

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 513

A bill to amend 1954 PA 116, entitled
"Michigan election law,"
by amending sections 301, 302, 312, 370, 381, 498, 500b, 509m,
509q, 509gg, 641, 642a, 653a, 699, and 963 (MCL 168.301, 168.302,
168.312, 168.370, 168.381, 168.498, 168.500b, 168.509m, 168.509q,
168.509gg, 168.641, 168.642a, 168.653a, 168.699, and 168.963),
section 301 as amended by 2004 PA 286, sections 302 and 312 as
added and sections 370, 509gg, and 963 as amended by 2003 PA 302,
section 381 as amended by 2004 PA 290, section 498 as amended by
1984 PA 89, section 500b as amended by 1989 PA 142, section 509m as
amended by 2004 PA 92, section 509q as added by 1994 PA 441,
section 641 as amended by 2003 PA 298, section 642a as amended by

2004 PA 294, section 653a as added by 1982 PA 2, and section 699 as amended by 2004 PA 297, and by adding sections 302a and 509hh.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 301. (1) Unless a particular power or duty of an election
2 official or a particular election procedure is specifically
3 governed by a provision of this chapter, a school district election
4 is governed by the provisions of this act that generally govern
5 elections.

6 (2) Except as provided in section 305, the school district
7 election coordinator for a school district shall conduct each
8 regular election and each special election that is requested by the
9 school board to submit a ballot question or to fill a vacancy on
10 the school board. In addition to receiving requests from the school
11 board to hold special elections, the school district election
12 coordinator shall do all of the following:

13 (a) Receive filing fees or nominating petitions and affidavits
14 of identity from candidates for school board and petitions for
15 special elections.

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

17 (c) Certify candidates.

18 (d) Receive ballot proposal language.

19 (e) Issue absent voter ballots.

20 (3) A school district election coordinator who is a county
21 clerk may delegate, if the city or township clerk agrees, all or a
22 portion of the school district election coordinator's duties to
23 that city or township clerk. The school district election
24 coordinator shall not delegate duties to any person not named in

1 this section.

2 (4) A school district election coordinator who is a county
3 clerk may delegate the following duties to the city or township
4 clerk, who shall perform the following duties:

5 (a) Distribute, receive, and process absent voter ballot
6 applications for a school election.

7 (b) Make voting systems available for the conduct of a school
8 election.

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

11 **(D) NOTIFY SCHOOL DISTRICT ELECTORS OF PRECINCT AND POLLING**
12 **PLACE LOCATION CHANGES.**

13 **(5) IF THE COUNTY CLERK IS THE SCHOOL DISTRICT ELECTION**
14 **COORDINATOR FOR A SCHOOL DISTRICT, THE COUNTY ELECTION COMMISSION**
15 **SHALL ESTABLISH THAT SCHOOL DISTRICT'S ELECTION PRECINCTS AND**
16 **POLLING PLACE LOCATIONS IN ACCORDANCE WITH THIS ACT.**

17 Sec. 302. An individual is eligible for election as a school
18 board member if the individual is a citizen of the United States
19 and is a qualified and registered elector of the school district
20 the individual seeks to represent by the filing deadline. At least
21 1 school board member for a school district shall be elected at
22 each of the school district's regular elections held as provided in
23 section **642 OR** 642a. Except as otherwise provided in this section
24 or section 310 or 644g, a school board member's term of office is
25 prescribed by the applicable provision of section 11a, 617, 701, or
26 703 of the revised school code, 1976 PA 451, MCL 380.11a, 380.617,
27 380.701, and 380.703, or section 34, 34a, 41, 54, or 83 of the

