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Senate Bill 513 (as introduced 5-19-05)
Sponsor: Senator Bev Hammerstron
Committee: Government Operations

Date Completed: 5-24-05

CONTENT

The bill would amend the Michigan Election Law to do the following:

- Allow a school district to change its regular election date to various elections other than the odd-year general election.**
- Require certain information to appear on a petition for a school district to borrow money, increase millage, or establish a bond.**
- Designate who would be responsible for establishing a school district's precincts and polling places.**
- Establish procedures for a school board to obtain a temporary variance regarding the terms of office of board members.**
- Require published notices of a ballot proposal to include a caption or brief description of the proposal, or the entire proposal in some cases.**
- Provide for a county clerk, rather than the Governor, to call a special election to fill a vacancy in a township office.**
- Increase the minimum time between the filing of a recall petition and the election on the question.**
- Set a deadline for the filing of nominating petitions for village offices.**
- Expand the offices listed in the nonpartisan section of a ballot.**

School Elections

Regular Election Date. The Election Law allowed a school board, by January 1, 2005, to adopt a resolution to hold its regular election on the odd-year May regular election; the May regular election in both even and odd years; or the November general election in both even and odd years. After December 31, 2004, if a school district's school board adopted a resolution so that its regular election is held on a date other than the odd-year general election, the school board may adopt a resolution to change its regular election to the odd-year general election. Under the bill, a school board could adopt a resolution to change its regular election to the odd-year general election, the general November election, the November regular election in both even and odd years, or the odd-year May regular election date.

Special Election on Borrowing, Millage, or Bond. The Law allows a school district to call a special election to submit a ballot question to borrow money, increase a millage, or establish a bond if an initiative petition, containing the required number of signatures, is filed with the county clerk. Under the bill, the proposed date of the special election would have to appear beneath the petition heading, and the petition would have to state clearly the amount of the

millage increase or the amount of the loan or bond sought, as well as the purpose for the millage increase or the loan or bond.

Currently, the petition must be filed with the county clerk by 4 p.m. of the 10th Tuesday before the proposed date of the special election. The bill would change that deadline to the 12th Tuesday.

District Precincts & Polling Places. The Election Law assigns certain responsibilities to a "school district election coordinator", who is either 1) the city or township clerk, for a school district whose entire territory lies within a single city or township, or 2) the county clerk of the county in which the largest number of registered school district electors reside, for a district with territory in more than one city or township.

The Law allows a school district election coordinator who is a county clerk to delegate specified duties to the city or township clerk. Under the bill, in addition to the duties currently listed, the coordinator could assign the duty of notifying school district electors of precinct and polling location changes.

The bill provides that, if the county clerk were the school district election coordinator for a school district, the county election commission would have to establish that district's election precincts and polling places in accordance with the Law. If the city or township clerk were the school district election coordinator, the city or village election commission would have to establish the district's precincts and polling places.

School Board Members. The Election Law and the Revised School Code govern the election, number, and terms of office of school board members. Under the bill, if a ballot question changing the number of school board members or changing the terms of office for school board members were proposed, and a school district needed a temporary variance from the terms of office provisions in the Law and the School Code to phase in or out board members' terms of office, the school board would have to submit the proposed ballot question language and a proposed transition plan to the Secretary of State (SOS) at least 30 days before the board submitted the ballot question language to the school district election coordinator.

The SOS would have to approve or reject the proposed transition plan within 10 business days of receiving it. The SOS would have to approve the proposed plan if it provided only temporary relief to the school district from the terms of office provisions of the Election Law and the School Code, until the time that the terms of office for school board members could be made to comply with the Law and the Code. The school board could not submit the proposed ballot question language to the school district election coordinator until the SOS approved the proposed transition plan.

Ballot Question Submission. The Election Law allows a school board to submit a ballot question to the school electors on a regular election date, on a date when the city or township within the school district's jurisdiction is holding an election by adopting a resolution to that effect at least 70 days before the election date, or on a special election date as provided in the Law. The school board must certify the ballot question language to the school district election coordinator at least 70 days before the election date.

