



STATE OF MICHIGAN
TERRI LYNN LAND, SECRETARY OF STATE
DEPARTMENT OF STATE
LANSING

MEMORANDUM

DATE: February 2, 2004
TO: County, City, Township and Village Clerks
FROM: Michigan Department of State, Bureau of Elections
SUBJECT: "Consolidated Elections" Legislation

A package of nine bills signed into law by the Governor on January 8, 2004 will effect a wide variety of broad and sweeping changes in Michigan's elections system beginning in 2005. An overview of the new laws (commonly known as "consolidated elections") is provided below. While the new laws do not affect the conduct of any elections scheduled in 2004, planning for the implementation of the new laws will be necessary in the coming months. Additional information and direction on the implementation of the "consolidated elections" package will be provided throughout the year.

"Consolidated Elections": Highlighted Changes

Beginning on January 1, 2005, the new "consolidated elections" laws will effect the following changes in Michigan's elections system:

- (1) The conduct of all federal, state, county, city, township, village and school elections will be restricted to four dates each year: the fourth Tuesday in February and the first Tuesday after the first Monday in May, August and November. Exceptions are provided for:
 - cities that currently conduct a September primary and wish to continue to do so;
 - villages that wish to fill their elective offices in September in odd-numbered years;
 - special elections called under the State Constitution by the Governor and the State Legislature; and
 - school districts, intermediate school districts and community college districts that wish to present a millage proposal, bond proposal or a proposal to borrow funds on a date other than one of the four "fixed" election dates. (Certain limitations apply.)
- (2) With the establishment of the four "fixed" election dates each year, the county election scheduling committee will be eliminated.

- (3) All school district elections, intermediate school district elections and community college district elections will be administered by Michigan's county, city and township clerks. School board secretaries and school district personnel will no longer play a role in administering school elections.
- (4) All village elections will be administered by Michigan's township clerks. All regular village elections must be conducted as nonpartisan elections on the even-year November general election date or on the first Tuesday after the second Monday in September in odd-numbered years. Village primaries are abolished.
- (5) In an instance where a city, township, village or school district is divided into two or more precincts, the precincts may be combined to conduct any election scheduled in the city, township, village or school district other than an even-numbered year November general election, an even-numbered year August primary, a special statewide election or a special federal election.
- (6) A number of modifications will be made in Michigan's recall procedures.

Establishment of Regular School Election Date (HB 4824: Sec. 642, 642a)

- A school district, intermediate school district or community college district that currently elects its board positions at the odd-year November general election must continue to hold its regular elections on that date. Such districts have no options for changing their regular election date.
- A school district, intermediate school district or community college district that currently elects its board positions on any date other than the odd-year November general election may choose to hold its regular elections on any of the following dates: odd-year May election date; annually on the May election date; or annually on the November election date. The election date selection must be made by the school board through the adoption of a resolution between September 1, 2004 and December 31, 2004. If the board does not adopt a resolution by December 31, 2004, the district must elect its board positions at the odd-year November general election. A district that elects its board positions at the odd-year November general election has no further options for changing its regular election date.
- A school district, intermediate school district or community college district that adopts a resolution by December 31, 2004 to direct the election of its board members at the odd-year May election; annually on the May election date; or annually on the November election date may choose to elect its board positions at the odd-year November general election through the adoption of a second resolution. The resolution may be adopted anytime after December 31, 2004. A district that adopts such a resolution has no further options for changing its regular election date.

"Floater" Election Date Option Extended to School Districts (SB 877: Sec. 641)

- A school district, intermediate school district or community college district may call a special election to submit a ballot question to "borrow money, increase a millage or establish a bond" if an initiative petition is filed with the county clerk. The special election may be

conducted on one of the four “fixed” election dates or on any Tuesday that falls more than 30 days before or 35 days after one of the four “fixed” election dates. A district may schedule no more than one special election under the petitioning process each calendar year.