1 community college act of 1966, 1966 PA 331, MCL 389.34, 389.34a,
2 389.41, 389.54, and 389.83. EXCEPT AS PROVIDED IN SECTION 302A, IF
3 A BALLOT QUESTION CHANGING THE NUMBER OF SCHOOL BOARD MEMBERS OR
4 CHANGING THE TERMS OF OFFICE FOR SCHOOL BOARD MEMBERS PURSUANT TO
5 SECTION 11A OF THE REVISED SCHOOL CODE, 1976 PA 451, MCL 380.11A,
6 IS PROPOSED AND A SCHOOL DISTRICT NEEDS A TEMPORARY VARIANCE FROM
7 THE TERMS OF OFFICE PROVISIONS IN THIS ACT AND THE REVISED SCHOOL
8 CODE, 1976 PA 451, MCL 380.1 TO 380.1852, TO PHASE IN OR OUT SCHOOL
9 BOARD MEMBERS' TERMS OF OFFICE, THE SCHOOL BOARD SHALL SUBMIT THE
10 PROPOSED BALLOT QUESTION LANGUAGE AND A PROPOSED TRANSITION PLAN TO
11 THE SECRETARY OF STATE AT LEAST 30 DAYS BEFORE THE SCHOOL BOARD
12 SUBMITS THE BALLOT QUESTION LANGUAGE TO THE SCHOOL DISTRICT
13 ELECTION COORDINATOR PURSUANT TO SECTION 312. THE SECRETARY OF
14 STATE SHALL APPROVE OR REJECT THE PROPOSED TRANSITION PLAN WITHIN
15 10 BUSINESS DAYS OF RECEIPT OF THE PROPOSED TRANSITION PLAN. THE
16 SECRETARY OF STATE SHALL APPROVE THE PROPOSED TRANSITION PLAN IF
17 THE PLAN PROVIDES ONLY TEMPORARY RELIEF TO THE SCHOOL DISTRICT FROM
18 THE TERMS OF OFFICE PROVISIONS IN THIS ACT AND THE REVISED SCHOOL
19 CODE, 1976 PA 451, MCL 380.1 TO 380.1852, UNTIL SUCH TIME THAT THE
20 TERMS OF OFFICE FOR SCHOOL BOARD MEMBERS CAN BE MADE TO COMPLY WITH
21 THIS ACT AND THE REVISED SCHOOL CODE, 1976 PA 451, MCL 380.1 TO
22 380.1852. THE SCHOOL BOARD SHALL NOT SUBMIT THE PROPOSED BALLOT
23 QUESTION LANGUAGE TO THE SCHOOL DISTRICT ELECTION COORDINATOR
24 PURSUANT TO SECTION 312 UNTIL THE PROPOSED TRANSITION PLAN IS
25 APPROVED BY THE SECRETARY OF STATE. A school board member's term
26 begins on 1 of the following dates:

27 (a) If elected at an election held on a November regular

1 election date, January 1 immediately following the election.

2 (b) If elected at an election held on a May regular election
3 date, July 1 immediately following the election.

4 **SEC. 302A. IF ON OR BEFORE JANUARY 1, 2004 A SCHOOL DISTRICT'S**
5 **ELECTORS APPROVED A PLAN TO CHANGE THE NUMBER OF SCHOOL BOARD**
6 **MEMBERS OR CHANGE THE TERMS OF OFFICE FOR SCHOOL BOARD MEMBERS, AND**
7 **IF LEGISLATION ENACTED AFTER JANUARY 1, 2004 MAKES IMPLEMENTATION**
8 **OF THESE CHANGES IMPOSSIBLE OR IMPRACTICAL, THE SCHOOL BOARD MAY**
9 **ADOPT BY RESOLUTION AT A PUBLIC HEARING A TRANSITION PLAN TO BRING**
10 **THE SCHOOL DISTRICT'S ELECTION SCHEDULE BACK INTO COMPLIANCE WITH**
11 **THE INTENT OF THE PLAN APPROVED BY THE ELECTORS ON OR BEFORE**
12 **JANUARY 1, 2004 WITHOUT REQUIRING APPROVAL OF THE TRANSITION PLAN**
13 **BY THE SECRETARY OF STATE OR PREPARATION OR PASSAGE OF A BALLOT**
14 **QUESTION.**

15 Sec. 312. (1) A school board may submit a ballot question to
16 the school electors on a regular election date, on a date when a
17 city or township within the school district's jurisdiction is
18 holding an election by adopting a resolution to that effect not
19 ~~less than 70 days before the election date~~ **LATER THAN THE TIME**
20 **PERMITTED FOR CERTIFICATION UNDER SECTION 646A(2)**, or on a special
21 election date as provided in section 641(4). The school board shall
22 certify the ballot question language to the school district
23 election coordinator not ~~less than 70 days before the election~~
24 ~~date~~ **LATER THAN THE TIME PERMITTED FOR CERTIFICATION UNDER SECTION**
25 **646A(2)**. If the ballot question is submitted on the same date as an
26 election for a state or county office, the school district election
27 coordinator shall send a copy of the ballot question language to

1 the county clerk of each county not less than 68 days before the
2 election.

3 (2) If a special election is called on a date provided under
4 section 641(4), the school district election coordinating committee
5 shall schedule the special election date.

6 Sec. 370. (1) Except as provided in subsection (2), if a
7 vacancy occurs in an elective or appointive township office, the
8 vacancy shall be filled by appointment by the township board, and
9 the person appointed shall hold the office for the remainder of the
10 unexpired term.

