BAY COUNTY ELECTION COMMISSION
ELECTION CONSOLIDATION ACT
JANUARY 21, 2005

THE BAY COUNTY ELECTION COMMISSION MET ON FRIDAY, JANUARY 21, 2005 IN THE OFFICE OF THE BAY COUNTY CLERK, BAY COUNTY BUILDING, 515 CENTER AVENUE, BAY CITY. THE MEETING WAS CALLED TO ORDER AT 8:15 A.M. WITH THE FOLLOWING MEMBERS PRESENT:

ROLL CALL: RICHARD BRZEZINSKI, COUNTY TREASURER
CYNTHIA A. LUCZAK, BAY COUNTY CLERK
KAREN TIGHE, PROBATE JUDGE

THE PURPOSE OF THIS SESSION WAS TO INFORM MEMBERS OF THE NEW PROVISIONS OF THE LAW WHICH THE COUNTY CLERK MUST ADHERE TO UNDER PUBLIC ACT 298-306 OF 2003, ALSO KNOW AS THE ELECTION CONSOLIDATED PACKAGE. IN ADDITION, TO PASS THE ANNUAL RESOLUTION AUTHORIZING THE CLERK TO PERFORM ALL DUTIES ASSOCIATED TO THE NEW ELECTION SCHEDULE OF FEBRUARY, MAY, AUGUST AND NOVEMBER.

THE ELECTION CONSOLIDATION ACT ALSO SPELLED OUT THE DUTIES OF WHICH ALL COUNTY CLERKS WILL PERFORM FOR LOCAL INTERMEDIATE SCHOOL DISTRICTS. AS THE BAY-ARENAC INTERMEDIATE SCHOOL DISTRICT WAS NOT FUNDED LIKE MOST THROUGHOUT THE STATE, MANY OF THE STATUES IN THE LAW WERE NOT APPLICABLE. AS BAY COUNTY WAS THE MOST POPULATED OF THE TWO (2) COUNTIES, THE BAY CO. CLERK WOULD BE THE FILING OFFICIAL AND CONDUCT THE ELECTION.

THE CLERK DISTRIBUTED AN ARTICLE PUBLISHED BY SECRETARY OF STATE, TERRI LYNN LAND, ENTITLED "CONSOLIDATED ELECTIONS: LESS IS MORE". FOLLOWING SOME BRIEF COMMENTS, MOTIONS WERE PASSED.

MOTION 1: JUDGE TIGHE MOVED THAT CLERK LUCZAK BE AUTHORIZED TO PROCEED WITH THE PREPARATION AND PRINTING OF BALLOTS FOR THE JUNE 6, 2005 ELECTION FOR THE BAY-ARENAC INTERMEDIATE SCHOOL DISTRICT. TREASURER BRZEZINSKI SUPPORTED THE MOTION AS PASSED BY A VOTE OF 3 YEAS, 0 NAYS.

MOTION 2: JUDGE TIGHE MOVED THAT CLERK LUCZAK BE AUTHORIZED TO PROCEED WITH THE PREPARATION AND PRINTING OF THE BALLOTS, AND ALL COSTS ASSOCIATED WITH SUCH FOR THE AUGUST PRIMARY BALLOT 2005. TREASURER BRZEZINSKI SUPPORTED THE MOTION, CARRIED BY VOTE-3 YEAS, 0 NAYS.

MOTION 3: JUDGE TIGHE MOVED THAT CLERK LUCZAK BE AUTHORIZED TO PROCEED WITH THE NECESSARY PROCEDURES AND FOR CONDUCTING THE NOVEMBER GENERAL ELECTION 2005. IT WAS SUPPORTED BY TREASURER BRZEZINSKI AND PASSED BY VOICE VOTE OF 3 YEAS, 0 NAYS.

THE MEMBERS OF THE COMMITTEE THEN SIGNED A FORMAL RESOLUTION AUTHORIZING THE CLERK TO PERFORM THESE DUTIES AND MAKE THE NECESSARY EXPENDITURES FOR SAID ELECTIONS FOR 2005. THE RESOLUTION WILL BE PLACED ON FILE WITH THE PERMANENT PROCEEDINGS.