- The initiative petition must be filed with the county clerk no later than 4:00 p.m. on the tenth Tuesday prior to the proposed date of the special election.
- The initiative petitions must bear the signatures of at least 3,000 voters who reside within the district or, if a lesser amount, 10% of the district’s electors who voted in the last gubernatorial election. Any signatures appearing on the petition which are dated more than 60 days prior to the date the petition is filed with the county clerk are invalid.

Coordination of School Elections (HB 4824: Sec. 2, 305)

- In each school district, intermediate school district and community college district, a single city, township or county clerk is designated as the district’s “election coordinator.” The school district’s “election coordinator” is responsible for (1) receiving filings from district candidates (2) certifying the district’s candidates (3) receiving ballot proposal language (4) issuing absent voter ballots to the district’s electors (5) procuring the QVF lists needed to administer any regular or special elections which must be conducted in the district and (6) receiving requests from the school board to hold special elections.

If the school district, intermediate school district or community college district is wholly contained within a single city or township: the clerk of the city or township where the district is located serves as the district’s “election coordinator.”

If the school district, intermediate school district or community college district falls in more than a single city or township: the county clerk serves as the district’s “election coordinator.” (If the district falls in more than a single county, the clerk of the county in which the largest number of the district’s registered electors reside serves as the district’s “election coordinator.”)

- In each school district, intermediate school district and community college district, the district’s “election coordinator” is responsible for chairing the district’s “election coordinating committee.”

If the school district, intermediate school district or community college district is wholly contained within a single city or township: the “election coordinator” (i.e., the city or township clerk), the other members of the city or township election commission and the secretary of the school board or his or her designee comprise the district’s “election coordinating committee.”

If the school district, intermediate school district or community college district falls in more than a single city or township: the “election coordinator” (i.e., the designated county clerk), the clerk of each city or township in which the school district is located and the secretary of the school board or his or her designee comprise the district’s “election coordinating committee.”

- No later than January 31, 2005, the “election coordinator” of each school district, intermediate school district and community college district must convene an initial meeting of the district’s “election coordinating committee.” Within 14 days after the initial meeting of the “election coordinating committee” is convened, the committee must file a report with the Secretary of State which sets forth the arrangements made for the conduct of the district’s elections. Points which must be considered by the members of the “election coordinating committee” when drafting the report include the following:
 - (1) A county clerk required to serve as the “election coordinator” of a school district, intermediate school district or community college district may delegate all or a portion of his or her school election responsibilities to a city or township clerk with the agreement of the city or township clerk.
 - (2) A county clerk required to serve as an “election coordinator” of a school district, intermediate school district or community college district may direct any city or township clerk in the district to distribute, receive and process absent voter ballot applications for a district election; provide voting equipment for the conduct of a district election; or provide “the list of election inspectors for that city or township.”
 - (3) If a school district, intermediate school district or community college district election is held on the same day as an election held by a jurisdiction that overlaps with the district, an elector wishing to vote in both elections *cannot* be required to vote at two different locations.
 - (4) In an instance where a school district, intermediate school district or community college district falls in more than a single city or township, the clerk of any city or township that falls in the district can agree to conduct the district’s elections in his or her respective city or township. (Such agreements are binding for two years.)

After the submission of the initial committee report, the committee members must reconvene every 2 years and determine if any alterations in the report are desired. After each 2-year meeting, the committee must notify the Secretary of State and document whether any changes were made in the report.

- Notwithstanding any arrangements made by the “election coordinating committee,” the clerk of a city or township that falls in the school district, intermediate school district or community college district *must* conduct an upcoming regular or special school election if the city or township is holding a regular or special election at the same time. The same precincts used in the city or township to administer state and federal elections must be used to administer the school election. If the use of such precincts to administer the school election in the city or township changes the polling place voters routinely attend to participate in the district’s elections, the city or township clerk is responsible for notifying the affected voters of the polling place change for the school election.