11 (2) If 1 or more vacancies occur in an elective township
12 office that cause the number of members serving on the township
13 board to be less than the minimum number of board members that is
14 required to constitute a quorum for the transaction of business by
15 the board, the board of county election commissioners shall make
16 temporary appointment of the number of members required to
17 constitute a quorum for the transaction of business by the township
18 board. An official appointed under this subsection shall hold the
19 office only until the official's successor is elected or appointed
20 and qualified. An official who is temporarily appointed under this
21 subsection shall not vote on the appointment of himself or herself
22 to an elective or appointive township office.

23 (3) If a township official submits a written resignation from
24 an elective township office, for circumstances other than a
25 resignation related to a recall election, that specifies a date and
26 time when the resignation is effective, the township board, within
27 30 days before that effective date and time, may appoint a person

1 to fill the vacancy at the effective date and time of the
2 resignation. The resigning official shall not vote on the
3 appointment.

4 (4) Except as provided in subsection (5), if the township
5 board does not make an appointment under subsection (3), or if a
6 vacancy occurs in an elective township office and the vacancy is
7 not filled by the township board or the board of county election
8 commissioners within 45 days after the beginning of the vacancy,
9 the county clerk of the county in which the township is located
10 shall ~~notify the governor of the fact~~ **CALL A SPECIAL ELECTION**
11 **WITHIN 5 CALENDAR DAYS TO FILL THE VACANCY.** ~~The governor shall~~
12 ~~call a special election to fill the vacancy. The governor shall~~
13 ~~provide for the date for the filing of the petitions, and that date~~
14 ~~shall also be the last date to register for the special primary~~
15 ~~election.~~ **NOT LATER THAN 4 P.M. ON THE FIFTEENTH CALENDAR DAY**
16 **AFTER THE COUNTY CLERK CALLS A SPECIAL ELECTION PURSUANT TO THIS**
17 **SECTION, THE TOWNSHIP PARTY COMMITTEE FOR EACH POLITICAL PARTY IN**
18 **THE TOWNSHIP SHALL SUBMIT A NOMINEE TO FILL THE VACANCY. THE**
19 **SPECIAL ELECTION SHALL BE HELD ON THE NEXT REGULAR ELECTION DATE**
20 **THAT IS NOT LESS THAN 60 DAYS AFTER THE DEADLINE FOR SUBMITTING**
21 **NOMINEES UNDER THIS SECTION OR 70 DAYS AFTER THE DEADLINE FOR**
22 **SUBMITTING NOMINEES UNDER THIS SECTION IF THE NEXT REGULAR ELECTION**
23 **DATE IS THE EVEN YEAR AUGUST PRIMARY OR THE GENERAL NOVEMBER**
24 **ELECTION. NOTICE OF THE SPECIAL ELECTION SHALL BE GIVEN IN THE SAME**
25 **MANNER REQUIRED BY SECTION 653A.** A special ~~primary or~~ election
26 called ~~by the governor~~ under ~~authority of~~ this section does not
27 affect the rights of a qualified elector to register for any other

1 election. A person elected to fill a vacancy shall serve for the
2 remainder of the unexpired term.

3 (5) Subsection (4) does not apply to the office of township
4 constable. If a vacancy occurs in the office of township constable,
5 the township board shall determine if and when the vacancy shall be
6 filled by appointment. If the township board does not fill the
7 vacancy by appointment, the office of township constable shall
8 remain vacant until the next general or special election in which
9 township offices are filled.

10 Sec. 381. (1) Except as provided in subsection (2) and
11 sections 383, 641, 642, and 644g, the qualifications, nomination,
12 election, appointment, term of office, and removal from office of a
13 village officer shall be as determined by the charter provisions
14 governing the village.

15 (2) If the membership of the village council of a village
16 governed by the general law village act, 1895 PA 3, MCL 61.1 to
17 74.25, is reduced to less than a quorum of 4 and a special election
18 for the purpose of filling all vacancies in the office of trustee
19 is called under section 13 of chapter II of the general law village
20 act, 1895 PA 3, MCL 62.13, temporary appointments of trustees shall
21 be made as provided in this subsection. The board of county
22 election commissioners of the county in which the largest portion
23 of the population of the village is situated shall make temporary
24 appointment of the number of trustees required to constitute a
25 quorum for the transaction of business by the village council. A
26 trustee appointed under this subsection shall hold the office only
27 until the trustee's successor is elected and qualified. A trustee

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1 who is temporarily appointed under this subsection shall not vote
2 on the appointment of himself or herself to an elective or
3 appointive village office.

4 (3) Notwithstanding another provision of law or charter to the
5 contrary, an appointment to an elective or appointive village
6 office made by a quorum constituted by temporary appointments under
7 this subsection expires upon the election and qualification of
8 trustees under the special election called to fill the vacancies in
9 the office of trustee.

