a city's
27 regular election is held at the odd year general election, the

1 city's regular election primary shall be held at the odd year
2 primary election.

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

14 (5) ~~—(4)—~~ If, on ~~the effective date of this section~~
15 **September 1, 2004**, a city holds its regular election primary at
16 the September primary election, the city council may choose to
17 continue holding its regular election primary at the September
18 primary election by adopting a resolution in compliance with this
19 section. Except as provided in section 642a(2), if a city
20 council adopts the resolution in compliance with this section to
21 hold its regular election primary at the September primary
22 election, after December 31, 2004, the city's regular election
23 primary is at the September primary election.

24 (6) ~~—(5)—~~ Except as otherwise provided in this section and
25 section 642a, on ~~the effective date of this act~~ **September 1,**
26 **2004**, a village shall hold its regular election as follows:

27 (a) A village shall hold its regular election for a village

1 office at the general election and the appropriate township clerk
2 shall conduct the election.

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

4 (7) ~~—(6)—~~ A village council may ~~—choose—~~ **make a 1-time choice**
5 to hold the regular election at the September primary election by
6 adopting a resolution in compliance with this section. Except as
7 provided in section 642a, if a village council adopts the
8 resolution in compliance with this section to hold its regular
9 election at the September primary election, after December 31,
10 2004, the village's regular election is at the September primary
11 election **and the village clerk shall conduct the election. The**
12 **resolution may provide for the terms of office and for staggered**
13 **terms.** If a village's regular or special election is held in
14 conjunction with another election conducted by a township, the
15 village shall pay the township a proportionate share of the
16 election expenses. If a village's regular or special election is
17 not held in conjunction with another election conducted by a
18 township, the village shall pay the township 100% of the actual
19 costs of conducting the village's regular or special election.
20 **The township shall make voting equipment available to a village**
21 **if the village conducts an election. If the village is located**
22 **in more than 1 township, the township with the largest number of**
23 **village electors shall furnish the voting equipment.**

24 (8) ~~—(7)—~~ Except as otherwise provided in this section and
25 section 642a, on ~~the effective date of this act~~ **September 1,**
26 **2004,** a school district shall hold its regular election for the
27 office of school board member at the odd year general election.

1 (9) ~~—(8)—~~ If, on ~~the effective date of this section~~
2 **September 1, 2004**, a school district holds its regular election
3 at other than the odd year general election, the school
4 district's school board may choose to hold its regular election
5 on 1 of the following by adopting a resolution in compliance with
6 this section:

7 (a) The odd year May regular election date.

8 (b) The ~~[general election~~ **November regular election date]** in both
even and odd years.

9 (c) The May regular election date in both even and odd
10 years.

11 (10) ~~—(9)—~~ A resolution permitted under **[this section or]** section
642a is valid

12 only if a city council, village council, or school board adopts
13 the resolution in compliance with all of the following:

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

15 (i) If the resolution is permitted under subsection (2), (3),
16 (4), ~~—(6)—~~ (5), (7), or ~~—(8)—~~ (9) of this section,
17 January 1, 2005.

18 (ii) If the resolution is permitted under section 642a(1),
19 (2), or (3), January 1 of the year in which the change in the
20 date of the election takes effect.

21 (b) Before adopting the resolution, the council or school
22 board holds at least 1 public hearing on the resolution. **The**
23 **public hearing may be held on the same day and immediately before**
24 **considering the adoption of the resolution.**

25 (c) The council or school board gives notice of each public
26 hearing on the resolution in a manner designed to reach the
27 largest number of the jurisdiction's qualified electors in a

1 timely fashion, and the notice states at least the following, as
2 applicable:

3 (i) That the hearing is being held on the issue of whether to
4 schedule the city's regular election on the May regular election
5 date and that, if the resolution is not adopted, the city's
6 regular election will be held at the odd year general election.

7 (ii) That the hearing is being held on the issue of whether
8 to schedule the city's regular election primary at the September
9 primary election and that, if the resolution is not adopted, the
10 city's regular election primary will be held on the odd year
11 primary election.

12 (iii) That the hearing is being held on the issue of whether
13 to schedule the village's regular election at the September
14 primary election and that, if the resolution is not adopted, the
15 village's regular election will be held at the general election.

16 (iv) That the hearing is being held on the issue of whether
17 to schedule the school district's regular election at other than
18 the odd year general election and that, if the resolution is not
19 adopted, the school district's regular election will be held at
20 the odd year general election. The notice shall specifically
21 state the regular election date permitted under subsection (8) on
22 which the school board is proposing that the school district's
23 regular election be held.

24 (v) That the hearing is being held on the issue of whether to
25 schedule the school district's regular election at the odd year
26 general election and that, if the resolution is not adopted, the
27 school district's regular election will continue to be held on

1 the date on which it is currently being held.

2 (d) The council or school board votes on the resolution
3 ~~immediately following the close of a public hearing on the~~
4 ~~resolution~~ and, on a record roll call vote, a majority of the
5 council's or school board's members, elected or appointed, and
6 serving, adopt the resolution.

7 (e) The council or school board files the resolution with the
8 secretary of state.

9 (11) ~~—(10)—~~ This section takes effect September 1, 2004.