The bill would delete those 70-day requirements. Under the bill, a school board would have to adopt a resolution, and the school district would have to certify ballot question language, not later than the time permitted for certification under Section 626a(2) (which sets various deadlines for the certification of ballot wording).

Published Election Notices

Under the Election Law, when a county clerk receives notice of an election from the SOS, the county clerk must notify the clerk of each city and township within the county. The city and township clerks then must give notice of the time and place of the election, the offices to be filled, and the proposals to be submitted to the voters. The notice must be published at least twice in a newspaper published, or of general circulation, in the city or township.

If the notice pertains to a special election for the purpose of voting on a proposal, the proposal, as it will appear on the ballot, must be contained in the notice. The bill would delete that requirement.

Under the bill, a caption or brief description of the proposal or proposals would have to be included in the first published notice. If the election included a statewide ballot proposal, a caption or brief description of that proposal also would have to be included in the second published notice. If the election pertained to a special election for the purpose of voting on a proposal, or the election included a local ballot proposal, the entire proposal as it would appear on the ballot would have to be included in the second published notice.

Registration Notice

The Election Law requires the clerk of each township, city, and village to give public notice of when he or she will be at the clerk's office or other designated place for the purpose of receiving registrations before an election or primary election. The notice must be published as provided in the Law.

If the notice of registration is for a special election for the purpose of voting on a proposal, the notice must state the proposal as it will appear on the ballot. The bill provides, instead, that if the notice of registration were for an election that included a ballot proposal, a caption or brief description of the ballot proposal would have to be stated in the notice.

Township Office Vacancy

The Election Law prescribes the procedures for filling a vacancy in an elective or appointive township office. As a rule, if a township official submits a resignation, the township board may appoint a person to fill the vacancy. If the board does not do so, or if a vacancy occurs in an elective township office and is not filled by the township board or the board of county election commissioners within 45 days after the vacancy begins, the county clerk of the county in which the township is located must notify the Governor of that fact. The Governor must call a special election to fill the vacancy.

The bill would delete the requirements for the county clerk to notify the Governor and for the Governor to call a special election, in this situation. Instead, the county clerk would have to call a special election within five calendar days to fill the vacancy. By 4 p.m. on the 15th calendar day after the county clerk called the special election, the township party committee for each political party in the township would have to submit a nominee to fill the vacancy.

The special election would have to be held on the next regular election date that was at least 60 days after the deadline for submitting nominees or 70 days after the deadline for submitting nominees if the next regular election date were the even-year August primary or the general November election. Notice of the special election would have to be given in the manner required by Section 653a (which provides for notification by city and township clerks upon receiving notice of an election from the county clerk, after the county clerk receives notice from the SOS).

Recall Elections

The Election Law provides for a special election to be called if a sufficient petition is filed for the recall of a United States Senator, member of Congress, State Senator or member of the House of Representatives, elective State officer, or county official (except a county commissioner). The election must be held on the next regular election date that is at least 70 days after the petition is filed. Under the bill, the election would have to be held on the next regular election date that was at least 95 days after the petition was filed.

Village Elections

The Election Law allowed villages, by adopting a resolution before January 1, 2005, to make a one-time choice to hold their regular elections at the September primary election (rather than at the general election in November in even-numbered years). Under the bill, if a village adopted such a resolution, the nominating petitions for village offices to be filled at the September primary election would have to be filed with the village clerk by 4 p.m. on the 12th Tuesday before that election.

Nonpartisan Offices

Under the Election Law, at the general November election, the names of the nonpartisan offices to be voted on must appear on a separate portion of the ballot in a particular order. Under the bill, this requirement would apply at any regular election. The bill also would add city officers, community college board of trustee members, intermediate school district board members, and district library board members to the prioritized list of nonpartisan offices.

MCL 168.301 et al.

Legislative Analyst: Suzanne Lowe

FISCAL IMPACT

The bill would have an indeterminate impact on local units of government related to published notices of ballot proposals.

Fiscal Analyst: Bill Bowerman

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.