10 (4) Filing for a village office shall be with the township
11 clerk if the township is conducting the election or if the village
12 is located in more than 1 township with the township in which the
13 largest number of the registered electors of the village reside.

14 (5) IF A VILLAGE COUNCIL ADOPTS A RESOLUTION IN COMPLIANCE
15 WITH SECTION 642(7) TO HOLD ITS REGULAR ELECTION AT THE SEPTEMBER
16 PRIMARY ELECTION, THE NOMINATING PETITIONS FOR VILLAGE OFFICES TO
17 BE FILLED AT THE SEPTEMBER PRIMARY ELECTION SHALL BE FILED [AS PROVIDED
18 IN THIS SUBSECTION. UNTIL JANUARY 1, 2006, NOMINATING PETITIONS SHALL
19 BE FILED WITH THE VILLAGE CLERK BY 4 P.M. ON THE EIGHTH TUESDAY BEFORE
20 THE SEPTEMBER PRIMARY ELECTION. ON AND AFTER JANUARY 1, 2006, NOMINATING
21 PETITIONS SHALL BE FILED] WITH THE
22 VILLAGE CLERK BY 4 P.M. ON THE TWELFTH TUESDAY BEFORE THE SEPTEMBER
23 PRIMARY ELECTION. AFTER A NOMINATING PETITION IS FILED FOR A
24 CANDIDATE FOR A VILLAGE OFFICE, THE CANDIDATE IS NOT PERMITTED TO
25 WITHDRAW UNLESS A WRITTEN WITHDRAWAL NOTICE, SIGNED BY THE
26 CANDIDATE, IS FILED WITH THE VILLAGE CLERK NOT LATER THAN 4 P.M. OF
27 THE THIRD DAY AFTER THE LAST DAY FOR FILING THE NOMINATING
PETITION.

25 Sec. 498. (1) The governing body of a township, city, or
26 village may provide by resolution that in that township, city, or
27 village the clerk shall be at the clerk's office, or in some other

1 convenient place designated by the clerk, during the hours
2 designated by the governing body on the thirtieth day preceding an
3 election or primary election in the township, city, or village,
4 unless the thirtieth day falls on a Saturday, Sunday, or legal
5 holiday, in which event registration shall be accepted during the
6 same hours on the following day.

7 (2) In a township, city, or village in which the clerk does
8 not maintain regular daily office hours, the township board or the
9 legislative body of the city or village may require that the clerk
10 of the township, city, or village shall be at the clerk's office or
11 other designated place for the purpose of receiving applications
12 for registration on the days which the board or legislative body
13 designates, but not more than 5 days before the last day for
14 registration.

15 (3) The clerk of each township, city, and village shall give
16 public notice of the days and hours that the clerk will be at the
17 clerk's office or other designated place for the purpose of
18 receiving registrations before an election or primary election by
19 publication of the notice, except as provided in subsection (4) and
20 section 497(2), ~~at least twice~~ in a newspaper published or of
21 general circulation in the township, city, or village and, if
22 considered advisable by the township, city, or village clerk, by
23 posting written or printed notices in at least 2 of the most
24 conspicuous places in each election precinct. Except as provided in
25 subsection (4), ~~and except for a notice of registration for a~~
26 ~~special election held pursuant to section 640,~~ the ~~first~~
27 publication or posting shall be made not less than ~~10~~ 7 days

1 before the last day for receiving registrations. ~~If the notice of~~
2 ~~registration is for a special election for purposes of voting upon~~
3 ~~a proposal, other than a special election held pursuant to section~~
4 ~~640, the proposal as it will appear on the ballot shall be stated~~
5 ~~in the notice.~~ **THE NOTICE OF REGISTRATION SHALL INCLUDE THE**
6 **OFFICES TO BE FILLED THAT WILL APPEAR ON THE BALLOT. IF THE NOTICE**
7 **OF REGISTRATION IS FOR AN ELECTION THAT INCLUDES A BALLOT PROPOSAL,**
8 **A CAPTION OR BRIEF DESCRIPTION OF THE BALLOT PROPOSAL ALONG WITH**
9 **THE LOCATION WHERE AN ELECTOR CAN OBTAIN THE FULL TEXT OF THE**
10 **BALLOT PROPOSAL SHALL BE STATED IN THE NOTICE.**

11 (4) Notice of registration for a school millage election that
12 will be held pursuant to section 36 of the general property tax
13 act, ~~Act No. 206 of the Public Acts of 1893, as amended, being~~
14 ~~section 211.36 of the Michigan Compiled Laws~~ **1893 PA 206, MCL**
15 **211.36**, shall be required to be published ~~only~~ once and shall be
16 made not less than 5 days before the last day for receiving
17 registrations as provided in section 497a.

