

# SENATE BILL No. 1404

June 24, 2008, Introduced by Senator SWITALSKI and referred to the Committee on Campaign and Election Oversight.

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 301 and 305 (MCL 168.301 and 168.305), section 301 as amended by 2005 PA 71 and section 305 as amended by 2004 PA 287.

**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~~ **UNLESS THE**

1 COUNTY CLERK AND CITY OR TOWNSHIP CLERK AGREE TO A DIFFERENT  
 2 ARRANGEMENT UNDER SECTION 305, each regular election and each  
 3 special election that is requested by the school board to submit a  
 4 ballot question or to fill a vacancy on the school board **SHALL BE**  
 5 **CONDUCTED IN THE SAME MANNER THAT ELECTIONS FOR STATE OR COUNTY**  
 6 **OFFICES ARE CONDUCTED UNDER THIS ACT.**

7 (3) In addition to receiving requests from the school board to  
 8 hold special elections, the school district election coordinator  
 9 shall do all of the following:

10 (a) Receive filing fees or nominating petitions and affidavits  
 11 of identity from candidates for school board and petitions for  
 12 special elections.

13 ~~———— (b) Procure the necessary qualified voter file precinct lists.~~

14 (B) ~~(e)~~ Certify candidates.

15 (C) ~~(d)~~ Receive ballot proposal language.

16 ~~———— (e) Issue absent voter ballots.~~

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

23 ~~———— (4) A school district election coordinator who is a county~~  
 24 ~~clerk may delegate the following duties to the city or township~~  
 25 ~~clerk, who shall perform the following duties:~~

26 (4) A COUNTY, CITY, OR TOWNSHIP CLERK WHO CONDUCTS A SCHOOL  
 27 DISTRICT ELECTION UNDER THIS CHAPTER SHALL DO ALL OF THE FOLLOWING:

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

3 (B) **ISSUE ABSENT VOTER BALLOTS.**

4 (C) ~~(b)~~ Make voting systems available for the conduct of a  
5 school election.

6 (D) **PROCURE THE NECESSARY QUALIFIED VOTER FILE PRECINCT LISTS.**

7 (E) ~~(e)~~ Make available to the school district election  
8 coordinator the list of election inspectors for that city or  
9 township **IF THE SCHOOL DISTRICT ELECTION COORDINATOR IS NOT**  
10 **CONDUCTING THE SCHOOL DISTRICT ELECTION.**

11 (F) ~~(d)~~ Notify school district electors of precinct and  
12 polling place location changes.

13 (5) **IF THE COUNTY CLERK AGREES TO CONDUCT A SCHOOL DISTRICT**  
14 **ELECTION FOR A SCHOOL DISTRICT PURSUANT TO AN AGREEMENT UNDER**  
15 **SECTION 305, THE CITY OR TOWNSHIP CLERK SHALL DO ALL OF THE**  
16 **FOLLOWING:**

17 (A) **MAKE VOTING SYSTEMS AVAILABLE TO THE COUNTY CLERK FOR THE**  
18 **CONDUCT OF THE SCHOOL DISTRICT ELECTION.**

19 (B) **MAKE AVAILABLE TO THE COUNTY CLERK THE LIST OF ELECTION**  
20 **INSPECTORS FOR THAT CITY OR TOWNSHIP.**

21 (6) ~~(5)~~ If the county clerk ~~is the school district election~~  
22 ~~coordinator~~ **AGREES TO CONDUCT A SCHOOL DISTRICT ELECTION** for a  
23 school district **PURSUANT TO AN AGREEMENT UNDER SECTION 305**, the  
24 county election commission shall establish that school district's  
25 election precincts and polling place locations in accordance with  
26 this act.

27 Sec. 305. (1) Within 30 days after the effective date of ~~this~~

1 ~~chapter~~ **THE AMENDATORY ACT THAT AMENDED THIS SECTION**, the school  
2 district election coordinating committee for each school district  
3 shall hold ~~an initial~~ **A** meeting. Within 14 days after convening the  
4 ~~initial~~ meeting, the school district election coordinating  
5 committee shall file a report with the secretary of state that sets  
6 forth the arrangements that are agreed upon for the conduct of the  
7 school district's elections. Each school district election  
8 coordinating committee member shall sign the report and retain a  
9 copy.

10 (2) After filing its ~~initial~~ report under subsection (1), a  
11 school district election coordinating committee shall meet at 2-  
12 year intervals to review and, if necessary, alter the election  
13 arrangements set forth in its previous report. After each review, a  
14 school district election coordinating committee shall either notify  
15 the secretary of state in writing that its previous report is not  
16 being altered or file with the secretary of state a report with the  
17 alterations. Election arrangements made by the clerks of the  
18 jurisdictions participating in the school district election  
19 coordinating committee meeting are binding on the participating  
20 jurisdictions for at least 2 years after the report is filed, and  
21 each jurisdiction continues to be bound until an altered report is  
22 filed.

23 (3) The arrangements agreed upon by a school district election  
24 coordinating committee for the conduct of the school district's  
25 elections shall accomplish at least both of the following:

26 (a) If a school district election is held on the same day as  
27 an election of a jurisdiction that overlaps with the school

1 district, an elector wishing to vote in both elections shall not be  
2 required to vote at 2 different locations.

3 (b) If, before the filing of ~~an initial~~ **A** report **UNDER**  
4 **SUBSECTION (1)** or of the notice or altered report after its 2-year  
5 review, a **COUNTY CLERK AND A** city or township clerk ~~notifies the~~  
6 ~~school district election coordinating committee that the city or~~  
7 ~~township clerk, in consultation with the city council or township~~  
8 ~~board, as applicable, has decided to participate in the conduct of~~  
9 ~~the school district's elections,~~ **ENTER INTO AN AGREEMENT TO ALTER**  
10 **THE ELECTION ARRANGEMENTS FOR CONDUCTING A SCHOOL DISTRICT ELECTION**  
11 **UNDER SECTION 301**, the school district election coordinating  
12 committee shall include that ~~city or township clerk~~ **AGREEMENT** in  
13 its initial or an altered report. ~~as the person conducting the~~  
14 ~~school district's elections in the clerk's city or township.~~

15 (4) Notwithstanding the other provisions of this chapter, if a  
16 city or township is holding an election for elective office or on a  
17 ballot question at the same time that a school district located in  
18 whole or part in the city or township is holding an election, the  
19 city or township clerk shall also conduct the school district  
20 election within his or her jurisdiction. If a city or township  
21 clerk is conducting a school election under this subsection, the  
22 clerk shall use the same precincts that are used for state and  
23 federal elections as the precincts for the school district  
24 election. If these precincts change the polling place location for  
25 school district electors, the clerk shall notify those school  
26 district electors of the location of the different polling place. A  
27 city or township clerk with the consent of the school district

1 election coordinator may use the school election precincts and  
2 polling places. A city or township clerk conducting an election  
3 under this subsection may consolidate election precincts in the  
4 manner provided in section 659.

5 Enacting section 1. This amendatory act takes effect January  
6 1, 2009.