MEETING WAS THEREAFTER ADJOURNED AT 9:00 A.M.

RESPECTFULLY SUBMITTED
CYNTHIA A. LUCZAK
BAY COUNTY CLERK

RESOLUTION

WHEREAS, EFFECTIVE JANUARY 1, 2005 COUNTY CLERKS THROUGHOUT THE STATE OF MICHIGAN WILL BE IMPLEMENTING PUBLIC ACT 298-306 OF 2003 WHICH IS ALSO REFERRED TO AS THE "MICHIGAN ELECTION CONSOLIDATION PACKAGE".

WHEREAS, THIS LEGISLATION IS COMPRISED OF 9 ORIGINAL BILLS ADOPTED IN 2003 WITH AN ADDITIONAL 15 BILLS ADDED IN JULY OF 2004, THAT WILL ACCOMPLISH TWO MEASURES. FIRST, IT WILL ATTEMPT TO LIMIT THE HOLDING OF ELECTIONS TO FOUR (4) PARTICULAR ELECTION DATES PER YEAR INCLUDING FEBRUARY, MAY, AUGUST AND NOVEMBER DATES. (EXCEPTIONS MAY BE GRANTED ONLY BY PETITION OR BY ACTS OF THE GOVERNOR).

WHEREAS, THE SECOND COMPONENT WILL DIRECT THE BAY COUNTY CLERK TO ACT AS THE "ELECTION COORDINATOR" FOR ALL DUTIES AND RESPONSIBILITIES ASSOCIATED WITH CONDUCTING SCHOOL ELECTIONS IN THE COUNTY OF BAY. THE CLERK WILL RE-PRESENT THE BAY CITY SCHOOL DISTRICT; ESSEXVILLE-HAMPTON SCHOOLS AND PINCONNING AREA SCHOOLS; THE BAY-ARENAC INTERMEDIATE SCHOOL DISTRICT AND DELTA COLLEGE. THE BAN-GOR TOWNSHIP SCHOOLS WILL BE UNDER THE JURISDICTION OF THE BANGOR TOWNSHIP CLERK AS THE DISTRICT IS SELF-CONTAINED.

WHEREAS, THE SCHOOL DISTRICTS OF THE COUNTY OF BAY WILL HOLD THEIR ELECTIONS ON MAY 3, 2005 AND ANNUALLY IN THE SUBSEQUENT YEARS.

FURTHER, THE LAW REQUIRES THE COUNTY CLERK TO PRE-PARE A TWO (2) YEAR "CONSOLIDATION PLAN" TO BE APPROVED BY THE SCHOOL DISTRICTS AND PRESENTED TO THE MICHIGAN DEPART-MENT OF STATE, BUREAU OF ELECTIONS BY JANUARY 31, 2005.

NOW, THEREFORE, BE IT RESOLVED, THAT THE CLERK OF THE COUNTY OF BAY, BE GRANTED POWER BY THIS COMMISSION TO SUBMIT PLANS ON BEHALF OF THE BAY COUNTY ELECTION COMMISSION TO THE STATE OF MICHIGAN BY JANUARY 31, 2005.

NOW, THEREFORE, BE IT RESOLVED, THAT THE COUNTY CLERK FOR THE COUNTY OF BAY SHALL BE GIVEN AUTHORITY BY THIS COMMISSION TO PAY ALL EXPENSES ASSOCIATED WITH CONDUCTING THE ELECTIONS INCLUDING BUT NOT LIMITED TO, THE PRINTING OF ALL BALLOTS; ORDERING OF THE SUPPLIES; PUBLISHING OF ELECTION NOTICES; PRINTING OF UPDATED IDENTIFICATION CARDS OR ANY OTHER COSTS ASSOCIATED WITH IMPLEMENTATION OF THIS LEGISLATION.

FURTHER, THE CLERK SHALL HIRE THE NECESSARY PERSONS FOR TABULATION OF THE ELECTION RESULTS FOR TABULATION ON ELECTION DAY/NIGHT TO FINALIZE THE RESULTS WITH MONIES FOR ALL EXPENDITURES TO BE TAKEN FROM THE GENERAL FUND FROM THE COUNTY OF BAY AS ALLOCATED IN THE GENERAL APPROPRIATIONS BUDGET ACT RESOLUTION.