18 (5) A county clerk may enter into an agreement with the clerk
19 of 1 or more townships or cities in the county or the clerks of 1
20 or more cities or townships in a county may enter into an agreement
21 to jointly publish the notice required in subsection (3). The
22 notice shall be published in a newspaper of general circulation in
23 the cities and townships listed in the notice.

24 Sec. 500b. (1) Not more than 5 business days after receipt of
25 an application for registration, the county clerk shall forward the
26 application for registration to the clerk of the city or township
27 in which the applicant resides.

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1 (2) Compensation to be paid county clerks for ~~transmittal of~~
2 **TRANSMITTING** applications shall be appropriated by the legislature
3 to the secretary of state for equitable distribution by the
4 secretary of state to the county clerks. The city or township clerk
5 shall obtain needed additional information on an application that
6 is not completed properly or return to the secretary of state's
7 election division an application needing additional information or
8 not completed properly. An application received by the clerk of a
9 city or township in which the applicant does not reside shall be
10 transmitted promptly to the appropriate county clerk of the county
11 in which the applicant resides. If the city or township clerk knows
12 the city or township in which the applicant resides, the clerk
13 shall inform the county clerk of the county in which the applicant
14 resides and forward the application directly to the clerk of the
15 city or township in which the applicant resides.

16 (3) **THE SECRETARY OF STATE MAY ELECTRONICALLY TRANSMIT TO THE**
17 **QUALIFIED VOTER FILE [VOTER REGISTRATION CHANGE OF ADDRESS INFORMATION]**
18 **RECEIVED FROM**
19 **A REGISTERED ELECTOR WHO IS CHANGING THE ADDRESS ON HIS OR HER**
20 **OPERATOR'S OR CHAUFFEUR'S LICENSE ISSUED PURSUANT TO THE MICHIGAN**
21 **VEHICLE CODE, 1949 PA 300, MCL 257.1 TO 257.923, OR OFFICIAL STATE**
22 **PERSONAL IDENTIFICATION CARD ISSUED PURSUANT TO 1972 PA 222, MCL**
23 **28.291 TO 28.300. THE SECRETARY OF STATE IS NOT REQUIRED TO**
24 **TRANSMIT [A] PAPER COPY OF AN ELECTOR'S VOTER REGISTRATION**
25 **[CHANGE OF ADDRESS INFORMATION] IF THE ELECTOR'S SIGNATURE IS**
26 **ALREADY CAPTURED OR**
27 **REPRODUCED UNDER SECTION 307 OF THE MICHIGAN VEHICLE CODE, 1949 PA**
28 **300, MCL 257.307, AND [HAS] BEEN TRANSMITTED TO THE QUALIFIED VOTER FILE.**
29 **THIS SUBSECTION APPLIES TO ADDRESS CHANGES MADE WITHIN A CITY OR**

1 **TOWNSHIP AND TO ADDRESS CHANGES MADE FROM 1 CITY OR TOWNSHIP TO**
2 **ANOTHER CITY OR TOWNSHIP.**

3 Sec. 509m. (1) The purposes of this section and sections 509n
4 to ~~509gg~~ **509HH** are all of the following:

5 (a) To establish a statewide qualified voter file that
6 consists of all qualified electors who wish to be registered to
7 vote in local, state, and federal elections.

8 (b) To enhance the uniformity of the administration of
9 elections by creating and maintaining a statewide **QUALIFIED VOTER**
10 file. ~~of qualified voters.~~

11 (c) To increase the efficiency and decrease the public cost of
12 maintaining voter registration files and implementing the national
13 voter registration act of 1993.

14 (d) To increase the integrity of the voting process by
15 creating a single qualified voter file that will permit the name of
16 each citizen of this state to appear only once and that is compiled
17 from other state files that require citizens to verify their
18 identity and residence.

19 (e) To apply technology and information gathered by principal
20 executive departments, state agencies, and county, city, township,
21 and village clerks in a manner that ensures that accurate and
22 current records of qualified voters are maintained.

23 (2) As used in sections 509n to ~~509gg~~ **509HH**:

24 (a) "Designated voter registration agency" means an office
25 designated under section 509u to perform voter registration
26 activities in this state.

27 (b) "Qualified voter file" means the statewide qualified voter

1 file established according to section 509o.

2 Sec. 509q. The qualified voter file shall contain all of the
3 following information for each qualified voter:

4 (a) The name; residence address including house number and
5 street name or rural route and box number, and the apartment
6 number, if any; city; state; zip code; and date of birth.

7 (b) The driver's license number or state personal
8 identification card number or similar number issued by a designated
9 voter registration agency.