Reimbursement of Costs Associated with School Elections (HB 4824: Sec. 315)

- School districts, intermediate school districts and community college districts are required to reimburse any expenses incurred by a county, city or township when conducting a regular or

special election on behalf of the district. If a regular or special school election is held in conjunction with another election conducted by the county or local jurisdictions involved, the school district, intermediate school district or community college district is responsible for any *added costs* attributable to the conduct of the district's regular or special election. If a regular or special school election is *not* held in conjunction with another election conducted by the county or local jurisdictions involved, the district is responsible for 100% of the costs attributable to the conduct of the district's regular or special election.

- To initiate the reimbursement process, the county and local jurisdictions are required to provide the school board with "a verified account of actual costs" associated with the conduct of the district's regular or special election no later than the 84th day after the date of the election. Upon the receipt of a reimbursement request, the school board must "pay or disapprove all or a portion of the verified account" within 84 days.
- Upon the request of a county, city or township, the school board is required to review any disapproved costs with the county, city or township. If an agreement on the disapproved costs cannot be reached, the Secretary of State is responsible for resolving the matter.
- County and local jurisdictions must use the cost factors and standards established by the Department of State for the administration of the presidential primary reimbursement program when preparing reimbursement requests for school elections.

Establishment of Regular City Election and City Primary Dates (HB 4824: Sec. 642, 642a)

- A city that currently fills its elective offices at the odd-year November general election must continue to hold its regular elections on that date. Such cities have no options for changing their regular election date.
- A city that currently fills its elective offices annually on the November general election date may choose to fill its elective offices at the odd-year November general election. The election date change must be made by the city council through the adoption of a resolution between September 1, 2004 and December 31, 2004. If the city council adopts such a resolution, the city must conduct its primaries on the preceding odd-year August election date (if the city conducts primary elections). If the city council does not adopt such a resolution by December 31, 2004, the city must continue to fill its elective offices annually on the November general election date.
- A city that currently fills its elective offices on any date other than the odd-year November general election date or annually on the November election date may choose to fill its elective offices at the odd-year May election date, the even-year May election date or annually on the May election date. The election date change must be made by the city council through the adoption of a resolution between September 1, 2004 and December 31, 2004. If the city council adopts such a resolution, the city must conduct its primaries on the preceding February election date (if the city conducts primary elections). If the city council does not adopt such a resolution, the city must fill its elective offices at the odd-year November general election and conduct its primaries on the odd-year August election date (if the city conducts primary elections). A city that fills its elective offices at the odd-year

November general election has no further options for changing its regular election date or primary date.

- A city that adopts a resolution by December 31, 2004 to direct the conduct of its regular elections on the odd-year May election date, the even-year May election date or annually on the May election date may choose to conduct its regular elections on the odd-year November general election date through the adoption of a second resolution. The resolution may be adopted anytime after December 31, 2004. A city that adopts such a resolution has no further options for changing its regular election date.
- A city that currently conducts a primary on the Tuesday following the second Monday in September may continue to hold a September primary on that date. To preserve the September primary, the city council must adopt a resolution between September 1, 2004 and December 31, 2004. If the city council does not adopt such a resolution by December 31, 2004, the city must conduct its primary elections on the odd-year August election date.
- A city that adopts a resolution by December 31, 2004 to preserve its September primary date may, at any time after December 31, 2004, choose to conduct its primary on the odd-year August election date through the adoption of a second resolution. A city that adopts such a resolution has no further options for changing its primary date.