BAY COUNTY ELECTION COMMISSION

Cynthia A. Luczak

Cynthia A. Luczak, Bay County Clerk, Member

Richard F. Brzezinski

Richard F. Brzezinski, Co. Treasurer, Member

Karen A. Tighe 1-21-05

Hon. Karen A. Tighe, Probate Judge, Member

"School districts were given options to greatly reduce—and in some cases, fully eliminate—their election-related costs."

Consolidated Elections: Less is More

by Secretary of State Terri Lynn Land

Variety may be the spice of life. But when it comes to election dates in Michigan, fewer choices are what voters crave.

For years, Michigan's hodgepodge of elections frustrated voters and administrators alike. The unwieldy number of special school and local elections, many of which were not well publicized, dulled voter enthusiasm.

These elections sometimes spurred resentment within communities. Fair or not, many residents viewed them as "stealth" elections designed to ensure a low voter turnout.

A look at Michigan's 2000 school board elections tells the story. Fewer than 5 percent of eligible voters in nearly half of the school districts participated in those elections, according to the state House Fiscal Agency. The turnout was 10 percent or less in three-quarters of the districts.

These were among the issues driving the state's new consolidated elections law.

In December 2003, lawmakers passed a nine-bill package requiring all elections to be conducted on one of four fixed dates each year. Public Acts 298–306 were an overdue measure to improve voter participation by providing a more consistent, predictable election schedule, reducing or eliminating election costs for schools and putting elections in the hands of trained local election officials.

The first elections under this law were held this past February 22. Twenty-eight counties conducted elections impacting local and intermediate school districts, community colleges, cities, villages, townships, counties and district library boards.

In addition to the fourth Tuesday in February, other allowable election dates are the first Tuesday after the first Monday in May, August and November. This means the next election is May 3.

Exceptions are provided for: cities that had been conducting September primaries and wanted to continue; villages that wished to fill their elective offices in September of odd-numbered years; special elections called under the state Constitution by the governor and legislature; school districts, intermediate school districts and community college districts that wish to present a millage proposal, bond proposal or a plan to borrow funds on a date other than one of the four fixed dates.

The consolidated elections concept was not new in Lansing. I have been a longtime proponent. State Sen. Beverly Hammerstrom (R-Temperance) also had championed the idea for years. Finally in 2003, the effort was bolstered by crucial support from then first-term Rep. Chris Ward (R-Brighton), chairman of the House Local Government and Urban Policy Committee.

I proudly joined both legislators at a Capitol news conference in June 2003 to announce their legislation. The publicity put this issue back on the radar screens of policymakers and opinion writers.

Hammerstrom and Ward then did a masterful job of lining up broad bipartisan support for the plan. Allies of the measure include the Michigan Education Association, Michigan Chamber of Commerce, League of Women Voters, Michigan Townships Association, Michigan Municipal League, Michigan Association of County Clerks and the Council of Election Officials. Everyone's efforts ended years of stalemate and cleared a straight path to the governor's desk for the package early in January 2004.

It's not just voters who benefit. School districts were given options to greatly reduce—and in some cases, fully eliminate—their election-related costs.

The responsibility for administering school elections has changed as well. A city or township runs the school election if the district is wholly contained within that jurisdiction. If not, the county is the coordinating agency. The county then has the authority to work with the local city and township clerks in the district to arrange for the conduct of the school district's elections.

Local school, intermediate and community college districts must reimburse any expenses incurred by a county, city or township that conducts a regular or special election on the district's behalf.

The district is responsible for any added costs of its regular or special election if it is held in conjunction with another election conducted by the county or local jurisdictions involved.

If a regular or special school election is not held in conjunction with another election, that school district is responsible for all costs.

Consolidating elections is a progressive step in Michigan's ongoing march to ensure a more efficient, economical and inclusive process. It also proves the old adage that "less" is sometimes more.

Terri Lynn Land became Michigan Secretary of State on January 1, 2003.