10 (c) Jurisdictional information including county and city or
11 township; village, if any; and school district.

12 (d) Precinct numbers and ward numbers, if any.

13 (e) Any other information that the secretary of state
14 determines is necessary to assess the eligibility of qualified
15 electors or to administer voter registration or other aspects of
16 the election process.

17 (f) Voting history for a 5-year period.

18 **(G) THE DIGITIZED SIGNATURE OF AN ELECTOR IF CAPTURED OR**
19 **REPRODUCED BY THE SECRETARY OF STATE OR A COUNTY, CITY, OR TOWNSHIP**
20 **CLERK FROM A VOTER REGISTRATION APPLICATION PURSUANT TO SECTION**
21 **509HH, OR CAPTURED OR REPRODUCED BY THE SECRETARY OF STATE PURSUANT**
22 **TO SECTION 307 OF THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL**
23 **257.307.**

24 Sec. 509gg. The information described in this section that is
25 contained in a registration record is exempt from the freedom of
26 information act, 1976 PA 442, MCL 15.231 to 15.246. The secretary
27 of state, a designated voter registration agency, or a county,

1 city, township, or village clerk shall not release a copy of that
2 portion of a registration record that contains any of the
3 following:

4 (a) The record that a person declined to register to vote.

5 (b) The office that received a registered voter's application.

6 (c) A registered voter's driver's license or state personal
7 identification card number.

8 (d) The month and day of birth of a registered voter.

9 (e) The telephone number provided by the registered voter.

10 (F) THE DIGITIZED SIGNATURE OF AN ELECTOR THAT IS CAPTURED OR
11 REPRODUCED AND TRANSMITTED TO THE QUALIFIED VOTER FILE BY THE
12 SECRETARY OF STATE OR A COUNTY, CITY, OR TOWNSHIP CLERK UNDER
13 SECTION 509HH OR BY THE SECRETARY OF STATE UNDER SECTION 307 OF THE
14 MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.307.

15 SEC. 509HH. (1) THE SECRETARY OF STATE MAY CAPTURE OR
16 REPRODUCE THE SIGNATURE OF AN ELECTOR FROM A VOTER REGISTRATION
17 APPLICATION OR PURSUANT TO SECTION 307 OF THE MICHIGAN VEHICLE
18 CODE, 1949 PA 300, MCL 257.307, AND TRANSMIT THE SIGNATURE TO THE
19 QUALIFIED VOTER FILE PURSUANT TO SECTION 509Q.

20 (2) THE COUNTY, CITY, OR TOWNSHIP CLERK MAY CAPTURE OR
21 REPRODUCE THE SIGNATURE OF AN ELECTOR FROM A VOTER REGISTRATION
22 APPLICATION AND TRANSMIT THE SIGNATURE TO THE QUALIFIED VOTER FILE
23 PURSUANT TO SECTION 509Q.

24 (3) THE SIGNATURE OF AN ELECTOR CAPTURED OR REPRODUCED AND
25 TRANSMITTED TO THE QUALIFIED VOTER FILE MAY BE USED BY AN ELECTION
26 OFFICIAL WHEN A SIGNATURE COMPARISON IS REQUIRED TO VERIFY AN
27 ELECTOR'S IDENTITY FOR AN ELECTION MATTER INVOLVING, BUT NOT

1 LIMITED TO, VOTER REGISTRATION, A PETITION, AN AFFIDAVIT, AN ABSENT
2 VOTER BALLOT APPLICATION, OR AN ABSENT VOTER BALLOT.

3 Sec. 641. (1) Except as otherwise provided in this section and
4 sections 642 and 642a, beginning January 1, 2005, an election held
5 under this act shall be held on 1 of the following regular election
6 dates:

7 (a) The February regular election date, which is the fourth
8 Tuesday in February.

9 (b) The May regular election date, which is the first Tuesday
10 after the first Monday in May.

11 (c) The August regular election date, which is the first
12 Tuesday after the first Monday in August.

13 (d) The November regular election date, which is the first
14 Tuesday after the first Monday in November.

15 (2) If an elective office is listed by name in section 643,
16 requiring the election for that office to be held at the general
17 election, and if candidates for the office are nominated at a
18 primary election, the primary election shall be held on the August
19 regular election date.

20 (3) Except as otherwise provided in this subsection and
21 subsection (4), a special election shall be held on a regular
22 election date. A special election called by the governor under
23 section 145, 178, ~~370,~~ 632, 633, or 634 to fill a vacancy or
24 called by the legislature to submit a proposed constitutional
25 amendment as authorized in section 1 of article XII of the state
26 constitution of 1963 may, but is not required to be, held on a
27 regular election date.

