

Legislative Analysis



MOVE LOCAL TERM OF OFFICE START DATE TO DECEMBER 1

Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 5699 as introduced
Sponsor: Rep. Penelope Tsernoglou

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

House Bill 5700 as introduced
Sponsor: Rep. Veronica A. Paiz

House Bill 5701 as introduced
Sponsor: Rep. Matt Koleszar

House Bill 5702 as introduced
Sponsor: Rep. Sharon MacDonell

Committee: Elections
Complete to 5-14-24

SUMMARY:

Together, House Bills 5699 to 5702 would require city, township, and village officials to begin their terms of office on December 1, beginning in 2025. The bills would also provide that an individual elected to fill a vacancy as a result of a special election could not take office until the election is certified by the appropriate board of canvassers.

House Bill 5699 would amend the Michigan Election Law to set the start date for the term of office for all township officials elected after December 31, 2024, at 12:00 p.m. (i.e., noon) on the December 1 following their election. Currently, these officials begin their terms at 12:00 p.m. on the November 20 following their election. (The November 20 date would remain for officials elected before January 1, 2025.)

The bill would also remove a provision that generally requires elected township officers other than a township supervisor, clerk, treasurer, trustee, constable, library director, or park commissioner to be elected at the November election before their term expires and commence the duties of their office on November 20.

However, if a special election were held to fill a vacancy in an elective township office, the winner could not take the oath of office until the results of the election have been certified.¹

MCL 168.362 and 168.370

House Bill 5700 would add a new section to the Home Rule City Act to require terms of office for elected city officials to begin on or after December 1, beginning in 2025.

The bill would generally require all terms of city officers elected after December 31, 2024, to begin no earlier than 12:00 p.m. on the December 1 following the election. If a city charter provides for a term of office to commence after an election but before December 1, all terms

¹ A special election is generally held if the official resigns for reasons other than a recall and the township board does not make an appointment to fill the vacancy, or if a vacancy occurs in an elective township office (other than the office of township constable) and the vacancy is not filled within 45 days.

of city officers who are elected after December 31, 2024, would commence on December 1 at 12:00 p.m.

The bill would also specify that an individual elected to fill a vacancy in a city office could not take the oath of office until the results of the election have been certified.

Proposed MCL 117.3c

House Bill 5701 would amend the General Law Village Act to move the term of office for a village president, clerk, treasurer, or trustee elected at a regular village election to the December 1 following the officer's election and qualification. Currently, these terms begin on the November 20 after the individual is elected and qualified.

The date on which a village council must annually appoint a president pro tempore, which is currently November 20, would also be moved to December 1.

However, if a special election were held to fill a vacancy in a village office, the winner could not take the oath of office until the results of the election have been certified.²

MCL 62.4 et seq.

House Bill 5702 would add a new section to the Home Rule Village Act to require terms of office for elected officers in a home rule village to begin on or after December 1, beginning in 2025.

The bill would generally require all terms of village officers elected after December 31, 2024, to begin no earlier than 12:00 p.m. on the December 1 following the election. If a village charter provides for a term of office to commence after an election but before December 1, all terms of city officers who are elected after December 31, 2024, would commence on December 1 at 12:00 p.m.

The bill would also specify that an individual elected to fill a vacancy in a village office could not take the oath of office until the results of the election have been certified.

Proposed MCL 78.24e

FISCAL IMPACT:

The bills would have no fiscal impact on the state or local units of government.

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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.

² The General Law Village Act provides that a special election to fill all vacancies can be called by the village councilmembers if there are no longer enough members to constitute a quorum, or by the appropriate township clerk if all village officers and trustees have died or moved and no successors have been elected or appointed.