Coordination of Village Elections and Village Election Dates (HB 4824: Sec. 642)

- The clerk of the township where the village is located is responsible for conducting any regular or special elections conducted in the village. If the village falls in more than a single township, each township clerk must conduct the village's regular and special elections for the portion of the village that falls within his or her respective township.
- Villages are required to reimburse any expenses incurred by a township when conducting a regular or special election on behalf of the village. If a regular or special village election is held in conjunction with another election conducted by the township, the village is responsible for paying the township a *proportionate share* of the election expenses involved. If a regular or special village election is *not* held in conjunction with another election conducted by the township, the village is responsible for 100% of the costs attributable to the conduct of the village's regular or special election.
- Regular village elections must be conducted as non-partisan elections on the even-year November general election date or on the first Tuesday after the second Monday in September in odd-number years. Village primaries are abolished. If a village wishes to fill its elective positions on the odd-year September election date, the village council must approve the September election date under a resolution adopted between September 1, 2004 and December 31, 2004. If the village council fails to adopt such a resolution by December 31, 2004, the village must fill its elective offices at the even-year November general election. After December 31, 2004, villages have no further options for changing their regular election date.

Consideration of Election Date Options by School Boards, City Councils and Village Councils (HB 4824: Sec. 642)

A public hearing must be conducted by a school board, city council or village council prior to considering any of the above referenced resolutions for adoption. A "record roll call vote" on the resolution must be conducted immediately following the close of the public hearing. If the resolution is adopted, a copy of the resolution must be filed with the Secretary of State.

Allowance for the Consolidation of Precincts (HB 4824: Sec. 659)

- In an instance where a city, township, village or school district is divided into two or more precincts, the precincts may be combined to conduct any election scheduled in the city, township, village or school district other than an even-numbered year November general election, an even-numbered year August primary, a special statewide election or a special federal election.
- The consolidation of precincts must be effected through the adoption of a resolution by the appropriate election commission on the county, city, township or village level. The resolution must be adopted at least 60 days prior to the election involved. When determining whether to consolidate precincts for an upcoming election, the election commission must consider the complexity of the ballot and the anticipated turnout for the election.
- If a decision is made to proceed with the consolidation of precincts for an upcoming election, *whole precincts* must be combined; the precincts involved in the consolidation cannot be divided.
- In an instance where the consolidation of precincts will make it necessary for voters to attend a different polling place location to participate in the election, the election commission must notify the affected voters of the new polling place location established for the election by mail "or other method designed to provide actual notice to the registered electors." On the day of the election, the election commission must post a notice of the polling place location change at each polling place location eliminated for the election. The notice must provide directions to the new polling place location established for the precinct.

Office Terms Extended If Necessary to Conform to Newly Established Election Dates (HB 4824: Sec. 644g)

If the date for conducting a jurisdiction's regular election is changed under the legislation, the term of an official elected prior to the effective date of the change continues until a successor is elected at the next regular election conducted after the date the official's term would have ended.

Recall Procedures Modified (HB 4824: Sec. 962, 971, 972)

- In an instance where a recall petition is determined sufficient, the county clerk is required to schedule a special recall election on the next regular election date that is not less than 70 days after the date the recall petition was filed.

- If the recall is successful, a special election must be conducted on the following regular election date to fill the vacant position.
- A candidate who wishes to seek a nonpartisan office which must be filled due to recall may gain access to the special election ballot by filing a \$100.00 nonrefundable fee or a petition with the clerk of the electoral district involved. The petition or fee must be filed no later than the fifteenth day after the special election is called. The number of signatures required on the nominating petition is governed under the petition signature requirement chart provided under MCL 168.544f.

Accessing “Consolidated Elections” Legislation

The nine “consolidated elections” bills can be accessed through the website maintained by the State Legislature www.michiganlegislature.org.

SB 877 (PA 298 of 2004)
HB 4820 (PA 299 of 2004)
HB 4822 (PA 300 of 2004)
HB 4823 (PA 301 of 2004)
HB 4824 (PA 302 of 2004)

HB 4825 (PA 303 of 2004)
HB 4826 (PA 304 of 2004)
HB 4827 (PA 305 of 2004)
HB 4828 (PA 306 of 2004)

Questions?

Please do not hesitate to contact the Michigan Department of State’s Bureau of Elections if you have any questions. Phone: (517) 373-2540.