1 (4) A school district may call a special election to submit a
2 ballot question to borrow money, increase a millage, or establish a
3 bond if an initiative petition is filed with the county clerk. The
4 petition shall be signed by a number of qualified and registered
5 electors of the district equal to not less than 10% of the electors
6 voting in the last gubernatorial election in that district or 3,000
7 signatures, whichever number is lesser. Section 488 applies to a
8 petition to call a special election for a school district under
9 this section. **IN ADDITION TO THE REQUIREMENTS SET FORTH IN SECTION**
10 **488, THE PROPOSED DATE OF THE SPECIAL ELECTION SHALL APPEAR BENEATH**
11 **THE PETITION HEADING, AND THE PETITION SHALL CLEARLY STATE THE**
12 **AMOUNT OF THE MILLAGE INCREASE OR THE AMOUNT OF THE LOAN OR BOND**
13 **SOUGHT AND THE PURPOSE FOR THE MILLAGE INCREASE OR THE PURPOSE FOR**
14 **THE LOAN OR BOND.** The petition shall be filed with the county clerk
15 by 4 p.m. of the ~~tenth~~ **TWELFTH** Tuesday before the proposed date
16 of the special election. The petition signatures shall be obtained
17 within 60 days before the filing of the petition. Any signatures
18 obtained more than 60 days before the filing of the petition are
19 not valid. If the special election called by the school district is
20 not scheduled to be held on a regular election date as provided in
21 subsection (1), the special election shall be held on a Tuesday. A
22 special election called by a school district under this subsection
23 shall not be held within 30 days before or 35 days after a regular
24 election date as provided in subsection (1). A school district may
25 only call 1 special election **PURSUANT TO THIS SUBSECTION** in each
26 calendar year.

27 (5) The secretary of state shall make a report to the house

1 and senate committees that consider election issues by December 1,
2 2006. The secretary of state shall report about the special
3 elections held under this subsection, including, but not limited
4 to, all of the following:

5 (a) The number of times a special election has been held.

6 (b) Which school districts have held special elections.

7 (c) Information about the success rate of the ballot question
8 submitted at the special elections.

9 (d) Information about voter turnout, including the percentage
10 and number of registered voters who voted in each special election.

11 (6) The secretary of state shall direct and supervise the
12 consolidation of all elections held under this act.

13 (7) This section shall be known and may be cited as the
14 "Hammerstrom election consolidation law".

15 Sec. 642a. (1) After December 31, 2004, a city council that
16 adopted a resolution so that its regular election is held on the
17 May regular election date may change its regular election to the
18 odd year general election by adopting a resolution in compliance
19 with section 642. If a city council adopts the resolution in
20 compliance with section 642 to hold its regular election at the odd
21 year general election, after December 31 of the year in which the
22 resolution is adopted, the city's regular election is at the odd
23 year general election.

24 (2) After December 31, 2004, a city council that holds its
25 regular election for city offices annually or in the even year on
26 the November regular election date may change its regular election
27 schedule to the odd year general election and the odd year primary

1 election by adopting a resolution in compliance with section 642.
2 If a city council adopts the resolution in compliance with section
3 642, the city's regular election is at the odd year general
4 election and its primary is at the odd year primary election.

5 (3) After December 31, 2004, a city council that adopted a
6 resolution so that its regular election primary is held at the
7 September primary election may change its regular election primary
8 to the odd year primary election by adopting a resolution in
9 compliance with section 642. If a city council adopts the
10 resolution in compliance with section 642 to hold its regular
11 election primary on the odd year primary election date, after
12 December 31 of the year in which the resolution is adopted, the
13 city's regular election primary is on the odd year primary election
14 date.

15 (4) After December 31, 2004, a school district's school board
16 that adopted a resolution so that its regular election is held on a
17 date other than at the odd year general election may change its
18 regular election to the odd year general election, **THE GENERAL**
19 **NOVEMBER ELECTION, THE NOVEMBER REGULAR ELECTION DATE IN BOTH EVEN**
20 **AND ODD YEARS, OR THE ODD YEAR MAY REGULAR ELECTION DATE** by
21 adopting a resolution in compliance with section 642. If a school
22 board adopts the resolution in compliance with section 642 to hold
23 its regular election at the odd year general election, **THE GENERAL**
24 **NOVEMBER ELECTION, THE NOVEMBER REGULAR ELECTION DATE IN BOTH EVEN**
25 **AND ODD YEARS, OR THE ODD YEAR MAY REGULAR ELECTION DATE**, after
26 December 31 of the year in which the resolution is adopted, the
27 school board's school district shall hold its regular election ~~at~~

1 ON the ~~odd year general~~ election **DATE ADOPTED IN THE RESOLUTION.**

2 (5) After December 31, 2004, a village council that adopted a
 3 resolution so that its regular election is held on the September
 4 primary election date may change its regular election to the
 5 November regular election date by adopting a resolution in
 6 compliance with section 642. If a village council adopts the
 7 resolution in compliance with section 642 to hold its regular
 8 election at the November regular election date, after December 31
 9 of the year in which the resolution is adopted, the village's
 10 regular election is at the November regular election date.