168.713 Delivery of ballots and supplies to county clerk.

Sec. 713. The county board of election commissioners shall cause the ballots required for any regular or special election or official primary election in the county, wrapped and tied as required by this act, to be delivered to the county clerk at the earliest possible time after the approval of the proof of the ballots, and absent voter ballots shall be delivered to the county clerk at least 47 days before the general November election and the preceding August primary and at least 22 days before any other election or primary election. All other ballots and election supplies shall be delivered to the county clerk at least 12 days before any election or primary election.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1956, Act 171, Imd. Eff. Apr. 16, 1956;--Am. 1990, Act 7, Imd. Eff. Feb. 12, 1990.

168.714 Delivery of ballots and supplies to township and city clerks.

Sec. 714. (1) The county clerk of each county, at the earliest possible time and at least 45 days before the general November election and the preceding August primary, and at least 20 days before any other election or primary election in the county, shall cause to be delivered to the clerk of each township and city in the county the absent voter ballots for each precinct.

(2) The county clerk of each county shall cause to be delivered ballots, other than absent voter ballots, and election supplies to the clerk of each township and city in the county at least 10 days before any election or primary election.

(3) The county clerk shall take receipt from each township and city clerk for all ballots and supplies delivered to that clerk.

History: 1954, Act 116, Eff. June 1, 1955;--Am. 1956, Act 171, Imd. Eff. Apr. 16, 1956;--Am. 1981, Act 61, Imd. Eff. June 5, 1981;--Am. 1981, Act 127, Imd. Eff. Sept. 29, 1981;--Am. 1981, Act 140, Imd. Eff. Oct. 30, 1981;--Am. 1990, Act 7, Imd. Eff. Feb. 12, 1990.

168.715 Absent voters' and other ballots; duties of township and city clerks, delivery to voting precinct boards of election inspectors.

Sec. 715. It shall be the duty of county, city and township clerks to keep safeguarded all official ballots for absent voters' use. The said township or city clerk shall have the right to open the package or packages of absent voter ballots received by him for any precinct in his township or city, provided he shall receive application for absent voter ballots from any qualified elector of such precinct, but not otherwise. He shall in no case open any of the other packages of official ballots but shall keep them intact in some safe and secure place, and shall deliver them and other election supplies, together with the absent voter ballots remaining in his possession, to the chairman or some member of the board of inspectors of election of the proper precinct or precincts of his township or city, as the case may be, before 7 o'clock in the forenoon of the day of election. On delivery of said ballots to the chairman or some other member of the board of election, said clerk shall take a receipt therefor, which receipt he shall file in his office.

History: 1954, Act 116, Eff. June 1, 1955.

168.716 Absent voters' and other ballots; wrapping, sealing.

Sec. 716. The ballots of each kind for each election precinct shall be wrapped and secured in 2 separate packages. Each package shall be securely sealed with a red paper seal furnished by the secretary of state and shall bear on its wrapper the name and number of the precinct and a certificate signed by the county clerk or some member of the board of county election commissioners or his or its duly authorized agent, setting forth the number and kind of ballots in such package and that such ballots were counted, packaged and sealed by himself personally, or by his duly authorized agent.

History: 1954, Act 116, Eff. June 1, 1955.

168.717 Absent voters' ballots; numbering, packaging, marking.

Sec. 717. At least 3% of the total number of ballots of each kind to which each precinct is entitled, together with such additional number as the county clerk, upon a proper showing by the respective township or city clerks, may deem to be necessary, beginning with ballot No. 1 and including the consecutive numbers thereafter, shall be enclosed in 1 package, as many as are necessary thereof to be used for absent voters as provided by law: Provided, however, That such county clerk may deliver to each township or city clerk a sufficient number of each kind of such absent voters' ballots for each township and city in the county with numbers higher than those on any other ballots delivered to such township or city clerk, in which case the unused absent voters' ballots of such higher numbers shall remain in the possession of the clerk for contingencies, and further reference had in this act to the disposition of absent voters' ballots bearing the regular precinct numbers shall not apply to such ballots. Each package of absent voters' ballots shall be plainly marked on the outside, "Absent voters' ballots". The remainder of the ballots of each kind for such precinct shall be enclosed in a second package, sealed as above provided.

History: 1954, Act 116, Eff. June 1, 1955.