



ELECTION NEWS

A special informational bulletin on the implementation of Michigan's new "consolidated elections" legislation

Michigan Department of State - Terri Lynn Land, Secretary of State

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New Election Date Options Approved for School Districts

A local school district, intermediate school district or community college district that currently elects its board positions on any date other than the odd-year November election date may now choose to hold its regular elections on any of the following dates: odd-year May election date; odd-year November election date; even-year November election date; or annually on the November election date. Formerly, the odd-year November election date was the only option available to school districts that wished to change their original election date selection.

The new election date options were provided under a recent amendment to Michigan election law. See MCL 168.642a as amended under PA 71 of 2005. A school board that wishes to change the date the school district fills its board positions must observe the following requirements:

- The school board must adopt a resolution to effect the change.
- The school board must conduct at least one public hearing on the proposed election date change before voting on the resolution. Notice of the hearing must be provided as stipulated under Michigan election law, MCL 168.642.

- A “record roll call vote” on the resolution must be conducted. The vote on the resolution may take place at the end of the final public hearing or at a later meeting conducted by the school board.
- A copy of the adopted resolution must be forwarded to the Michigan Department of State’s Bureau of Elections.

Michigan election law stipulates that in an instance where a school district acts to change the date of its regular election, the date change takes effect “after December 31 of the year in which the resolution is adopted.”

A school district that currently conducts its regular elections on the odd-year November election date or changes its regular election date to the odd-year November election date has no further options for changing its regular election date.

School District Special Election Petitioning Requirements Modified

As provided under Michigan election law, MCL 168.641, a local 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.

The initiative petition 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 dated more than 60 days prior to the date the petition is filed with the county clerk are invalid.

PA 71 of 2005 amended MCL 168.641 to modify the petitioning requirements as noted below. The new requirements became effective on September 22, 2005.

- The initiative petition must “clearly state the amount of the millage increase or the amount of the loan or bond sought and the purpose for the millage increase or the purpose for the loan or bond.”
- The proposed date of the special election must appear beneath the petition heading.
- The petition must be filed with the county clerk no later than 4:00 p.m. on the twelfth Tuesday prior to the proposed date of the special election. (Formerly, the petition filing deadline elapsed on the tenth Tuesday prior to the proposed date of the special election.)

A school district may schedule no more than one special election under the initiative petitioning process each calendar year.

It merits final note that the creation of the initiative petitioning process did not affect the authority of school boards to place bond and millage proposals on the ballot by resolution when desired.

Voter Identification Card Reimbursement Grant Program Initiated

As announced in Issue No. 19 of *Election News*, the Michigan Department of State's Bureau of Elections has initiated a new Voter Identification Card Reimbursement Grant Program. Michigan's county, city and township clerks can use the program to recover the costs associated with the issuance of Voter ID Cards to voters who experienced a polling place location change earlier this year due to the implementation of Michigan's new "consolidated elections" laws.

Complete information on the procedures for submitting a claim form under the reimbursement program was distributed to all county, city and township clerks on August 31, 2005. The deadline for submitting a claim form under the program elapses on December 31, 2005.

Election officials who wish to participate in the program must use the Voter ID cards which were returned as "undeliverable" by the U.S. Postal Service for voter registration list maintenance purposes. The procedures for satisfying this requirement are detailed in the instructional memo distributed to all county and local election officials on August 31, 2005.

The Voter Identification Card Reimbursement Grant Program is funded under the Help America Vote Act of 2002 (HAVA).

Questions regarding the Voter ID card reimbursement program can be directed to Steve Luck of the Michigan Department of State's Bureau of Elections. Phone: (517) 373-2540. Email: <Lucks@michigan.gov>.

Issuance of Cancellation Notices: A Reminder

All county, city and township clerks are reminded that the issuance of cancellation notices to voters who have moved to a different jurisdiction within the state or who have moved out-of-state is an important ongoing QVF maintenance function that must not be neglected. Anytime a piece of mail which has been mailed to a voter is returned as "undeliverable" with no forwarding address or a forwarding address in a different jurisdiction, a cancellation notice must be sent to the voter and the issuance of the cancellation notice must be posted on the voter's record in the QVF system. The posting step is accomplished by entering the date the notice was mailed in the "Cancellation Countdown Started" field which appears on the voter's QVF record.

Election Date Correction: February 28, 2006 Election

Please be advised that the February 2006 election will be conducted on February 28, 2006 – and not on February 23, 2006 as referenced under "Recall Timeline Modified" in the *Election News* released on August 26, 2005 (Issue No. 25).

With the correction, the last date a recall petition can be filed for the February 28, 2006 election is November 25, 2005 (95 calendar days prior to the election date). See MCL 168.963(3) as amended under PA 71 of 2005.

A full calendar of dates and deadlines associated with the February 28, 2006 election can be accessed through the Department's website <www.michigan.gov/sos>.

We regret any inconvenience the error may have created. Please do not hesitate to contact the Department of State's Bureau of Elections if you have any questions.

Publication of Ballot Proposal Language: Clarification

As detailed in the *Election News* released on August 26, 2005 (Issue No. 25), PA 71 of 2005 amended Michigan election law to eliminate the need to publish the full text of ballot proposals in "close of registration" notices and election notices. (A brief description of the proposals and information on where the full text of the proposals can be obtained is now required.)

As a point of clarification, the amendment did *not* impact any proposal publication requirements that fall *outside* of Michigan election law, MCL 168.498 ("close of registration" notice requirements) or MCL 168.653a (election notice requirements). Thus, any proposal publication requirements that fall outside of MCL 168.498 or MCL 168.653a *must be observed*.

As an example, the amendment does *not* eliminate the need to publish the full text of city charter amendments and the charter provisions that would be altered or abrogated by the proposed charter amendment as required under the Home Rule City Act, MCL 117.21.

In an instance where a proposal publication requirement which falls outside of Michigan election law must be observed, the required proposal language can be included in the "close of registration" notice or the election notice if such an approach is deemed practicable and satisfies the publication requirements. If the required proposal language is not included in the "close of registration" notice or the election notice, a third notice which satisfies the proposal publication requirements must be prepared.

Please do not hesitate to contact the Department of State's Bureau of Elections if you have any questions regarding the recent change in the proposal publication requirements.

Election Resources Available on Department's Website

The following information can be accessed through the Department's website:

- November 8, 2005 city general election date calendar.
- November 8, 2005 election date calendar for local school district elections, community college district elections, district library elections and special elections.
- Voter information poster for November 8, 2005 election.
- February 28, 2006 election date calendar.
- Candidate filing requirements for August 8, 2006 statewide primary

- Listing of important dates and deadlines associated with the August 8, 2006 statewide primary and November 7, 2006 statewide general election.
- Provisional balloting materials. (“Four Step Procedure Form,” “Notice to Voters Unable to Satisfy Identification Requirement and/or Residence Verification Requirement,” “Procedure for Handling ‘Envelope’ Ballots Returned to Clerk’s Office,” and “Provisional Ballot Report Form.”)
- Federal ID requirement notice.