11 ~~----- (6) This section takes effect September 1, 2004.~~

12 Sec. 653a. (1) On receipt of the notice from the county clerk
 13 pursuant to section 652, the clerk of each city and township shall
 14 give notice of the time and place at which the election is to be
 15 held, the offices to be filled, and the proposals to be submitted
 16 to the voters. ~~If the notice pertains to a special election for~~
 17 ~~the purpose of voting upon a proposal, the proposal, as it will~~
 18 ~~appear on the ballot, shall be contained in the notice.~~ The notice
 19 shall be published ~~at least twice~~ in a newspaper published, or of
 20 general circulation, in the city or township. **A CAPTION OR BRIEF**
 21 **DESCRIPTION OF THE PROPOSAL OR PROPOSALS ALONG WITH THE LOCATION**
 22 **WHERE AN ELECTOR CAN OBTAIN THE FULL TEXT OF THE PROPOSAL OR**
 23 **PROPOSALS SHALL BE INCLUDED IN THE NOTICE.** The ~~first~~ publication
 24 shall be **MADE** not less than ~~10~~ 7 days before the election. The
 25 notice shall be in substantially the following form:

26

ELECTION NOTICE

1 To the qualified electors of the city or township _____

2 notice is hereby given that a _____

3 (indicate whether regular, special, or primary)

4 election will be held in _____ on _____

5 (date)

6 from 7 a.m. to 8 p.m. for the purpose of nominating or electing

7 candidates for the following offices: _____

8 (list of offices)

9 and to vote on the following proposals: _____

10 (list all proposals to be submitted to voters)

11 List of polling place locations: _____.

12 _____

13 (clerk)

14 (2) A county clerk may enter into an agreement with the clerk
15 of 1 or more townships or cities in the county or the clerks of 1
16 or more cities or townships in a county may enter into an agreement
17 to jointly publish the notice in subsection (1). The notice shall
18 be published in a newspaper of general circulation in the cities
19 and townships listed in the notice. If certain offices or proposals
20 are to be voted on in less than all of the precincts, the notice
21 shall specify the townships or cities that shall vote on only those
22 offices or proposals.

23 Sec. 699. At ~~the general November~~ **ANY REGULAR** election, the
24 names of the several nonpartisan offices to be voted for shall be
25 placed on a separate portion of the ballot containing no party
26 designation in the following order: justices of the supreme court,

1 judges of the court of appeals, judges of the circuit court, judges
2 of the probate court, judges of the district court, **CITY OFFICERS,**
3 the following village officers in substantially the following order
4 in the year in which elections for the offices are held: president,
5 clerk, treasurer, and trustees, and in a year in which an election
6 for the office is held, **LOCAL school DISTRICT board member,**
7 **COMMUNITY COLLEGE BOARD OF TRUSTEES MEMBER, INTERMEDIATE SCHOOL**
8 **DISTRICT BOARD MEMBER, AND DISTRICT LIBRARY BOARD MEMBER.**

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

18 (2) Immediately upon determining that the petition is
19 sufficient, but not later than 35 days after the date of filing of
20 the petition, the county clerk with whom the petition is filed
21 shall call the special election to determine whether the electors
22 will recall the officer whose recall is sought. The election shall
23 be held on the next regular election date that is not less than ~~70~~
24 **95** days after the date the petition is filed.

25 (3) If a petition is filed under section 959, the filing
26 official with whom the petition is filed shall call the special
27 election. The election shall be held on the next regular election

Senate Bill No. 513 (H-1) as amended June 15, 2005

1 date that is not less than ~~70~~ 95 days after the petition is

2 filed.

[Enacting section 1. Section 641(4) of the Michigan election law,
1954 PA 116, MCL 168.641, as amended by this amendatory act, takes effect
70 days after the date this amendatory act is enacted.]

3 Enacting section [2]. If any portion of this amendatory act or

4 the application of this amendatory act to any person or

5 circumstances is found invalid by a court, the invalidity shall not

6 affect the remaining portions or applications of this amendatory

7 act that can be given effect without the invalid portion or

8 application, if the remaining portions are not determined by the

9 court to be inoperable, and to this end this amendatory act is

10 declared to be severable.